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Advancements in Thailand's Marriage Equality Legislation of 2024

Thailand has witnessed significant social progress in recent years, with growing societal interest in enhancing the rights and well-being of LGBTQ+ individuals. In response to this momentum, there has been a social movement to legalize same-sex marriage and elevate family and civil rights for LGBTQ+ individuals through amendments to the Thai Civil and Commercial Code ("CCC"), known as the "Marriage Equality Act" (the "Act").

This development led to the submission of three proposed draft amendments to the CCC for consideration by parliament. One proposal came from the current government, another from the opposition party, and the third from over 10,000 eligible Thai voters, in accordance with the legislative procedure stipulated by the Thai Constitution B.E. 2560 (2017). The House of Representatives demonstrated its commitment to this cause by passing a resolution to accept the principles outlined in all three versions of the draft legislation during the 26th Session of the House of Representatives, 1st Year, 4th Meeting held on December 21, 2023.

The core objective of all three proposed draft legislations is to broaden the rights of LGBTQ+ individuals, enabling them to legally form families, exercise various family rights and responsibilities, and attain family status to each other. This encompasses key aspects such as engagement, marriage, spousal rights, parental rights, and inheritance rights, all of which would be equally recognized under the law for LGBTQ+ couples as they are for heterosexual couples in the context of family formation.

Following the evaluation of all three versions of the legislation, the House of Representatives consolidated them into a single draft, which underwent review by the Extraordinary Committee in early 2024. As a result, the Marriage Equality Act received overwhelming approval during the 31st Session of the House of Representatives, 2nd Year, 2nd Meeting held on March 27, 2024. After this stage, as outlined by the Thai Constitution, the Marriage Equality Act will then require approval from the Senate and securing endorsement from the King before the Act can become reality in Thailand. This legislative procedure is expected to conclude within Q3 of 2024.

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The Marriage Equality Act represents a fundamental change in the definition of marriage, transitioning from “a man and a woman” to “two individuals”, replacing the traditional legal status of “husband and wife” with the gender-neutral term “married couple”, and reforming the family status from “father and mother” to “primary parent”. The Act's primary ambition is to ensure that LGBTQ+ couples are afforded the same fundamental rights as heterosexual couples currently enjoy under the CCC. These rights include the ability to adopt children, jointly manage marital properties, and, most importantly, inherit their spouse’s inheritance.

In light of these developments, attention now turns to the nearly finalized Act and its implications in the realm of real estate acquisition, especially for LGBTQ+ couples where one partner is a non-Thai national. Upon the Act’s endorsement and subsequent 120-day period after publication in the Royal Gazette, LGBTQ+ couples will become eligible to legally marry and obtain marriage certificates from any Thai district office, enjoying rights like those granted to heterosexual couples under the CCC. However, it is important to note that significant complications may arise or remain when a married couple, regardless of sexual orientation, seeks to acquire real property in Thailand.

Recently, the Senate officially approved and passed a law legalizing same-sex marriage. Essentially, this new law grants any two individuals above 18 years old the right to register their marriage and enjoy the same benefits and rights as heterosexual couples. Currently, the bill is awaiting formal endorsement from King Maha Vajiralongkorn and its publication in the Government Gazette, after which a date will be set for the law to take effect within 120 days.

Stay tuned for our next article, which will cover the rights specific to ownership of land and property. For any specific legal advice, please reach out to us at law@ilct.co.th.