

# LGBTQI+ People Who Use Drugs in Thailand: Advocacy for improved health and human rights responses

By Ruod Ariete<sup>1</sup> and Unchisa Eaimtong<sup>2</sup>



*Seminar on access to health services and human rights protection for LGBTQI+ people who use drugs in 2022*

## Introduction

The rates of substance use among Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Non-binary, and other gender and sexual minorities (LGBTQI+) are significantly higher than among cisgender heterosexual people. This disparity is due in part to the higher rates of stigma, discrimination, bullying,

harassment, victimisation, and criminalisation that these communities experience. Evidence shows that these negative experiences increase the likelihood of anxiety, depression, problematic substance use, low self-worth, HIV, and suicide. The more negative experiences an LGBTQI+ person

faces, the higher the risk for major negative health outcomes. Consequently, LGBTQI+ people who use drugs are at greater risk of developing mental and physical health conditions due to the surrounding negative environment around them.<sup>3</sup>

The stories shared by trans women sex workers who use drugs in Pattaya exemplify these experiences. Many of them left their hometowns due to experiences of severe stigma and discrimination from their communities and families in relation to their gender identity, which pushed them to seek better socioeconomic opportunities in cities like Pattaya. For these women, survival often involved using and selling drugs, including as a means to earn higher wages to support themselves and their families. They would often encounter police officers and would be forced to do a urine test on the spot. If found positive, they would be extorted for money to avoid potential imprisonment.<sup>4</sup> Even when they seek support for managing their drug use and sexual health services, they would face significant stigmatisation and dehumanising practices by service providers who often impose restrictive conditions.<sup>5</sup>

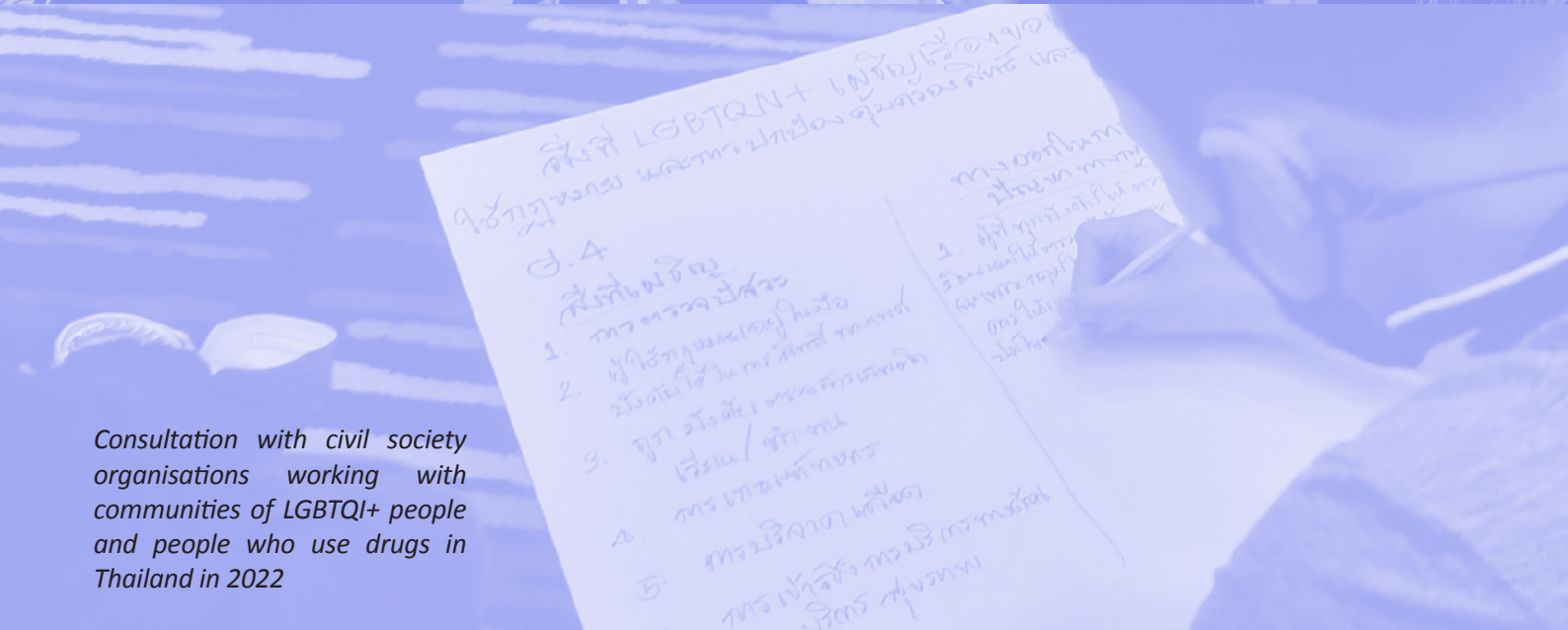
These harmful impacts were gravely heightened during the COVID-19 pandemic. Tourism was at a standstill and left many without work. The pandemic also resulted in minimised access to harm reduction services, including essential services that people within the LGBTQI+ community need.<sup>6</sup> Clubs and bars were required to close, resulting in more private parties involving chemsex—sexual activity involving the use of psychoactive substances. COVID-19 rules further imposed limits on the number of people that can gather in public or private spaces, and as part of enforcement efforts, police have been conducting raids on chemsex parties resulting in the criminalisation and punishment of LGBTQI+ people who use drugs. The fear of being criminalised also leads to severe consequences. In January 2021, a person died from an overdose at a New Years party, but their friends decided to secretly dispose of the body without reporting it to authorities in fear of being arrested for drug use.<sup>7</sup>

## Box 1 Legal Reform Opportunities for Better Human Rights and Public Health Outcomes

Current policies and measures in Thailand **are not addressing the needs** and are further aggravating the risks and potential harms faced by the LGBTQI+ community, which results in negative experiences and grave health outcomes. There are some positive developments such as proposed anti-discrimination bills for legislative reforms that provide opportunities to support and protect, instead of punishing, members of the LGBTQI+ community. A landmark bill on legalising same-sex marriage passed the final reading in June 2024, making Thailand the first Southeast Asian country to do so.<sup>8</sup> This is significant progress in uprooting systemic

discrimination and paving the way for genuine acceptance of the rights of LGBTQI+ individuals.

In addition, a draft bill safeguarding sex workers' rights and health and legitimising their livelihood is under consideration by Thailand's lawmakers. If approved, it would result in not just the legalisation of sex work, but also improvements to protect the health, safety, and well-being of sex workers. The bill aims to protect sex workers from exploitation and set up a reporting mechanism to address rights violations of sex workers as well as offer sexual health services.<sup>9</sup>



*Consultation with civil society organisations working with communities of LGBTQI+ people and people who use drugs in Thailand in 2022*

## Recommendations

Since 2022, APCOM and IDPC have held consultations with civil society organisations working with communities of LGBTQI+ people and people who use drugs in Thailand to discuss their needs and the challenges they face in relation to drugs. The key findings and conclusions

of these consultations are presented below through a set of recommendations to four major stakeholder groups: government policymakers, law enforcement, health service providers, and communities of LGBTQI+ people who use drugs.



## Government Policymakers

Policymakers play an important role in ensuring the well-being and responding to the needs of various groups and communities, including LGBTQI+ people who use drugs. Although the amendments to the drug laws, with the Narcotics Code taking effect in December 2021, move towards an approach that prioritises health and human rights, drug use remains criminalised.<sup>10</sup> As such, these limited reforms are insufficient and haven't translated into shifts in attitudes toward people associated with drugs.

Policymakers must make sure that communities impacted by policies, such as the Narcotics Code 2021, are meaningfully engaged in their design and implementation to ensure that lived realities are reflected in programs and practices on the ground. This cannot be achieved with the current legal framework, which limits such efforts. Policymakers must create an enabling environment to promote the participation of LGBTQI+ people who use drugs in decision-making spaces, and take the lead to systemically reduce stigma and discrimination against the community by:

- a. Revising the current drug laws and policies to decriminalise people who use drugs, in accordance with the IDPC gold standard for decriminalisation.<sup>11</sup>
- b. Take steps to guarantee the inclusion of voices representing people impacted by drug policies, such as LGBTQI+ people who use drugs, for example by assigning quotas for intersectional communities of people who use drugs to participate in decision-making processes.
- c. Adopting comprehensive anti-discrimination laws to protect the rights of all marginalised communities, and
- d. Ensuring the availability and quality of evidence-based gender-sensitive harm reduction services and providing funding and necessary support to civil society initiatives.



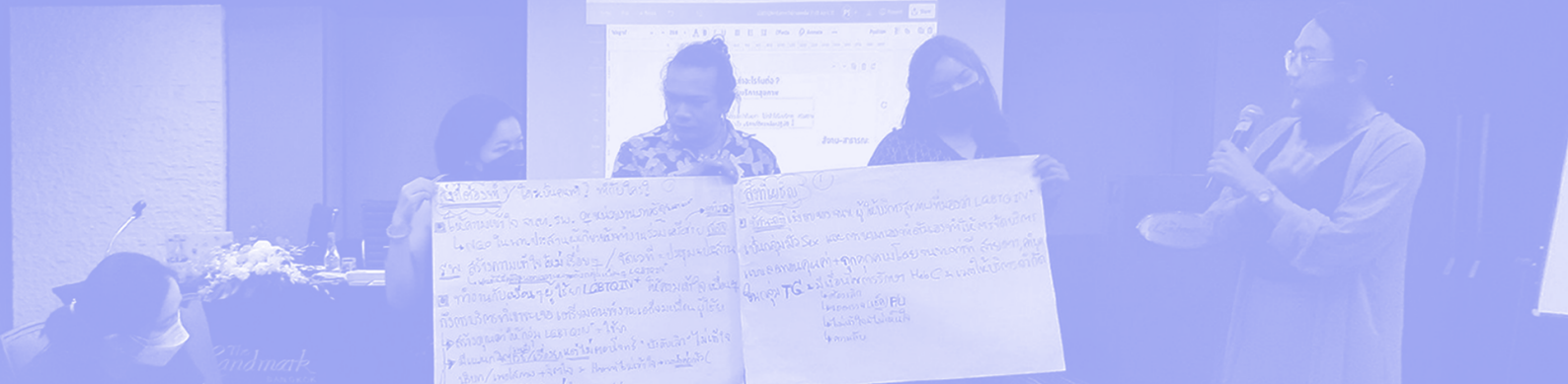
## Law Enforcement Agencies

As one of the primary first responders to drug use, law enforcement officers pose significant barriers for people who use drugs seeking access to social, health and harm reduction services. The risk of arrest and incarceration or other punishment makes people unable or unwilling to seek assistance and essential services (including HIV prevention, treatment and care) when they need it. Furthermore, the community often experiences violence by police abusing their power, including through verbal and sexual harassment, extortion, and torture.

The passage of the Prevention and Suppression of Torture and Enforced Disappearance Act in 2022 was a first step towards establishing greater accountability by law enforcement for their actions. This represents an important reform as LGBTQI+ people have been victims of torture while under police arrest. Moving forward, efforts can be further strengthened by:

- a. Establishing monitoring mechanisms to evaluate the implementation of the Prevention and Suppression of Torture and Enforced Disappearance Act to truly ensure the protection of LGBTQI+ people, specifically LGBTQI+ people who use drugs
- b. Ensuring the involvement of human rights bodies such as the National Human Rights Commission and the Association for the Prevention of Torture (APT) to prevent rights violations including arbitrary detention and forced confessions through torture, and
- c. Improving understanding of the principles of harm reduction and Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics (SOGIESC) amongst enforcement officers, and applying them to work on the ground when handling drug-related cases.





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## Health Service Providers

People who use drugs, especially those with an LGBTQI+ identity, often have negative experiences in trying to access healthcare services. Many service providers lack an understanding of substance use issues and mistreat clients, for example, not respecting their privacy. It is vital for people delivering care services to be sensitised on the complexities associated with the intersectional identities of individuals to respond appropriately to the client's needs. Healthcare service providers can also consider:

a. Integrating substance use into education and training curriculum, and organising trainings to

address problems with stigma and discrimination against LGBTQI+ people and people who use drugs amongst healthcare professionals

- b. Developing guidelines on responding to substance use, including responses to different types and patterns of use such as 'chemsex' (or 'sexualised drug use'), and
- c. Collaborating with civil society and community-based service providers to exchange best practices in delivering people-centred services that recognise and address the specific needs of individuals.



## Civil Society and Communities of LGBTQI+ People Who Use Drugs

As a society, we need to take steps to ensure the meaningful engagement of the LGBTQI+ community to identify and address gaps in policies and laws, ensure that the community's needs are taken care of, and recognise and acknowledge the complex lives of LGBTQI+ people who use drugs.

Initiatives such as the Chemsex First Aid manual, an educational tool for men who have sex with men (MSM) and transgender individuals tackling accidental drug overdose during sex, or the Bangkok Metropolitan Authority's 'harm reduction card', an identification card intended to help for people who used drugs who are registered with community-based rehabilitation and harm reduction services to avoid arrest when encountering police in the area, are a testament to the types of collaboration between health advocacy groups, the LGBTQI+ community, and the Thai government.<sup>12</sup> More

interventions that can be implemented by civil society and community groups to ensure access to services and rights protection for LGBTQI+ people who use drugs are:

- a. Organising 'Know Your Rights' trainings to equip members of the community with legal literacy, especially in relation to the drug laws and the anti-torture legislation
- b. Developing accessible rights violations reporting mechanisms and legal help desks to enable timely responses when an incident is reported, and
- c. Monitoring policies and their implementation, and countering harmful narratives on SOGIESC and drugs by communicating evidence-based information to the public.

# Conclusion

Overall, the communities of LGBTQI+ people who use drugs that joined the consultations held by APCOM and IDPC wish to urge the Thai public, law enforcement, policymakers, and all relevant stakeholders to help ensure equality and equity, especially in their access to health and social services, and ending stigma and discrimination.

## Endnotes

- 1 Ruod Ariete is a learning and engagement innovator who merges her expertise in queer-affirmative strategies, harm reduction advocacy, and project management.
- 2 Unchisa Eaimtong is Asia Programme Officer at the International Drug Policy Consortium based in Thailand.
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## About this Advocacy Note

This Advocacy Note outlines the harmful impacts of stigma and discrimination experienced by LGBTQI+ people who use drugs in Thailand, including during the COVID-19 pandemic. It highlights the opportunities for legal reforms and recommendations for improved public health and human rights outcomes specific to LGBTQI+ communities.

### International Drug Policy Consortium

61 Mansell Street  
London E 18AN, United Kingdom

**Email:** [contact@idpc.net](mailto:contact@idpc.net)

**Website:** [www.idpc.net](http://www.idpc.net)

## About IDPC

The International Drug Policy Consortium is a global network of NGOs that come together to promote drug policies that advance social justice and human rights. IDPC's mission is to amplify and strengthen a diverse global movement to repair the harms caused by punitive drug policies, and to promote just responses.

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Report design by Joseph Caligner - [josephcaligner@gmail.com](mailto:josephcaligner@gmail.com)

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