

Uniform-free: the policy for promoting LGBT students' rights in Thailand¹

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Abstract:

Almost all students in Thailand from elementary school through the university level are required to wear a uniform, and it's been shown that this regulation can bring about a lowered sense of self-esteem among LGBT [Lesbian, Gay, Bisexual and Transgender] students whose gender preferences and sexual orientations are different. There are few educational institutes that allow students to dress as they like, sometimes specifically in order to support LGBT students' human rights (although some institutes do not require the policy for other reasons). However, conservative activists and educators have continued to support to maintain a strict uniform policy, even though the policy can have a negative effect on the self-confidence of LGBT students. This paper looks at some interviews and studies with LGBT students, teachers, educators and experts in relevant professions, and supports the notion that it is a better practice to have a uniform-free policy in order to promote the rights of LGBT students in Thailand. The main theory and concept used for situational analysis in this paper is C.R. SIPABIO – a conflict analysis model developed by Dr. Amr Abdalla – a professor in Peace Studies, University for Peace, Costa Rica.

The finding examines the discrimination that LGBT individuals have faced historically in Thailand, going back several centuries. Since there are entrenched attitudes already in place in Thailand towards LGBTs, it is not easy to deal with the problems of this community without looking carefully at pre-existing professional methodologies and ideas. However, LGBT issues in Thailand are not totally clear, and there are only a few social workers that understand them well.

Some social workers and related professions still carry stereotypes concerning LGBT persons and therefore are not providing appropriate and adequate service and welfare to their clients who are looking for support. Consequently, it is important for social workers in Thailand to become more knowledgeable about how to properly promote LGBT rights and this paper provides recommendations and ways for social workers to work effectively with LGBT students through the concept of peace studies and social work.

The paper calls for social workers to consider concepts such as the Five Steps of Effective Advocacy, Non-violent Communication, Cybernetics, Self-identification, a Multidisciplinary Approach and Social Networking. This paper is a pioneering study on LGBT rights in Thailand and it can be used as a sample study for other countries that obligate students to wear school uniforms as well. Making changes in the nation's uniform requirement policy will not eliminate all discrimination, but it can be an important step in a high-context society like Thailand to advocate more for LGBT human rights.

Introduction:

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In Thailand, the Student Uniform Act was initially promulgated in 1939 and has been in effect through present day, and almost all Thai students who are enrolled in public and most private elementary and high schools as well as those studying for undergraduate degrees at government and private universities are required to wear a uniform at least until they graduate from the secondary level³.

Among the nation's more than 30,000 schools⁴ and 164 universities⁵, only a few institutes offer flexibility regarding their student uniform policies. At present, only one school where there are several variations of the student uniform that students are required to wear when attending classes, as well as sport uniforms and military student uniforms. The main reason given for the strict uniform regulation is to promote orderliness and unity. Furthermore, students often are proud to wear the uniform of their school. However, on the other hand, the institutionalization of student uniforms can lead to the violation of LGBT right as students and the policy can be linked to the prevalence of homophobic bullying in school. Because students are required to wear a uniform based on the student's gender of birth in many schools, LGBT students have to follow the rule even they feel uneasy to do so. Especially, transgender and tomboy, who would like to wear differently from their gender of birth.

With a firm uniform policy in place, as almost all Thai schools have in place, transgender students need to wear a uniform that differs from the gender they identify more with, which can lead to a lack of confidence and insecurity. Some members of the LGBT student community feel funny wearing a uniform that reflects the gender of their birth, and this discomfort may lead other students to think they are deviant. Therefore, LGBT students, especially transgender students, often have experienced homophobic bullying from their classmates. The type of bullying varies including mocking, sexual harassment and physical abuse usually committed by male heterosexual classmates. Teachers and other students basically know what is happening but they do not do anything to defend and protect the rights of these bullied students. Also, bullied LGBT students often decline to tell their parents in order to avoid compounding the problems and discrimination further.

Homophobic bullying in school and stigmas against LGBT students has occurred in Thailand since the society first recognized the existence of LGBT. There have been attempts to eliminate homophobic bullying in school against LGBT students and make schools become a safer place for them to study by establishing specific LGBT restrooms, along with providing sex education that spreads awareness of different sexual and gender preferences. However, the policy of flexible uniform has been not been taken seriously as a policy that could be offered to support LGBTs who may have self-esteem issues since this idea is quite new in Thai society. Currently, there are few educational institutes that have established such a policy for their students such as Srithana College of Commerce and Technology [Chiangmai] and Thammasat University [Bangkok]. At present, the idea of instituting a flexible uniform policy is still being debated as to whether or not the policy may effectively help ensure the protection of human rights amongst LGBT students as well as advocate for their rights as much as those institutes claim.

³ Tangkananuluck W. [2007]. **Student Uniform Law**. <http://childmedia.net/node/269>

⁴ Learning Enhancement Center. 2009. **List of schools in Thailand**.<http://www.idis.ru.ac.th/report/index.php?topic=469.0>

⁵Runckel C. 2008. **Education in Thailand**. http://www.business-in-asia.com/thailand/education_in_thailand.html

Methodology:

The data gathered for this paper includes in-depth interviews with 22 key informants from the LGBT community as well and from other related professions such as social workers, teachers and educators who work either in high schools or universities. The key informants were required to answer a list of open-ended questions that were divided into two parts⁶: One part consisted of general questions for all, and additional questions for those who work in relevant professions that would yield insightful comments. The interview questions were compiled and designed to gather the following information:

- 1) To get a general perspective about those in the LGBT community and to assess the current human rights that they are bestowed with, which includes policies that address LGBT needs, including a need to promote behavior and activities that would bring about individual self-esteem while studying high school and university. There were also questions that aimed to learn information about any direct and/or indirect homophobic bullying that school/university responders experienced as well as getting a sense of their image of LGBTs in Thai society. Key informants who are not part of the LGBT community themselves were asked to answer these questions in order to get comprehensive ideas from those who work in related professions but who are not part of the LGBT community themselves. By answering these questions, it could lead to further analysis to gauge the self-image and self esteem of LGBTs today.
- 2) To learn about the general perspective towards the uniform policy amongst those who can recognize the importance of the issue and assess the possible benefits and weaknesses of those different uniform policies and their effects on gender identity. This line of questioning also seeks to examine whether respondents believe that a uniform-free [no uniform] policy could further promote LGBT students' rights.

The value of looking at the answers provided by the LGBT students and the respondents who work in relevant professions who have commented on these matters is great because educational policy-makers in Thailand nowadays are generally not LGBTs – the responses from informed professionals who are not LGBTs are important in order to gauge and predict how possible it might be to enact uniform-free and flexible uniform policies in schools/universities. Besides carefully examining the interviews conducted, publications were reviewed⁷ including a UNESCO report and booklet on an anti-homophobic bullying program, as well as volumes on peace building and conflict resolution theories, social work principles. By reviewing literature about the current circumstances that LGBTs face makes it clearer and easier to more effectively analyze the data received from in-depth interviews.

The major theory this paper used for analyzing the situation is the C.R. SIPABIO⁸ conflict analysis model developed by Dr. Amr Abdalla – a professor in Peace, University for Peace, Costa Rica and Five Steps of Effective Advocacy developed by Assoc. Prof. Trevor Shilton – Global Vice President

⁶Attached in appendix 2

⁷ Full list of reviewed literatures are in appendix 3

⁸ Attached in appendix 1

for Advocacy of International Union for Health Promotion and Education [IUHPE], international organization based in France. By looking at these theories, stakeholders can more clearly grasp the current issues that LGBT students face better and therefore they will know how to advocate for their human rights in a more informed way.

Findings:

This part is divided into two major sections: general information and analysis section

General information

The information presented in this section is based on what key informants said and shared during in-depth interviews; the detail is categorized into several topics as follows:

Different views of the LGBT image

Key informants for this paper included LGBTs and heterosexual male and female respondents. Their opinions concerning LGBTs differed. The majority of perspectives were that: 1) LGBTs are members of a social group and 2) The LGBT community is somehow different from other social groups due to their outlandish behavior.

Some responders believe that some LGBTs have chosen their sexual orientation instead of being genetically predisposed to their sexual and gender preferences. Additionally, the respondents linked fashion and social trend as the reasons why some become part of the LGBT community. One respondent, a psychologist, said that members find themselves in the LGBT world due to both genetic and social factors, which include the nurturing, education and social environment that they had as children and youths. "People are looking for their real identity while they are between 15 and 18 years old so; their identity during that time is not developed enough and some of them just rely on their friends who may be LGBTs or pro-LGBTs, which is why some LGBTs can come back to their birth gender when they grow up in case they think they are not really LGBTs." said this respondent.

On the other hand, some believe that people cannot be changed to become LGBTs, and that this is a genetic make up that certain people are born with. In the words of another respondent who was a member of the LGBT community: "LGBT is not disease, don't worry, you will not get infected." Since this is the case, LGBTs should not be discriminated against since they did not choose this lifestyle or identity, rather they should be categorized as members of a social group and should be able access social welfare as others do.

Current situation concerning school uniform policy

The research that went into writing this paper involved collecting data from seven LGBTs and 15 involved professionals aged between 20 and 40. All of the LGBT interviewees had to wear student uniforms while studying high school and all 15 of the professionals who work with LGBTs needed to wear uniform at the university level as well. Those who studied in Ramkhamhang University, which is an open university that everybody graduated secondary level can study without taking examination for admission, and Thammasat University, a school with a tradition of being independent and political

mind, were not required to wear uniforms when attending class or during student activities. However, for special occasions, such as graduation ceremony or examination taking, students were indeed required to wear the student uniforms. In two universities, students are allowed to wear flexible uniform while taking examinations that will adhere to students' gender identities, but they are required to wear suits and uniforms during graduation ceremonies that reflect their birth-gender. Thammasat University offers another option for transgender students who already have already gotten surgery on their sexual organ and have become transsexual: they can simply wear the female student uniform, including during the graduation ceremony, but the students need to submit their request to university committee and the committee will consider the outcome on a case by case basis.

For those required to wear student uniforms in secondary level of education, there are a few types of uniform that students are ordered to wear: There is the common student uniform, a sports uniform, a junior military uniform [for male students who have applied and passed the necessary test]. The responses reveal that the level of uniform flexibility depends on school types and the following observations can be made:

- In well established and well-known public schools, students have to wear uniforms and must follow other strict regulations relating to their attire, hair length and style (this is rigidly regulated for male students), wearing certain accessories as some accessories are prohibited such as gold bracelets and jewelry, for example, and some schools require female students to wear specific colors of hair accessories. Students are required to wear uniforms that reflect their birth-genders.
- In private schools and/or informal schools, the uniform policies are flexible based on the decision of the individual principal and teachers. Students are also able to negotiate with a school committee about what kind of uniform they would like to wear or how flexible of a uniform policy they want to school to have. However, among private schools, the level of uniform flexibility varies depending on whether it is a technical/vocational school or a secondary school. In technical schools, students have more leeway to wear the uniform of their choice depending on their gender identity, whereas students in normal secondary school have to more rely on the specific uniform policy regulations.

In Thailand, the flexible uniform policy is not popular; and only few educational institutes practice flexible uniform policy or are uniform-free. Thammasat University and Srithana Technology and Commerce College are two institutes that have flexible uniform policies in an effort to promote liberty and freedom.

Positives and negatives of uniforms and a firm uniform policy

Generally, wearing a uniform is seen as positive thing by many because it is a way to represent school pride. Additionally, student uniforms are considered to have other positive attributes:

- Uniforms are considered by some to be a tool to protect students. If students do something wrong while wearing a student uniform, it is easier to forgive them due to their lack of maturity. On the other hand, if students do not wear their uniforms, it is difficult to separate them from adults, especially children whose physical growth is fast, as some harm may come to them.

- It is seen by some as a tool to prepare students to become members of society as uniforms are part of organizational culture and promote unity amongst students as well as orderliness and shows that students are ready to follow other societal rules in the future. Without a firm student uniform policy, students are thought to possibly become anti-social or become disorderly and create social problems.
- Uniforms are also seen as a tool to decrease the expenses that students' parents face. Although the price of a student uniform has been increasing, the overall expenses that students' parents need to pay for their children is still lower compare to the amount of money they would need to spend to provide a full wardrobe of clothes for their children. Student uniforms can also be passed down to younger siblings. Parents may need to spend a lot of money in the beginning of academic year to purchase new student uniform, but the expense can last for the whole semester or even few years.
- Uniforms can be a tool to hide a student's identity. A few transgender and gay students responded said that their parents could not accept them if they wore female uniforms or clothes that suggested that their child was LGBT, so forcing students to wear uniforms will help make sure that they hide their sexual identity and orientation.

There were pro-uniform respondents that was both LGBT and non-LGBT professionals who are informed about the relevant issues that LGBTs face. It should e mentioned that not all LGBTs are against student uniforms, and their explanations as to why they like their uniforms vary and differ. However, the idea of an inflexible student uniform policy was criticized by many for a variety of reasons, including the following:

- Being forced to wear a uniform limits the creativity of students. When wearing uniforms, students are not independent and it raises the issue of what kind of clothes they "should" wear. Some students may face difficulties while working in organizations that require uniform. Clothes that are improper or don't fit right could make people lose confidence and have low self-esteem, which can have future implications in their lives.
- The uniform is a tool to impress others. Students wearing the uniform of well-known schools will probably feel proud of it although this also has a negative effect on students who attend unpopular schools and may feel they are second-class and may be easily discriminated against. Students' parents who compare the educational ability of their children with other students may be disappointed with their kid's uniform unless they are in famous schools.
- Uniforms can limit a student's identity especially LGBT students who still have to wear pants even if they prefer to wear skirts. The same thing also happens to lesbian students who prefer to wear pants instead of skirts. If they are forced to wear a uniform that reflects their birth-genders, some LGBT students feel uneasy to be at school and some of them experienced homophobic bullying or mocking.

Generally, the student uniform policy that forces students to wear uniforms that reflect their birth-gender may place important limits the capability of persons to think about what kind of clothes match their character and identity. Outside of school and work, nobody wears uniform all the time; except they are in military, so students should be ready for the real world after graduation.

Positives and negatives of the flexible uniform policy

In this part, respondents were asked to give their opinions about the flexible uniform policy and how it relates to gender identity and to comment on their thoughts regarding a total uniform-free policy.

With a flexible uniform policy, students can wear either male or female uniforms as they want and transgender students can wear female uniforms and lesbian [tomboy] students can wear male uniforms if they wish. Srithana College is one school that offers this policy and the majority of respondents support this policy compared to a total uniform-free policy, because students are still under uniform regulations. If the school thinks this policy is suitable for their students, it is acceptable to practice it. This sort of flexible uniform policy is likely to encourage LGBT students to have more self-confidence and self-esteem and once their gender identity is stronger, they then are able to handle discrimination in the future. School is sometimes the only place where students can represent their gender identity preference outside the view of their parents. So, schools that care about LGBT rights should offer whatever they can to encourage students to feel good about their identity and having a flexible uniform policy is a good way to go about it.

However, some LGBTs said that this policy may actually diminish their self-esteem and self-confidence, especially LGBTs whose parents cannot accept their gender and identity. Since the school allows transgender students to wear female uniforms, the students who cannot wear them because their parents prohibit may get in trouble. Their difficulties may increase if their transgender peers are allowed to wear female uniforms. Besides family issues, LGBTs may also become overly concerned about their appearance. For example, some transgender students may wear female uniforms even they are do not really look like females so this could make them look funny. Hence, a flexible uniform policy is not a surefire method to benefit a stronger gender identity amongst LGBT as some may have initially expected, as some LGBTs may end up in trouble or become targets of homophobic bullying.

Some respondents claim that a flexible uniform policy can create other problems for students. For example, one man can pretend to be transgender by wearing female student uniform and they may harm other female students. The rape cases or crimes to students will increase due to the flexible uniform policy concerning gender identity.

With a totally uniform-free policy, students are encouraged to wear whatever clothes they want to wear without any limitation and LGBT students' rights will be fully promoted. Some responders said that uniform-free policy will help students' parents lower uniform expenses, which costs approximately about US\$100/semester per child. With a uniform-free policy, students do not need to buy new clothes frequently, but they can just wear what they have. On the other hand, those who oppose total uniform-free policy explain that they feel that way because of traditional Thai culture and context. In Thailand, parents normally take care of their children until they graduate from university, and actually many people still stay with their parents even through their adulthood years. Therefore, Thai children need to depend on their parents for survival. Uniform-free policy will persuade students to become distract students from their studying and may not have the ability to afford the clothes they want for themselves, and children will likely ask for more financial support from their parents to purchase new clothes.

Also, Thailand is a developing country consisting people from different economic class. In this case, it is clear that students coming from poor and rich family will wear different clothes depending on what they can afford. The clothes they wear will then represent the wealth of the students' family and it may leave the poor feeling discriminated against. For LGBT students, the perspective of respondents is mainly about their dressing style. It is a concern that some LGBTs, especially

transgenders, will wear improper, overly sexy clothes, which are not appropriate in the educational setting. Therefore, some responders said that school or university needs to regulate additional rules to avoid unexpected situations that may occur with a totally liberal uniform-free policy, where the lengths of skirt students can wear is uncontrolled.



Another issue concerning the flexible uniform policy is related to what educational level is in question. The majority of responders disagree with the idea of a totally uniform-free policy at the secondary school because students may not mature enough to think what kind of clothes they should wear. Whether one agreed with this assessment or not, university level students are more mature and can earn their own clothes and have more freedom to do whatever they want. In addition, almost all respondents agreed that if a school and/or university requires students to wear

uniform for some special occasions such as graduation ceremony, students should respect this policy.

The possibility of a flexible uniform policy

The answers that were given in response to flexible uniform policies varied and depended on several factors. Respondents asserted that both flexible uniform policies around gender identity and a total uniform-free policy are most appropriate at private, less popular, informal or small schools and/or universities. There was strong disagreement from alumni that these policies be used at public, well-known, formal and big schools and/or universities because the student uniform is closely linked to prestige of the institute and any change on uniform policy will directly affect the image of the whole institute. Alumni of these schools vehemently oppose the idea of this new policy, which is different from what they experienced when they went to school. The power that alumni hold at universities can be quite strong and institute's management committee and board of directors will undoubtedly need to listen to alumni voices carefully. So it seems that, at present, the idea of a flexible uniform policy can only be considered at certain types of educational institutions.

In addition, one respondent, who is psychologist, said, "It is necessary for schools/universities to survey and ask the community and the relevant stakeholders, such as students' parents, shops located nearby schools, teachers, and administrators what they think about the policy. If the stakeholders mainly agree with such a policy, it is fine to pursue. On the other hand, if the majority of stakeholders disagree with this idea, the school committee needs to re-think it or develop a policy to make it fit for all who could be affected. Comparative studies and cause-effect studies would be required for this situation to properly assess it."

Feedback from schools/universities that offer a flexible uniform policy

The attitudes vary amongst key informants that work at schools that offer a flexible uniform policy. On the one hand, the schools/universities offering this policy understand their students and their needs very well. One respondent said that "This kind of school would like to prepare students to live well in a society which does not require uniforms." Some respondents think that this kind of educational institute focuses more on social diversity and equality. On the other hand, some respondents think that the schools/universities promoting this policy do not really understand society today and that with this new policy, it will likely get LGBTs and all students in trouble. Instead of a flexible uniform policy,

this group of respondents thinks that the schools/universities should promote the concept of social diversity and the capabilities of LGBT students. If everybody recognizes that LGBT students are as smart as other students, it would likely lead to a higher acceptance of LGBT students will be and this approach has nothing to do with their uniforms.

One question to respondents asked if the schools/universities where their children or young relatives are studying promote flexible uniform policies to advance LGBT students' rights, will they let their children continue to study in the schools/universities or not. The answer was mainly affirmative, because the respondents said that they were concerned more on the quality of schools/universities than other additional policies. One respondent said, "I will let my child study there but I have to explain to her why the school needs to offer such policy."

The prestige and good name of schools/universities is also important. One respondent said that "if the school my child is studying is well-known and provides a high quality education, I will let him study there but if it is not famous, I would rather seek for new school which does not have flexible uniform policy." Still, it's clear that the quality of schools/universities is the highest priority for all respondents, especially those who have children.

The issue of homophobic bullying in schools

The respondents were requested to answer a question related to homophobic/transphobic bullying in schools. The question specifically addresses bullying in secondary and university level, and whether respondents, especially LGBTs, had faced direct experiences themselves or indirect experiences, in which respondents heard stories from other students or classmates.

Their answers reveal that almost all respondents experienced homophobic bullying in school either directly or indirectly related to the LGBT general behavior and appearance. That is, if transgender students really look like female, they may likely be bullied, mocked or sexual harassed by male classmates. Also, LGBTs who exhibit more flamboyant behavior may be bullied by their classmates. Almost all respondents, including LGBTs, think it is common to experience homophobic/transphobic bullying while in school, mostly due to the behavior of LGBT. "If they [LGBTs] did not act overwhelmingly gay, they will not be bullied." So, according to this respondent, LGBTs themselves might be the source of problem, as opposed to other students who try to bully them.

Another issue is about teachers, some LGBTs experienced discrimination from their teachers such as failing them from classes without providing reasonable explanation. However, all respondents, even LGBTs, think that the bullying they experienced is not a big issue, and many LGBT did not report any bullying to their teacher or tell their parents about it. One respondent said, "Everybody knew that the bullying happened, but the teacher kept quiet about it, so what was the benefit to reporting the perpetrator to the [teacher]?" Therefore, the study reveals that both teachers and students recognized the bullying against the LGBT student but they did not take any action about it.

The respondents also raise the issue of the relationship between educational level and homophobic/transphobic bullying. In basic terms, the frequency of bullying goes down when their educational level is up. In junior high school [Grade 7–9], homophobic/transphobic bullying occurred more frequently than in high school level or university level. It can be also interpreted that the amount of bullying is lower when students are more mature. The amount of bullying is also relates to their academic performance in school. If LGBT students are student leaders or get high scores on tests and assignments, there tend to be bullied less than other LGBTs. One LGBT shared that "I was in Queen

Class which only accepts students who have earned high-scores and teachers love me and nobody tried to bully me.” Another LGBT respondent said, “I was student president while studying in high school and I was not bullied as frequently as other [LGBTs].”

Sometimes, homophobic/transphobic bullying did not come from classmates or students in the same school. Especially in small provinces, the results reveal that students in different schools may bully LGBT students. One LGBT responder shared the story of her friend who used to be attacked by male students in different schools. “Those people tried to ask money from my friend but she did not give them any. Finally, she got injured by their physical abuse.”

Additional services and/or policies that schools and/or universities should offer to promote LGBT students' rights

Aside from the issue of uniforms, the findings reveal that there are a few additional services that respondents that promotes human rights that schools and/or universities can offer to LGBT students. These are: LGBT toilet, a policy of social diversity and sex-education classes.

The majority of responders support the policy of offering LGBTs their own bathroom, and they support schools and/or universities that offer these services to LGBT students. However, there is some concern that it is also important to discuss the budget and management of the program. In public schools, it may be difficult to build LGBT bathrooms due to the firm fiscal budgets they are confined by even if a school principal supports the idea of LGBT bathrooms and wants to build one.

In private schools, everything depends on school committees and it is possible to manage budget with a committed policy for LGBT bathrooms. The reason that LGBT bathrooms have popular support is because toilets are necessary for all students and they are personal spaces, which need to provide some privacy and safety. For LGBTs, using the same bathrooms with either gender may make them feel uneasy so it would be better if there were bathrooms offered specifically for them.

Another issue relating to bathrooms is about management. Some schools combine a LGBT toilet as the one used for People with Disability [PWDs] due to budget limitations. Such management makes LGBTs feel that they are being treated like PWDs and it will further bring about low self-esteem among them because they are not handicapped or need special welfare from society like PWDs.

The policy concerning social diversity is also a significant service to ensure the promotion of LGBT rights. Approximately half of the respondents explained that schools and/or universities have to make all students understand the idea of social diversity through practice; i.e. treating all students equally, and not giving special treatment to LGBT students because most often, LGBT students want to be similar to others. Also, educational institutes should focus more on a student's ability than their birth-gender and infuse a sense that biological differences shouldn't be discriminated against. If all students understand the meaning of social diversity well enough, the amount of homophobic/transphobic bullying would probably decrease.

Sex-education classes is something that respondents greatly support as a way to enhance LGBT students' rights. By offering sex-education to LGBT students, they can have a better understanding about themselves and how to protect themselves from STIs. Sex-education should include content of LGBT behavior and problem solving skills to prepare them to have proper behavior and to know how to deal with the problems that they may face in the future. One respondent said that “They [LGBT] will have low self-esteem and a lack of self-confidence whenever they face problems like social

sanctions or discrimination, so, it is essential to train them to be ready to deal with the problems...this kind of thing can be part of sex-education or a health science class.”

However, some responders disagreed with the idea of providing sex-education class for LGBTs because students’ parents may oppose it and it may get the school in trouble with pro-premature sex school. One LGBT respondent opposed the idea of sex-education class and explained that “all LGBTs know how to protect themselves, they are not foolish. So, it is unnecessary to teach them how to have safe-sex”. Some respondents said that “LGBTs in urban areas do not need so much sex-education because they basically learn it through their friends or some media. It is different from LGBTs in rural areas who may need more knowledge related to safe-sex.”

Analysis section

Thailand is one of the countries participating in the International Covenant on Civil and Political Rights and Article 26 of the covenant that focuses on the equality and protection against discrimination on any grounds⁹. The human rights standards and principles with particular implications for LGBT children are many, especially the right to education, which ensures that all children have access to high-quality education and the ability to continue their education regardless of their gender identity or sexual orientation¹⁰. This section aims to analyze what responders gave and initially study whether Thai society can comply with such covenant based on peace and related social concepts. Regarding to the analysis result, it can frame the current circumstance of LGBT in Thailand, the possibility to realize flexible uniform policy and recommended method for social workers and relevant professions to work with LGBTs.

C.R. SIPABIO

In C.R. SIPABIO, the gender issue is proven to be important as a key factor in many different types of conflicts¹¹. This concept consists of several indicators: context, relationships, conflict elements, issues, parties, attitudes, behavior, interventions and outcomes. The analysis should principally begin with context, because knowing the context enables an intervener to understand and predict the attitudes, behavior, and the direction of a conflict¹².

Context:

According to the data compiled by all key informants, it can be concluded that LGBTs face a contradiction of attitude towards them. There is one viewpoint that if LGBTs are the same as other members of society and they then must be able to access the same rights and social welfare program as others. Also, LGBTs should have the ability to use their voices and say something to the society like anyone else in society.

⁹Sanders D. 2007. **LGBT Rights in a New Constitution: Thailand’s International Obligations**. Document for academic seminar on Human Rights of Lesbians, Gays, Bisexuals, Transgender and Intersex People. Bangkok: Rainbow Sky Association of Thailand.

¹⁰Article 2 of the Universal Declaration of Human Rights: <http://www.un.org/en/documents/udhr>

¹¹ Abdalla A. et al. 2002. **Understanding C.R. SIPABIO: A Conflict Analysis Model**. University for Peace, Costa Rica

¹² Ibid, p.2

Another viewpoint is that LGBTs follow a trend among teenagers but that their experimentation will disappear when the youths grow up. Under this kind of thinking, welfare for LGBTs or the promotion of LGBTs rights are unnecessary because they will revert to their birth gender in the future with/without medical/psychological treatment.

Since there is no prevailing perspective regarding LGBTs, it makes human rights promotion difficult and not many people want to raise these issues in Thailand in order to avoid social conflicts or serious examination. Moreover, LGBTs who live in different environments have different experiences and point of views regarding their rights. Some LGBTs agree that in some situations, they are being victimized. For example, transgender students who have been bullied may decide not to tell their parents and teachers because they believe that the bullying happened due to their appearance and behavior which may differ from male/female students. This kind of attitude is in line with the concept of Structural Violence and Cultural Violence by Johan Galtung. Structural violence and cultural violence are two significant factors used to control and exploit people in society. With cultural violence, people might not recognize that they are victimizing others, while with structural violence, people are aware of others' suffering. Basically, structural violence is represented by education, law, and economic accessibility while cultural violence is represented by religious and social values and tradition¹³.

The LGBTs perspective may lack concern about their rights, and just following the societal "norm" of accepting being bullied or being discriminated against. With regard to the uniform policy, LGBTs who were questioned for this study somehow accept birth-gender school uniform as long as it is school/university policy. Some of them feel uncomfortable but they are still willing to wear them. This kind of attitude may not happen to all LGBTs but it is needed to understand that some LGBTs are still relying on social norm and accept it to avoid any possible conflicts.

Besides LGBTs, respondents who work in the education field in Thailand operate within the social norm and adhere to an organizational culture and a flexible uniform policy is often unacceptable. The idea of a separate bathroom for LGBT students is more committed to do for them but it is for preventing others from LGBTs more than promoting LGBTs rights or protecting them from any violence. There were only a few respondents that agree with having a flexible uniform policy as well as other additional services that promote human rights for LGBTs in Thailand. So, the study shows that the majority of Thai people, especially people working in the education field are still conservative with regard to LGBT issues and are not concerned much with LGBT students' rights. The issue of whether it is important to promote LGBT rights is still being debated in Thailand although some respondents believe that policies may be enacted in next 10 years. So, any policies established to promote LGBT rights, such as the flexible uniform policy may not be accepted by all in Thai society.

Relationships:

Relationships can be divided into three elements: bond, power and patterns. All three elements have linked to each other;

- The bond is an influence how people behave in given conflict situations.

¹³ Kalyanamitra W. 2010. **Assessing the viability of legalizing abortion as a safety-net for women enduring unwanted pregnancy.** The research report is submitted in partial fulfillment of the requirements for the degree of Master of Arts, Asian Leaders Program, Department of Peace and Conflict Studies

- Power is a significant dynamic in many conflict situations. People derive their power in conflict situation usually from contextual factors.
- Patterns are certain behaviors that parties resort to frequently during conflict situations¹⁴.

The current situation that LGBT students face in Thailand is not overt physical conflict – it is more psychological and social that can be understood better through examining the social norm, culture and context in Thailand. Based on the interview, LGBTs will identify themselves as second-class people, so it is common for them to be occasionally bullied or harassed. LGBTs in Thailand do not often tell anyone about the bullying, discrimination or harassment they experience, as others' may not view it as an important problem. In the opinion of some respondents, LGBTs who try to speak out will be discriminated against even more – a view that often takes root in the minds of LGBTs when they begin their studies. Some LGBTs also experienced discrimination in the workplace, but they decided to keep quiet about it or look for new workplace where their identity is more accepted in order to avoid any further discrimination.

Based on the imbalance bond, the power between LGBTs and others in the society is different. Although Thailand may seem to be open and hospitable for LGBTs, this attitude is usually limited to those who are wealthy and come from upper class families. The appearance of LGBT also is significant as those whose appearance is not very feminine will be more discriminated than those who are beautiful and very feminine. In Thai society, many believe that LGBTs whose body and appearance are not like their preferred gender should not wear uniform based on their gender identity and LGBTs who are not rich, good-looking and well-educated will not be accepted. Therefore, promoting LGBTs rights in general will be difficult to realize as LGBTs who are not from wealthy families do not have much political will or muscle.

With low political clout, LGBTs are mostly remained quiet and they accept their place in society and what is provided to them even it is not as good as what others receive and this conditioning has had a significant effect on LGBT behavior. So promoting LGBT rights will likely be overlooked and viewed as unimportant since the LGBT community themselves aren't fighting for the issues that will benefit them and negotiate for their rights. Instead they tend to allow themselves to be discriminated against. Activists that attempt to advocate for LGBT rights say that LGBTs are generally not confident enough to join in the advocacy. This leads some advocacy activists to believe that LGBT rights cannot be fulfilled since they cannot sustainably help end discrimination against the LGBT community.

Conflict elements:

C.R. SIPABIO modified the conflict elements from Moore. According to Moore, conflict elements are categorized into five types¹⁵:

- Relationship conflicts
- Value conflicts

¹⁴ Abdalla A. et al. 2002. **Understanding C.R. SIPABIO: A conflict Analysis Model**. University for Peace, Costa Rica

¹⁵ Moore CW. 1996. **The Mediation Process**. San Francisco, CA: Jossey-Bass. p54. Cited in Abdalla A. et al. 2002. **Understanding C.R. SIPABIO: A conflict Analysis Model**. University for Peace, Costa Rica

- Structural conflicts
- Interest conflicts
- Data conflicts

The situation regarding LGBT rights in Thailand can be seen as a conflict rooted in problems with elements relating to relationship, value, structure and data.

Relationship conflicts: Thai society still stereotypes LGBTs as special group of people whose overact and are inappropriate, according to some respondents, which makes them feel shunned by society and they are not valuable enough to be provided with welfare or services to promote their rights.

Value conflicts: More than 80% of Thai people are Buddhist and LGBTs are identified as sinners according to strict Buddhist principles. If someone is guilty of a serious karmic sin in their past life, they will be reborn as a LGBT. So the LGBTs image is bad among Thais and especially those who are fundamental about their religion. With this way of thinking, LGBTs should not deserve to access any welfare or services because they are what they are from mistakes in past lives so it is useless to do anything for them.

Structural conflicts: The circumstances that LGBTs find themselves in are closely linked to the weak political power they possess in Thailand. As explained previously in this paper, LGBT political power is generally lower than others in the society which is designed for heterosexuals, not for LGBTs. Transgenders may face difficulties because they may need to wear uniforms or may not have a bathroom toilet where they are comfortable, as they are meant for males or females, not LGBTs. The situation of uniform also occurs to tomboys. Hence, LGBTs do not have space designed for them and it will further perpetuates that society is not as concerned with the existence and importance of LGBTs.

Data conflict: Many Thais still believe that youths become LGBTs due to trends and that their gender preference or sexual identity will change their identity once they grow up. However, it is also important to understand that many become LGBTs due to genetics and that those who are “born gay” are highly unlikely to change their sexual identity. But since many view and link LGBT identity with trends, the public tends to overlook LGBT issues as unimportant. This prevailing attitude has led many people to believe that LGBTs can revert to their birth gender if they can get appropriate treatment or nurturing. This has led some parents to force their children to change their behavior, which has led to a lot of suffering amongst LGBTs.

By briefly analyzing the different conflict elements listed above, it can be said that there are several aspects that must be understood and successfully dealt with before bringing about successfully promotion of LGBT human rights.

Issues:

In C.R. SIPABIO, there are four types of issues come to the forefront in society:

- Issues that arise out of limited resources
- Issues that arise out of the need for continued existence [survival conflict]

- Issues that arise over relationship dynamics [negative dynamics, power issues]
- Issues that arise out of value [belief systems, religious values]

Relationship dynamics and values have an effect on LGBTs rights in Thailand. There is an imbalance of power between LGBTs and other groups in society and only some groups of LGBTs can access the power structure and enjoy equal opportunities. For example, wealthy LGBTs might be able to find work easier as hair stylists, models and some working in entertainment business, while other LGBTs who are not well-known will be discriminated against in workplace situations; some LGBTs are refused employment even they are qualified, and some transgenders need to wear clothes that reflect their birth-genders in the workplace even if they are not happy doing so. LGBTs who come from average backgrounds will be have lower rights than those who are rich and well-known.

Also, a number of Thais still believe that everybody should wear clothes that reflect one's birth-gender and behave like their biological sex. Such a perspective makes it troublesome for transgenders to appear and behave as they prefer, in a manner that is different from their birth gender. However, as previously mentioned; LGBTs who are rich and famous may more easily pursue their lifestyle and maintain their own appearance while others may not be able to have such freedom to do so; i.e. LGBTs working in entertainment business. On the other hand, it can be said that Thailand has an acceptance economic hierarchy towards LGBTs as rich LGBTs are accepted but such acceptance does not happen to common LGBTs.

Parties:

In C.R. SIPABIO, parties to a conflict situation may be divided into three categories according to the relationship and involvement to the situation: primary, secondary and tertiary.

- Primary parties would include LGBT students and those working in the education field such as lecturers who teach LGBT students.
- Secondary parties are those who working in the education field but may not work directly with LGBTs such as school/university officers, educators, social workers, activists and psychologists.
- Tertiary parties are those who are neither involved with LGBT students nor working directly with them but are somehow involved in the conflict. This would include students' parents as well as the general Thai population.

Attitudes:

The attitude towards LGBTs is different based on the background of the respondents. LGBTs themselves tend to reflect attitudes like the following:

“The situation [bullying in school and discriminations] is not important, we [LGBTs] do not need to tell others about that because sometimes it happened due to my inappropriate behavior or appearance.”

“Schools/universities are the places that students can present their identity, so, it is necessary to provide students with the policies that promote and safeguard human rights in order to prepare them for living in society with self-confidence and self-esteem.”

For secondary parties, the attitudes to the situation yielded answers like the following:

“The flexible uniform policy is not suitable for Thai society and LGBTs need to accept the uniform regulation as a social norm and part of organizational culture. Uniforms work as an effective tool to protect all students, including LGBTs, from violence and crime, it is also the symbol of one’s school and every student should be proud of wearing their uniform. If LGBTs want to wear clothes based on their gender identity, they need to wait until after graduation when they can have the right to do what they want. It is good to promote liberty and freedom but it needs to be done so at the appropriate level.”

“LGBT behavior is different from others; they usually overact and try to diminish others by insulting others. There are transgenders who always call female by using a bad word, which may make those who hear this unhappy. If LGBTs would like to be accepted and respected, they need to improve their behavior and try to be polite and everything will get better.”

“If schools/universities offer a flexible uniform policy for LGBT students, I think other students will also try to ask for special regulations to ensure a balance of power. So, educational institutes must think carefully about what will come if they accept this policy.”

Lastly, the attitudes of students’ parents as tertiary parties are as follows:

“I can accept LGBTs and recognize that they are similar to us unless they do not try to be different by their behavior and appearance. Some LGBTs, particularly transgenders, usually behave improperly and this can make others feel uncomfortable.”

“Pants are a symbol of a man and a skirt is a symbol of a woman. So, the idea to let LGBTs wear a uniform which is different from their birth-sex may be challenged by society.”

In conclusion, the attitude of have a flexible uniform policy for LGBT students in order to promote human rights is somehow unacceptable amongst secondary and tertiary sources including LGBTs themselves. As long as LGBTs do not have a positive attitude and energy towards promoting their rights, it will be more difficult for human right activists or other sectors that want to work on their behalf to continue to advocate for them.

Behavior:

Behavior refers to the actions of relevant parties during conflict situations. LGBTs in Thailand do not face physical conflicts that are easy to see but there are invisible conflicts on psychological and social dimensions. So the attitudes towards the promotion of LGBTs rights in Thailand can be summed up as silent and ignorant. Most LGBTs seem to prefer to keep quiet rather than speaking out to access more human rights. For other relevant people and organizations, the issue of LGBTs rights promotion is often ignored or identified as unimportant. Strong harassment or physical harm may not occur but silence and ignorance towards this group will expand the discrimination or stigmatization to LGBTs.

Intervention:

Because there isn’t strong backing for LGBT students’ rights in Thailand, the most appropriate intervention method is advocacy. The advocates need to design a courteous but effective advocacy model because it will be related to national-level institutions pertaining to education, religion and social welfare distribution mechanisms.

Five Steps of Effective Advocacy

Assoc.Prof. Trevor Shilton has developed a program to could be utilized to advocate for LGBTs rights. He outlines five steps to achieve advocacy goals, which includes the following:

1. Providing evidence
2. Having a “policy fit”
3. Presenting solutions
4. Developing an advocacy strategy
5. Using the “art” of advocacy

This framework can be applied to the LGBT students’ rights situation in Thailand in the following ways:

In terms of evidence, the main point is to discover the most important or urgent issues and the sources of evidence that will help define the problem or solution. For example, LGBTs students’ rights should be raised as an important issue because merely the number of gay in Thailand is about 1/3 of population or more than 10 million in 2008¹⁶, and it is the duty of the state to offer them proper welfare even if they do not ask for it. Human rights promotion needs to be implemented in the minds of the population at an early age so that it will have an effect on people’s awareness when they are making decisions about life. Hence, LGBT rights promotion should be started at the school/university level so that the members of this community can be aware of their rights and have a louder voice.

The sources of evidence that can help define the problematic circumstance that LGBTs face today can be accessed via research; however there is a dearth of LGBT studies in Thailand and it is difficult to access other research instruments required for getting more reliable information such as observation, in-depth interviews or group discussions. Also, it is necessary to understand the complexity of LGBTs, especially gays, which can be categorized into several sub-groups. To get a correct understanding on LGBT identity advocates need to effectively converse with different LGBT sub groups and receive deeper information about their experiences of having their rights violated.

Finding the right “policy fit” requires focusing in on key policies that are relevant to LGBT rights promotion in Thailand. The policies need to be practical and effective to promote LGBT rights. There should be surveys before and after the policies are effected in order to discover the real needs and wants of LGBTs.

Another significant concern is age as LGBTs students may have different requirement from adult ones, such as the uniform policy issue, which is not a priority for adult LGBTs. Besides policy, the persons to do policy are also important. As clarified in the Parties section, there are three groups of people involving with LGBT students at different levels. The advocates should know how to appropriately deal with LGBT students in order to promote their rights, and a good place to start is to get behind the flexible uniform policy.

According to the respondents, the present way to promote LGBTs student rights should revolve around the policies regarding LGBT bathrooms and social diversity promotion that school/university will explain to students. But those who want to fight for a flexible uniform policy and sex-education for LGBT students will have to spend sometimes planning by estimating cause-effects and the overall social acceptance. Without strong advocacy, the LGBT bathroom issue and social diversity promotion

¹⁶ Maliphan C. 2008. **Positioning Magazine**. <http://www.positioningmag.com/magazine/details.aspx?id=70487>

policy will not likely happen on its own, so advocates need to take action to increase the value of such policies and bring it to the attention of policy makers.

Developing advocacy strategy is another important step advocates need to implement carefully. Firstly, the different stakeholders, whether they are persons or organizations will use different strategies. The most significant strategy is “advocacy from within” meaning that society will raise awareness on LGBT rights if LGBTs can unite and work strongly together to fight to promote their rights.

However, at present, the LGBT community in Thailand is not united and some of the groups fight against each other. This disunity then hurts the image of LGBT as a political group and they will not be able attract enough concern about their rights compared with other groups such as women’s groups. Another powerful method to effectively promote LGBT rights is through the media. With media advocacy, there will be more awareness of the importance of LGBT rights in Thailand and This may make new policies regarding LGBT student rights as it becomes significant for policy-makers and all stakeholders.

Finally, the advocates need to figure out the key message to persuade the stakeholders or policy-makers to recognize the importance of LGBT students’ rights. This requires a good message that can touch people’s hearts and convince them to be more concerned with LGBT rights. It should be advised that advocacy is long-term process and one cannot expect radical changes to be done overnight. So advocates need to be prepared to have a short-term and long-term plan in order to effectively promote LGBTs students’ rights in Thailand.

Asides from the Five Steps for Effective Advocacy, the triangle approach, which is called “Bio-Psycho-Social” and used in social work is also an appropriate model to promote LGBT students rights. Bio aspect refers to a focus on health issues related to LGBTs such as STIs, what it means to have a healthy sexuality and to promote health among the LGBT community. Psycho aspect refers to the encouragement and empowerment that will help LGBTs be more self-confident and have happy lives. Social aspect refers to how LGBTs appropriately deal with any problems they face, the issue of social sanctions, discrimination and stigmatization may be included as well. Along other social work principles such as acceptance, equality and confidentiality etc., Bio-Psycho-Social is a holistic approach that social workers implement to get comprehensive information about their subjects, which in this case are LGBTs, and they will then be able to provide them with suitable welfare, services and consultations.

Additional concepts recommended to social workers and advocates working with LGBTs include non-violent communication, cybernetics, self-identification, multidisciplinary approach and social networking. Non-violence Communication [NVC] is a popular concept used for dispute mediation. Basically, NVC consists of four components: observation, feelings, needs, and requests. With NVC, people should connect with others using observation and then trying to guess what their feelings and needs are and what they will request¹⁷. With regard to LGBTs, social workers and advocates should observe how LGBTs think about themselves, and understand their feelings, needs and requests. With

¹⁷ Kalyanamitra W. 2012. **BePeace concept: the innovation to develop social work for current social change and sustainable development**. Paper presented to University-Community Engagement Conference – UCEC, 9th – 12th January 2012, Chiangmai, Thailand.

NVC, social workers and advocates should be trained to have positive and polite communication with LGBTs and this is believed to bring about a good outcome.

Cybernetics is another concept appropriate to use for working with LGBTs. This idea is mainly has to do with relationships between people in which you have the ability to think and seek for reasons which are suitable to explain a situation. Although the reason of each party about how they want to achieve something may differ, their opinions should be respected and valued. Therefore society should listen to LGBT student requests and thoughts because LGBTs are also members of society and their well-being will affect others either directly or indirectly. This concept is appropriate for changing the perspective of relevant stakeholder toward LGBT rights and, it will raise awareness of and solidify the importance and value of LGBTs.

Self-identification is a principle used among social workers and social researchers. For marginal people or stigmatized people whose identities are violated, it is recommended that they should identify themselves for what they are. LGBTs are a mix of four groups: lesbian, gay, bisexual and transgender, and all of them have sub-groups so social workers should ask them to identify themselves and respect their perspective. If social workers start a session with a self-identification exercise, it will please LGBTs and make them more comfortable talking to the professional. With good communication, social workers can really understand what the individuals really want and appropriately provide rights promotion welfare and services to them.

A multi-disciplinary approach is popular in social work field today. The main idea behind it is to discover solutions through the knowledge of professionals from different fields who are either directly or indirectly involved with clients. For LGBT students, these involved professionals include school workers, teachers, lecturers, educators, social workers, policy-makers, psychologists, etc. Those people are supposed to incorporate and find out what LGBTs really want and how society can fulfill their requests.

Social networking is related to personal contact, resources and strategies because social workers sometimes need to have strong and big social networks to work effectively on their case. Social workers play an important role in accumulating resources received from social networking to assist their clients, which are LGBTs in this case. If social networking is good, the derived resources will then be effective in providing LGBT students with appropriate people to help them promote their rights policy.

However, both human rights advocates and social workers should understand that the social barriers of LGBTs might be higher or stronger than with other groups of people. Without strong trust, they will often not share much information or real opinions with social workers and advocates, in order to avoid further discrimination. Also, social workers and advocates may feel uneasy to work with LGBTs in the beginning, but when they are used to each other, the information that LGBTs provide will be valuable to design policies to promote their rights and fulfill the requirement of society to provide equal rights to all.

Outcome:

The results that come from using the C.R. SIPABIO model may be both good and bad. Although the situation may be well analyzed and based on this concept, it does not guarantee that the outcome will satisfy all parties. The key step is intervention. If the appropriate intervention is done well with the appropriate parties, there may be great achievements made to resolve concerns, conflicts or problems

in a sustainable way. On the other hand, if the intervention is done improperly or wrong, the problem and conflict may escalate and become more complicated. This paper recommends that human rights advocates and social workers use the Five Steps of Advocacy and Bio-Psycho-Social as the approaches and methods to promote the issue of LGBT students' rights. However, interveners need to take other factors into consideration that might be suitable for the specific LGBT rights situation they are working to promote. Some important factors to consider would be to utilize the principle of holistic analysis, to ensure gender equality, acceptance from the LGBT community, social diversity and client confidentiality.

Conclusion:

Thailand is a high-context society that can be conservative when it comes to enacting official policy regarding culture and social norms. The existence of a large LGBT community presents a challenge to the perspective of many Thais. As LGBT persons are part of the society, they must be provided with social welfare and services, which are appropriate for them. However, it is found that a number of LGBTs experience homophobic/transphobic bullying during their childhood. The important issue is that LGBTs may not be aware that the difficult situations and discrimination they face may be actual human right violations. Having such a signed attitude relegates LGBTs to become second-class citizen with little power. There are some endeavors from educational institutes to promote LGBT students' rights by instituting a flexible uniform policy, along with additional services such as LGBT bathrooms. Nevertheless, the number of schools/universities providing such a policy and service is quite low and the surrounding stakeholders seem to be discontent with the policies according to information received from in-depth interviews.

Although the number of LGBTs in Thailand is quite high, their rights are not well promoted in practice. Many LGBTs are still facing discrimination in the workplaces and in their communities. Due to those problems, social workers, human rights advocates and all people working in related professions with regard to the LGBT issue should know how to effectively communicate and work with LGBTs. Several theories and concepts in Peace Studies and Social Work are recommended and in this paper in order to guide social workers and all professionals how to successfully design policies that promote LGBTs rights in Thailand, specifically by instituting a flexible uniform policy, independent LGBT bathrooms, sex-education and by promoting social diversity in the educational institutes.

Next Step:

This paper is initially done regarding to personal interest of the author. The number of respondents used in this paper is sample attitudes of very small group of people and it need to expand the area of data collection to many more people and professions in order to access the most reliable information which can be helpful to sustainably promote LGBT students' right in the long term.