

Daniela Zanini-Freitag

„Discrimination happens to start with the application“ – An interview about LGBTI people living and working in Thailand with Suparnee (Jay) Pongruengphant

One member of the QueerSTS working group, Daniela Zanini-Freitag (DANIELA) has had the opportunity to dive into the living situation and experiences of members of the LGBTI community in one South-East-Asian country. Thailand, a country widely perceived as tolerant, quite progressive and open towards LGBTI persons.

To unfold parts of the reality of living situations we have been talking to the current UNDP national officer on Governance, Human Rights and LGBTI of the Being LGBTI in Asia programme, Jay Pongruengphant (JAY)¹. He revealed interesting up-to-date information on local LGBTI members, coming-out in privacy and obstacles still present on the workplace level.

DANIELA: What is your main task within this position of UNDP National Officer of Thailand for Governance, Human Rights and LGBTI?

JAY: I am the focal point for the LGBTI programme in Asia, and to work closely with government and civil society partners, including national human rights institutions to promote the rights of LGBTI people. That means work on the grass root level up to the policy level. Me as national officer with the UNDP, we as an UN agency we have the convening power to bring partners together to try to address challenges faced by LGBTI people in Thailand.

DANIELA: Still sticking with your position as national officer what are the most important issues relevant for LGBTI members in Thailand, that come to your mind first?

JAY: I would say it is the challenges they have to face in different circles of life and at different levels. Starting from their families, schools or in work place and the wider public: the Thai society. The biggest challenge they face is the attitude of Thai people. They

¹ Jay holds a Master's Degree in International Management from Queen Mary and Westfield College, University of London, UK, and a Bachelor's Degree in International Relations from Chulalongkorn University, Thailand. Jay has been working as a national officer for the Being LGBTI in Asia programme since July 2015.

do not see LGBTI people the same to other “normal” people. They are different BUT actually we are all humans with diversity.

That’s what UNDP and our partners want to achieve is to basically have LGBTI people enjoy the same rights....and not being regarded differently.

DANIELA: How do LGBTI people see their position within Thai society? How do they refer to themselves within Thai society?

JAY: I think it depends on each LGBTI person, some have self-stigma and some don’t. Some would regard themselves inferior or less than other people as opposed to those that do not

have this self-stigma. It depends on a lot of factors: some are born in families where they are raised and told being LGBTI is wrong, sinful, not-normal – all those negative things – as opposed to those raised in a family that is more non-conventional, more open minded. Family is an important unit that provides support to LGBTI people...so well it depends.

DANIELA: How is the group of LGBTI people (and I know it is in itself quite diverse) included in public life in public awareness?

JAY: For Thailand, you could see a lot of LGBTI people would appear in the media, in social media and in the mainstream media – a lot of visibility. This also depends on how they are portrayed: The portrayal of LGBTI people is still, that they are not taken seriously. They are entertainers, presented in soft news. If they appear in movies or series, they are still “jokers”. They are visible, but the image and stereotype that is reproduced is still negative.

Gay people have to be happy, be good in fashion. Lesbian or Tomboy are often represented, as if they were very jealous of their partner...that kind of things. In terms of visibility within the sub groups of LGBTI people one can see quite differences between them. For example, transgender women and gay men have more visibility. In their appearance on social media and also in social groups (whether it be work place, schools or any other setting), they tend to have more space and a stronger voice. Lesbian women or transmen seem to be at the backseat of social settings.

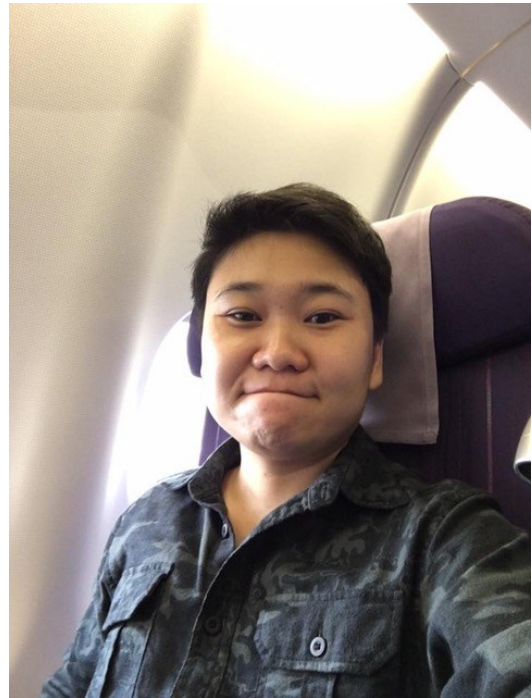


Photo: Jay Pongruengphant

The trend has not changed so much. Transmen and lesbian clearly have their own groups and gatherings, but for sure there are still many more for gay men. There exist many pubs and bars for gays, but hardly any of them are for transmen and lesbians.

DANIELA: What are still concerns about public awareness and acceptance of LGBTI people in media?

JAY: This still refers to the attitudes Thai people have towards LGBTI persons. It has to do a lot with generation. Generally, the older the people, the less the acceptance. The older generation tends to have a more conservative, narrow way of thinking, often in two boxes. Those that do not fit, have to be fixed—they apply a heteronormative way of seeing society. The results of the social attitudes survey of the UNDP (expected to be published early 2019) backs this up.

DANIELA: Following the first press statement of this survey on social attitudes towards LGBTI people it seems that society is further progressed compared to when it comes to closer family? Coming out or the own sexual orientation seems to be an issue for the individual family. How do you see - from your experiences - the situation of individuals in their closer family when they openly announce for the first time their sexual orientation or gender identity?

JAY: If the LGBTI person is not from the inner family circle – like someone at work or at school – it is fine, but as soon as it turns out to be your brother that is gay, it's like “Oh my gosh...than it is not ok.” Or think about your spouse is LGBTI. It is also part of the humans, being affected one way or the other.

To answer the question on family settings when you go further outside (of Bangkok) to the rural areas, there is even more stigma for this group of people. This is also what I hear in my work with civil society organizations in for e.g. the upper Northeastern (ISAAN) part of Thailand. In that area LGBTI people are seen to bring bad omen, natural disasters or droughts. “The (rice) crops do not grow because of them.” Speaking of coming out in that kind of context is actually very dangerous for them. In their family or community speaking out they are LGBTI – they face this kind of violence, stigma and discrimination around them.

That also reflects the trend that many LGBTI people are more open and some might migrate from rural areas to the cities, because they can be themselves. Just because they are away from family, they are among people that do not know them. At the same time in a city such as Bangkok you can live your life amongst people who became your friends. And when LGBTI people go home to see their family, they might have to hide that side of them and show that they are a good daughter or son.

In the southern part of Thailand, we have a stronger Muslim population and they are even stricter with LGBTI people. For most of them, it is very sinful to be a LGBTI person. Under these circumstances, they often cannot come out to anyone.



Photo: UNDP

DANIELA: What are strategies of individuals to deal with acceptance in private life and family?

JAY: Again, we cannot generalize but there is a general slow trend, we are progressing in a positive way and we become bit by bit more tolerant towards diversity. Still tolerance and not acceptance, but we are progressing towards more tolerance. One day we will reach full acceptance, we will get there.

Western countries started before us; the movements, advocating for social inclusion, women and LGBT rights. It seems they are further than us, but we are following that same direction of acceptance.

DANIELA: When you think now on the policy level. Thailand as a nation wants to move forward to fully recognize people of all gender identities – either male or female person or of a different appearance from his/her own sex by birth. “The Gender Equality Act”² has been introduced already three years ago and

² Gender Equality Act, 8th March 2015 enacted and commanded by His Majesty King Bhumibol Adulyadej with the advice and consent of the National Legislative Assembly. This act shall be called the

was implemented on a practical and policy level to promote gender equality and sanction unfair gender discrimination. What has been the progress made so far?

JAY: The progress that has been made, ever since it has passed...according to my knowledge, a little over 20 accepted cases have been reported. As you know, the law has a mechanism where individuals, who were discriminated based on their gender can submit their complaints to a committee. If the committee decides that the claim is valid, then there will be remedies for the victim. One kind of remedy is to use the fund to pay some kind of compensation, or give an order to the institution that did the discrimination to change their policy.

Most cases that were submitted were from LGBTI people who found they were discriminated against. Actually the “Gender Equality Act” is not only for LGBTI people but people of all genders. When the law was passed the UNDP together with the Ministry of Social Development and Human Security and the Rainbow Sky Association did a co-launching: following up on how the public perceived it, it was recognized as a law for LGBTI people, not for men and women. But the law explicitly says it is for men, women and people whose gender expression is different from their sex assigned at birth.

DANIELA: Can you at least name two or three areas where there has been a progress made so far?

JAY: I can name a few cases that have been successful under this law. A few transgender students at the University level were successful in making a complaint. You are aware that they have to wear uniforms when they go to class, and this is handled stricter when they have exams or at the graduation ceremonies. There were some students that made the request to the committee, to wear the uniform that is in line with their gender identity to the graduation ceremony. For transmen students to wear male uniform and for transwomen the other way around.

When you actually know their gender title is opposite from their gender identity. And that is a problem for many transgender students throughout the country. The committee ruled in favor and ordered the relevant institution to allow transgender students to choose their uniform according to their gender identity. It set a precedent for other transgender students who would like to make the same complaint. That has been a good example that creates a lot of impact for younger transgender students and paved a way for others!

“Gender Equality Act B.E. 2558” and serves as an instrument to follow up complaints from individual persons on gender discrimination, evaluate them and if applicable place temporary measures or orders on the concerned institutions.

DANIELA: At present can you name some areas of work life, where discrimination is still prevalent?

JAY: The information I give you is based on a study the UNDP did together with the International Labour Organization (ILO) on employment discrimination. The study found that discrimination might happen from the application process onwards.

In Thailand, many people would expect applicants to provide their photo on the CV and that sort of gives away their gender identity plus sex assigned at birth. Some might pass as cis gender persons and some might not pass. But the name is a giveaway, because a name is very gendered.

In my case, Supanee is a very female name, but I am transgender and I identify myself as a man. But I have a gendered title as Ms., so if I apply for a job with my photo and as I have not taken any hormones or gone through surgery, I do not pass as a man. But I would be wearing a tie and a suit on the photo, so that would be very conflicting and I might be discriminated from that very stage of application. If the employer would require female applications or cisgender applicants.

DANIELA: Is it still allowed in Thailand to publish job announcements clearly asking for one gender population or age group?

JAY: Yes, that still happens. I see a lot of applications only for women, age groups etc. Their excuse, or at least they claim often that the position for e.g. receptionist would be for women only. But this goes back to the Gender Equality Act and would be discrimination – why could men not do a receptionist work?

Coming back to discrimination in the work place. For cis gender people and also regarding their sexual orientation, they tend to face less discrimination. If their gender appearance is conforming to the ascribed one at birth, then they will hardly face any discrimination.

For transgender people just walking in to the room, people will know instantly. They see the gender title on the document, even if the person has already gone through surgery but the document says Ms. then people would get questions that are not related to the job they have been applying for.

Discrimination happens often informal in the work process. It is not a written one, but you could have discrimination from the peers, colleagues or your supervisors. The person could have a negative attitude toward LGBTI people and simply not promote them and only promote a heterosexual, cis gender person instead.

DANIELA: Is there still a difference between the public and private sector in Thailand regarding discrimination?

JAY: In private companies, you are generally not required to wear uniforms. But for the public sector, let's say government agencies, especially the police force, military or in schools, they are required to do so. In certain professions, it is more of a problem for transgender people than for cisgender people. But in private sectors there seems to be more flexibility, like I have seen in hotels or airlines allow their employees to wear what they prefer, but still adhere to the company's uniform regulations. I have seen a lot of female born employees, who choose to wear pants and that's OK for them.



Photo: UNDP

DANIELA: What could be done in first instance to solve the problem of discrimination of transgender people in the employment sector?

JAY: Well, we do not have the legal gender recognition document, that allows people to change their gender marker according to their gender identity. We do not have the law yet. An interim solution to this is not there yet. Because in case of employment they strictly ask for your legal documents. Your diploma and your educational documents would always include your gender title, so that's why many people of this community would go into the informal sector. As they are not so strict about documents. For me, I am lucky as I work in an organization which accepts diversity.

DANIELA: Thanks a lot for sharing your precious time with us and your expertise on LGBTIs and persons of any gender identity living in Thailand.

Resources and Links

(2014): BEING LGBT IN ASIA: THAILAND COUNTRY REPORT. https://www.usaid.gov/sites/default/files/documents/1861/Being_LGBT_in_Asia_Thailand_Country_Report.pdf (18th June 2018)

<https://www.bangkokpost.com/lifestyle/> (5th Nov 2018)

<https://thestandard.co> (5th Nov 2018)

Contact Details

Suparnee (Jay) Pongruengphant (Interviewee)

National Officer – Governance, Human Rights and LGBTI

UNDP Being LGBT in Asia programme (BLIA)

United Nations Development Programme (UNDP); Thailand Office

Bangkok, Thailand

E-Mail: suparnee.pongruengphant@undp.org

Daniela Zanini-Freitag (Interviewer Interviewer & Member of the QueerSTS working group)

Srinakharinwirot University

Faculty for Humanities, Center for International Studies

Bangkok, Thailand

E-Mail: zaninifreitaglecturer@gmail.com

INFOBOX: Thailand –

**Legal progress on civil partnership registration law
and road to same sex marriage**

JAY: UNDP has been fortunate to be invited to be a part of the National Committee to review the draft civil partnership registration law. The law is in shape now. It is the one law which is the further progressed in terms of drafting, and is being led by the Department of Rights and Liberties Protection of the Ministry of Justice. They are very supportive to push the law to the cabinet, and then to the national legislative assembly.

This draft law has been informed by a study that was supported by UNDP and has received inputs from civil organizations. It is waiting to be submitted to the cabinet. The Minister of Justice is very supportive and he even announced that he wanted to push it to the cabinet before the end of the year, so that the law could be passed before the next election (planned to be in February 2019, DZF).

DANIELA: We have a bright variety on LGBTI rights within European countries. What are some milestones from European law makings for LGBTI people that you regard important for Asia or Thailand especially?

JAY: There was a lot of discussion from a study we had, because civil partnerships are not the same as same sex marriages. England started civil partnerships first and moved on to same sex marriage. Many here could be still conservative on this topic, so starting from same sex marriage right away...so we see, we could follow something like England did. But for the civil partnership law we still see some problems. The legal age to get married between same sex people is twenty years old. Having a civil partnership law and then a same sex marriage law, would then allow everyone to marry. Thinking if a transgender woman will want to get married to a cis-gender man. By document they are male, so if they use the civil partnership law they both will be husbands. But this would not be allowed by law. First, we have to pass the legal gender recognition law to allow a transgender person to change their gender title, so this transgender woman can be a Miss. And they could use the civil code which allows heterosexual couples to get married. For same sex couple, two Mr. or two Ms. they could use the same sex marriage law.