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Joint Submission on the Situation of
Lesbian, Gay, Bisexual, Transgender, Intersex,
Queer and Non-binary Persons in the Thailand



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Joint Submission on the Situation of
Lesbian, Gay, Bisexual, Transgender, Intersex,
Queer and Non-binary (LGBTIQN) Persons in the Thailand
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A) Summary of Situation:

- 1) During the 25th UPR session, Thailand accepted recommendations related on SOGIESC, it specially accepted the recommendations made by Mexico that aims also to protect LGBTI women, and the recommendations made by South Africa and Spain that aim to prevent discrimination in all cases, and we believe that this should also include LGBTI persons.
- 2) Gender Equality Act 2015 was enforced on September 9th, 2016 prohibiting government and non-government sectors to announce or conduct discriminatory practices. The Act protects men, women and “people who express themselves differently from their biological sex”. This is considered a progress for lesbians, bisexual women, transgender, Intersex Queer and Non-binary persons (LGBTIQN) protection in Thailand. and the Royal Thai Government’s commitment to the 2030 Agenda to leave no one behind, the situation faced by LGBTIQN in Thailand is characterized by invisibility and silencing, unreported cases of violence and abuse, family and societal pressure to conform to gender norms and roles and lack of legal protections in all aspects of life. LGBTIQN populations are underrepresented in the few existing LGBTIQN studies and are rarely mentioned in women studies in government, civil organizations and private sectors. The invisibility attributes to the wide misperception that LGBTIQN persons in Thailand are more accepted and protected. This worsens the discrimination and violence against LGBTIQN persons.
- 3) However, there are serious limitations to the realization of the Act’s just enforcement. Gender discrimination cases will be processed through state-appointed Committee on Unjust Discrimination Analysis, most of whom are not trained on gender issues nor human rights. Also, Article 17(2) puts reservations on protection against discrimination on the purposes of the individual’s safety, religious practices or national security, in which cases the action will not be considered discrimination cases. This creates concerns that the Act will be able to protect women and LGBT human rights defenders and does not comply with international standard of protect against all forms of discrimination.
- 4) After the 2014 Coup d’état, the National Legislative Assembly, was appointed by the military, was composed of more than 96% of men and only 8 women out of 250 members. And women currently hold fewer than 14% of Thailand’s parliamentary seats as the elections on March 24, 2019 and there are four representatives of the LGBTIQN+ sitting as MPs in parliament however, it was found that the number of senators had only 10.4 percent of women, which these senators

were selected by the NCPO.

B) GENDER LEGAL RECOGNITION

- 5) In some sector, transgender women are recognized in law, such as in the exemption from military draftingⁱ. However, they are forced to get a medical certification that proves that they have a mental disorder.ⁱⁱ
- 6) Lack of gender recognition law results in psychopathologizingⁱⁱⁱ, which rid transgender persons' rights to define themselves and allows discrimination against transgender persons in the judicial system, customs and re-entry into the country, access to health, education, and employment for example. This causes much difficulty in having a normal life for those whose gender identities differ from their identified ones. As an example, a person traveling overseas and into the country is questioned by customs officials because their passport details do not match their gender identity.
- 7) The arguments for drafting a gender recognition are allow only a person who has undergone gender reassignment operation to apply for gender recognition. Thus, a person who wishes to do have gender reassignment but cannot afford the procedures, or a person who cannot do so because of religious or medical reasons, may not to apply for Gender Recognition. Access to gender recognition is therefore severely limited. In Thailand's case, these barriers amount to violations of the right to recognition before the law which is included in the Universal Declaration of Human Rights and also articulated in The Yogyakarta Principles.
- 8) The state, society, or even the LGBT community also have limited understanding of intersex queer and nonbinary people and thus have left them behind. Such as understand that, for many non-binary people, figuring out which bathroom to use can be challenging. For many non-binary people, using either the women's or the men's room might feel unsafe, because others may verbally harass them or even physically attack them.

C) RIGHT TO SECURITY AS A PERSON

- 9) Transwomen sex workers in Pattaya are targets of police abuse, exploitation and extortion. They are often accused of public nuisance and vagrancy, despite nonexistence of such laws in Thailand. The news on these arrests is presented in a derogatory manner in mass media and local media, reproducing the prejudice and violence against transgender persons, sex workers and women who live with HIV. This creates self-stigmatization and results transgender persons' reduced chance in career choice and wellbeing.
- 10) There are many websites, Facebook groups and fan pages dedicated to hate speech and attack against LBT, explicitly encouraging rape, gang rape and physical attacks. This has detrimental effects on LBT's mental and physical health, forcing them to conceal themselves and live with

fear. There is no legal protection or remedy mechanisms for the cyber crime against LBT persons in this manner. Nor is there public recognition that LBT rape and threats of rape is a crime. LBT persons rarely report their rape cases for lack of trust that they would receive support and understanding.

- 11) A transgender political refugee in France, and a Thai political activist, who is charged with lèse-majesté, faced heavy online intimidation and stigmatization on newspapers. She was threatened with gang rape and murder threats.
- 12) The Correction Regulation on the Treatment of Prisoners (2006) stipulated that male and female inmates shall be separated. The policy does not respect sexual orientation, gender identity and sex characteristics principles, thus, transgender prisoners or detainees may be detained in a facility corresponding to their biological sex. Transgender women are detained in a male prison. In a special case, for example in Pattaya Prison, only full gender reassigned transwomen prisoners are allowed in female correctional facilities. This is not always the case and is not practiced in all prisons. Transgender woman cannot continue their hormone therapy in prison, for this reason, transwomen inmates suffer poor quality of life and health. [xv].
- 13) In male prisons, transgender political inmates reported an extensive used of an anal cavity search by fellow inmates. Rapes in male prisons are common. In some case, a migrant inmate was gang raped by 30-40 prisoners. Rape cases are hardly report because of fear of retaliation. Wardens also perpetrated the culture of silence by not paying attention to rape complaints.
- 14) Peaceful Assembly shall be Respected, In the country's political conflict, Thailand explicitly violates the right to peaceful assembly. Such General Comment provides, inter alia, that the law enforcement officials who perform their duties in policing assemblies shall protect, monitor, observe medical personnel and on-ground media, and also seek to facilitate peaceful assembly. On 16 October 2020, the police fired chemical irritants such as tear gas and chemical-laced water at protesters. On 17 November 2020, tear gases were shot at protesters near the National Parliament. On 21 February 2021 and 20 March 2021, high-pressure water cannon and rubber bullets were used again towards demonstrators. The methods of mass control used by the Thai police are not in line with the international standard. The demonstrations originally took place at educational campuses and later spread to many provinces throughout the country. Some LGBTIQN students under 18 have reportedly been prosecuted without following The CRC Article 15, Child has right to Freedom of association and to freedom of peaceful assembly, should be emphasized.
- 15) Thailand currently has 30 LGBTI+ refugees registered with the UNHCR who have claimed asylum based on their SOGIESC. These persons come from numerous countries, including Afghanistan, China, Iran, Iraq, Mongolia, Nigeria, Pakistan, the Palestinian territory, Russia, Somalia, Syria, Turkey and Uganda. It was reported that several refugees from Southeast Asian countries who came to Thailand with their families are now separated from them because their parents found out about their SOGIESC. It is assumed that this group of LGBTI+ refugees primarily come from countries like Myanmar, Vietnam, Cambodia, China, Lao PDR or Japan, but very little is known about them^{iv}.

- 16) LGBTI-friendly medical care is very limited in IDC. Detainees' ability to testing and treatment of HIV/AIDS and other STIs is restricted. Hormone replacement therapy and other treatments associated with gender affirming care are also prohibited. In this context, both the physical and mental health of LGBTI+ refugees are at great risk during detention.
- 17) Some examples of this include insensitive questions about sexual preferences and misgendering, such as using the pronouns he/him when referring to a transgender woman instead of she/her. The risk of misgendering and deadnaming is often heightened in organizations that employ refugees as interpreters, especially when these interpreters come from communities where LGBTI+ individuals are stigmatized.
- 18) The interpreter of Refugee organization or UNHCR have not understanding of LGBTI+ issues and use of correct terminology. When this occurs, it often leads LGBTI+ refugees to wrongly assume that the organization is not open to and inclusive of LGBTI+ communities. When using an interpreter, discussions related to LGBTI+ issues can become even more sensitive and complex if the interpreter expresses discomfort about the issue^v.

D) RIGHT TO FAMILY

- 19) Families and children of LGBTIQN persons face no legal protection under Thai laws on marriage, law on child adoption and law to grant access to reproductive technology. There have been reported death of LBT partners as the law prohibits them to act as spouses of their injured partners, resulting in delayed or no medical treatments, particularly in emergency^{vi}. The children of an LBT person are not recognized by the law, posing concerns over child parental rights and causing difficulties in LGBTIQN parents' childcares.^{vii}
- 20) The fact that LGBTIQN families are not recognized by the Civil and Commercial Code^{viii} warrants public negative opinions of LGBTIQN families and the misperception that they do not have children or are incapable of being parents^{ix}. This poses hindrances to include LGBTIQN families in parental care legislation like Protection of Children Born Under Assisted Reproductive Technology Act B.E. 2558 and Child Adoption Act B.E. 2522.
- 21) Thailand has 2 recommendations for laws to found families, Drafting of Civil Partnership Bill and Amending the Civil and Commercial Code. We stand firm in amending the Civil and Commercial Code as in number 2 because we believe that LGBTIQN couples are not different from heterosexual couples. According to civil rights, everyone must be protected under laws equally so a new law shall not be drafted.

E) FREEDOM FROM DISCRIMINATION IN THE AREA OF EMPLOYMENT

- 22) Under the Thai Labor Standard: Thai Corporate Social Responsibility TLS 8001:2010, sex is a prohibited ground of discrimination, however this is a voluntary standard, without enforcement of the law. There is no evidence which shows that this standard has been implemented by any organization, leaving room for continued discrimination against LGBTIN people in the workplace.

- 23) Lesbians, bisexual women, transgender and Intersex persons face extensive discrimination in various aspects at all stages of employment, starting from education and training, to access to employment, career opportunity and advancement, as well as in access to employment and social security benefits. Some LGBTIQN persons have their job applications rejected immediately by both government and private agencies due to their gender identity, with employment agencies claiming that it is improper for the workplace. Lesbians are often questioned about their sexual orientation, while transgender employees are required to dress according to their birth-assigned sex. LGBTI persons are sexually abused, humiliated, and ignored by their colleagues and rarely receive support in career advancement, gaining promotions or receiving equal payment.
- 24) In July 2015, a Thai transgender woman who had been working for an international organization for 15 months was dismissed from her position on unjustified claims of her underperformance. Before the dismissal, she had been discriminated against due to her gender identity and there had been no policies regarding safe and friendly spaces for lesbians, bisexual women and transgender persons. A report has been issued to Human Rights Commission of Thailand (case number: 433/2558)^x
- 25) July 20, 2019, Transgender teacher forced to resign after wearing skirt. In July 2016, an intern at Radio Thailand, a public radio station owned by the National Broadcasting Services, posted a sign that says, "Third gender, don't use the women's room. Understand? We don't welcome you. Thank you." This sign is evidence of discrimination of transgender women in the workplace and exemplifies that negative work environment that many transgender employees face.^{xi}
- 26) After the 2014 coup, women and LBT human rights defenders have faced higher risk and intimidations from doing their legitimate work, especially those critical of the military government. Many women human right defenders have encountered hate speech and sexual harassment by officials, pro-government groups, and religious citizens. Moreover, some of them are also given frequent house visits by military officers, which affects mentally not only them but also their family members.
- 27) A prominent student activist experienced some comments from police and military officers about the size of her breasts and her appearance. She also received many online threatening messages to rape and kill her from ultra-royalists during the mourning period for the late King Rama IX.^{xii} In addition, military officials usually have visited her family's home more than 50 times, causing not only her paranoia but also her mother's frail health.^{xiii}
- 28) Soldiers from the house visits harassed a pro-democracy activist too. The officials were befriending her family to obtain her information and monitor her behavior, instructed to intimidate her.^{xiv}
- 29) Lesbian activists, LGBT rights defenders who work in the Deep South of Thailand, were harassed and threatened about their security using social media by Islamic academics, peace negotiators and religious leaders after a documentary about their activities for LGBT rights was aired on a Thai television channel namely ThaiPBS on 8 February 2016.^{xv}

- 30) For LGBTIQN human rights defenders, Thailand does not recognize the genders of transgender people and send them to prisons according to their biological sex. This poses threats to the transgender persons, particularly for transgender women who are placed in male prisons. A transgender student activist was arrested in September 2015 for her participation in the demonstrations for civil rights and freedom of expression, was sent to male prison where she had to endure continuous verbal abuses and sexual harassment from male officers and inmates. She was forced to strip in front of other males.^{xvi}
- 31) Another transgender student activist in civil movement, faced heavy threats from public through social media and newspapers, including gang rape threats and murder threats^{xvii}

F) RIGHT TO EDUCATION

- 32) Discrimination against gender non-conforming children and youth appears in all circle of education in all forms, including school admission, school and university rules, examinations and grading, university graduation ceremony and both state-published and private-published text books in all education levels. As a consequence, gender non-conforming children and youth become isolated, depressed, develop health conditions and are forced to leave schools. Some reported having suicidal thoughts because of their school treatment. Six in ten LGBT youth were bullied due to their sexual orientation, gender identity and expression, also those perceived to be LGBTI ^{xviii}. Trans students are reported not going to public toilets in schools for fear of being bullied in the toilets as they usually are. When they reported sexual harassment to their teachers, the teachers instead advised them to stop being a trans and pointed out that the incident was their fault. Teachers sometimes make sarcastic comments, treat gender non-conforming students in a hostile manner and show constant disapproval. Sometimes teachers put penalty on the students' gender expressions. Some schools put announcements on school bulletin condemning trans girls and tomboys.
- 33) Students in Thailand are required to wear school uniforms throughout all levels of education including at university. Under Ministry of Education Regulation on Student Uniform B.E.2551, primary and secondary school students are strictly required to wear the uniform that coincides with their sex assigned at birth. Not wearing the uniform which coincides with one's sex assigned at birth has many consequences, including being unable to sit for exams, detention, and repeated offences could lead to dismissal from school. It also causes undue stress for individuals whose gender identity does not align with their sex assigned at birth, wearing these school uniforms may cause individuals psychological harm, or force individuals to leave school altogether. This causes an impact on future employment accessibility and has significant quality of life implications^{xix}.
- 34) At the university level, each institution has its own Act of Establishment that authorizes it to issue its own rules and regulations, including specific uniform policies. In some universities, transgender students may be informally allowed to wear uniforms in accordance with their gender identity, however this not a nationally consistent practice.
- 35) According to the Military Enlistment Act B.E 2497 (1954), all males are required to serve in the military, this including transgender women whose birth-sex is male. However there is a Ministerial

Regulation, issue 74 (1997) under the Military Enlistment Act B.E497 (1954), which exempts people from military service under the provision that their "gender does not match sex at birth.". In order to have this clearance and be exempted from military service, transgender women have to undergo a medical process and get a certificate verifying that they have Gender Identity Disorder. Access to exemption is considered to be significant progress for transgender women's rights, but there are still issues with how transgender women can access the exemption. Transgender women should not have to get a certification that they have a disorder; this is inconsistent with international best practice. This practice is considered to be psychopathologization in regards to International Human Rights Standards; the practice of defining transgender people's gender identity as a mental illness. The Board of Directors of the World Professional Association for Transgender Health (WPATH) issued a statement calling for the 'de-psychopathologisation' of transgender people.^[vii] The statement reads, "The expression of gender characteristics, including identities, that are not stereotypically associated with one's assigned sex at birth is a common and culturally-diverse human phenomenon which should not be judged as inherently pathological or negative. The psychopathologisation of gender characteristics and identities reinforces or can prompt stigma, making prejudice and discrimination more likely, rendering transgender and transsexual people more vulnerable to social and legal marginalization and exclusion, and increasing risks to mental and physical well-being. WPATH urges governmental and medical professional organizations to review their policies and practices to eliminate stigma toward gender-variant people."^[viii]

- 36) Tawanchai Wittaya School's New Student Admission Rules for Matthayom 1 and 4 (equivalent to grade 7 and 10) Academic Year 2017 states under the qualifications of the new students that they must be "real men and real women (no deviant sexual behaviors)".^{xx}
- 37) Other than reinforcing inequality practices of binary genders, Thai textbooks also portray negative presentations of LGBTIQN persons. Many teaches students to stay away from them saying that they are sexual deviants.^{xxi}
- 38) Male or female school uniforms are strictly forced upon young LGBTIQN, particularly on examination and graduation days. Those who fail to comply are denied their right to take the examination and receive discipline penalty.^{xxii xxiii}

G) VIOLENCE AGAINST GENDER-DIVERSE

- 39) Lesbians and 'Toms'^[iv] in Thailand face homophobic rape and open threats of rape, gang rape and murder by either male family members or strangers. The situations are reported to be worse in rural areas where gender stereotypes are stronger. LBT persons are forced to get married against their will or leave their hometown to escape situations of oppression and violence, or threats of violence.^[v]
- 40) LGBT students facing brutal bullying as mimicking rape - Some suicidal while teachers think they are just playing^{xxiv}. More than half or 56% of self-identified LGBT students said the reason for bullying was their sexual orientation and gender identity while 25% of students who did not identify as LGBT reported being bullied because they were perceived to be transgender or homosexual. These figures are relevant to a study conducted by Office of the High Commission

on Human Rights (OHCHR), which said perception of homosexual or intersex individual is the cause of bullying victimization and the bullying ranges from verbal abuse (e.g., face-to-face and online name-calling), physical abuse (e.g., slapping, kicking), social abuse (e.g., face-to-face and online social exclusion), and sexual harassment (e.g., unwanted touching).^{xxv}

F) Recommendation

We would also like the government to implement the following actions that will protect the LGBTIQN community:

- 41) Raise public awareness and recognize sexual orientation, gender identity and expression and sex characteristics rights under the constitution to protect and uphold equality and dignity for LGBTI persons.
- 42) Enact legislation on family rights for all by ensure adequate public participation in the drafting process of laws in order to be inclusive of LGBTI persons.
- 43) Amend laws that discriminate LGBTI individuals and that are not in line with international human rights standards
- 44) Enact legislation to ensure gender recognition and create gender sensitivity within all contexts and segments of society.
- 45) Enact an anti-discrimination law and a monitoring body specifically for employment discrimination, and penalize perpetrators of such violations.
- 46) Develop and enforce clear anti-bullying policies covering students of all genders, emphasizing management of bullying perpetrators in a manner involving no discrimination on the basis of the sex, sexual orientation or gender expression of either perpetrators or victims
- 47) Adopt a law on gender identity that allows gender recognition.
- 48) Advocate government officials for development or consideration on regulation about hate speech and sexism speech towards women and LGBTIQN human rights defenders.

49) Build safe spaces for LGBTIQN students, for example through the provision of “third gender toilets” for male-to-female transgender students, activity rooms or separate sleeping arrangements as one way to prevent bullying targeting this group of students

50) Consider fair wage for inmates and protect their rights according to the Labor Protection Act

- 51) Create collaboration networks between schools and civil society organizations working on sexual/gender diversity and gender-based violence
- 52) Demanded the authorities release those who have been deprived of their liberty for exercising their right to freedom of expression.
- 53) Develop an anti-discrimination legislation and a monitoring body specifically for employment discrimination, with effective implementation mechanisms and consider an Equality and Non-Discrimination in Employment and Occupation Act and an independent Equal Employment Opportunity Commission (EEOC) as an advisory and monitoring body.
- 54) Develop and enforce clear anti-bullying policies covering students of all genders, emphasizing management of bullying perpetrators in a manner involving no discrimination on the basis of the sex, sexual orientation or gender expression of either perpetrators or victims.
- 55) Develop mechanism to protect women and LGBTIQN human rights defenders from threats and charges by government officers.
- 56) Eliminate gender-based dress codes or ensure that transgender students can choose which uniforms to use.
- 57) Ensure appropriate training is provided to officials, including prison officers, in sexual orientation, gender identity and expression and sex characteristics
- 58) Ensure that all governmental agencies have inclusive gender policies.
- 59) Ensure that gender is the common concept used in legislations.
- 60) Ensure that the national policies on education, health, labor and justice have a gender and sex characteristics-sensitivity approach.
- 61) Establish national strategic plan to ensure state agencies' protocols for rights protection of women and LGBTIQN human rights defenders and raise awareness on prejudices and stigmatization against women and LGBTIQN human rights defenders on the basis of their gender and sexuality.

- 62) Facilitate the inmate to see doctors when they wish and doctors should carry out a physical exam according to hospital's standard in generale
- 63) Have definite policies to take care of Muslim female inmates which accord with their religious practice
- 64) Have measurements for prison's food to meet sufficient nutrients
- 65) Have mechanism to make healthcare and medical services for inmates in keeping with the concept of human rights and should have visions and a good understand about the gender concept
- 66) Improve prison's database to be up-to-date
- 67) Improve the prisons to internationally standard and provide enough areas for inmates to conduct activities
- 68) Integrate content and participatory activities increasing understanding of the extent and consequences of bullying and teasing into various existing school subjects, for example into sex education, guidance, or homeroom classes.
- 69) Male or female school uniforms are strictly forced upon young LGBTIQN, particularly on examination and graduation days. Those who fail to comply are denied their right to take the examination and receive discipline penalty.^{1 2}

¹ In January 2016, Woranittha Chiawchan, a transman student from Faculty of Law, Chiang Nai University, was denied his rights to enter his graduation ceremony in a male uniform. The letter from Graduation Ceremony Committee stated that his request contradicted the long-practiced traditions of dress code in graduation ceremony which was designed to honor the presidency of the ceremony and for effective security and that the denial of his request was not a violation of rights.—Memorandum 6392(1)/00343 issued by the Secretariat of the Royal Graduation Certificate Ceremony, Chiang Nai University on 18 January 2016

² Transgender student was denied the issue of documentation, including certificate of academic achievement and transcript, because she requested to use a photo of her wearing female uniform. The university claimed that the issue of documentation requires photos that are in congruence with the person's sex assigned at birth.

- 70) Ministry of Education urgently revises existing textbooks and curricula that promotes patriarchal attitudes. LGBTIQN-inclusive concepts of violence and rape should be trained as a part of all government workplace and school policy.
- 71) Promote acceptance of sexual/gender diversity within society at large through public campaigns, popular media, or activities of civil society organizations.
- 72) Provide an educational program on schools that promote the respect for sexual orientation, gender identity and expression and sex characteristics.
- 73) Provide channels of assistance to bullied students, e.g. hotlines, web boards, or mobile applications.
- 74) Revise current educational curricula in each subject and remove biased terminology and explanations related to sexual/ gender diversity.
- 75) Since the emergence of the transgender workforce is considered a relatively new phenomenon in many organizations, the state should encourage gender sensitivity trainings for supervisors and executives of such organizations so that they are sensitized to the issue.
- 76) State has to take responsibility in widely circulating and publicizing information on existing legal and safe abortion services in Thailand. Currently, there are safe and legal abortion services but women do not have access to them because the information is kept away from public.
- 77) Support women and LBT human rights defenders for security training and other capacities that are important for their work, such as an opportunity to access some grant for training or to attend important conferences.
- 78) The Bureau of National Statistics, Ministry of Health (through hospitals and healthcare centers) and the Royal Thai Police need to develop statistic system with data segregation for cases of sexual violence and rapes done to lesbians, bisexual women and trans persons.
- 79) The Bureau of National Statistics, Ministry of Health (through hospitals and healthcare centers) and the Royal Thai Police need to develop statistic system with data segregation for cases of sexual violence and rapes done to lesbians, bisexual women and trans persons.

- 80) The Committee on Unjust Discrimination Analysis under the Gender Equality Act works with justice systems in Thailand so that cyber bullying on the basis of gender is recognized as hate crime and develop measures for penalties as well as remedies.
- 81) The state must ensure that LGBTIs have equal access to promotions and opportunities in career advancement.
- 82) The state must issue measures and policies that protect LGBTIs who are migrant workers or work for international organizations and are not covered by the Thai labor law.
- 83) The state should encourage organizations to issue policies, which protect LGBTIs from all kinds of harassment, including but not limited to verbal harassment and ignorance of the company's discriminatory actions toward LGBTI workers. It should also encourage the set-up of reporting mechanisms for discriminatory behavior, which affects the performance of LGBTI workers in the workplace.
- 84) Through people-centered process, issue Gender Identity Recognition Law that allows individuals to register their gender rather than their biological sex on official documents.
- 85) Encourage stakeholders to continue their advocacy efforts to close the gap in the legal framework for refugees in Thailand. Continued cooperation between the UNHCR and Royal Thai government is essential. We hope that soon, they will be able to set up a national screening mechanism that is inclusive and creates a safer and more protective environment for all refugees in the country.
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Annex

- ⁱ Ministerial Regulation, issue 74 (1997) under the Military Enlistment Act B.E.497 (1954) added "gender does not match sex at birth" as a criteria of people who are exempted from military service (to provide exemption from Military Enlistment Act B.E. 2497 (1954) which states that all males are required to serve in the military including trans women).
- ⁱⁱ Yogyakarta Principles, Principle 3: No one shall be forced to undergo medical procedures, including sex reassignment surgery, sterilization or hormonal therapy, as a requirement for legal recognition of their gender identity
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- ⁱⁱⁱ Psychopathologization is the practice of defining transgender people's gender identity as a mental illness.
- ^{iv} <https://www.aidsdatahub.org/sites/default/files/resource/equalaf-report-lgbti-refugees-2020.pdf>
- ^v <https://www.aidsdatahub.org/sites/default/files/resource/equalaf-report-lgbti-refugees-2020.pdf>
- ^{vi} In September 2012, there was a case of a lesbian couple, who had been in a relationship for 8 years. One day, one of the partners fell sick and needed to be taken to an emergency room in a private hospital, but the other partner did not have the right to sign consent forms for treatment. This caused her partner to pass away the following week. She said that if her partner had received immediate treatment, her life could have been saved. Moreover, the patient could not have the treatment paid by the Civil Servants' Medical Benefit Scheme even though her partner was a civil servant. Story is accessible at <http://thaipublica.org/2015/03/anjareefoundation/>
- ^{vii} Lesbian couple has lived together since 2010. In 2011, they adopted her niece as their own daughter. The family has been together for 6 years but the law does not protect their parental rights. If Matcha died, the other mother of the child will not be able to keep the child because they are not blood related. The case is reported at <http://prachatai.org/journal/2016/10/68527>
- ^{viii} Civil and Commercial Code B.E. 2535 Article 1448 states that "Marriage can be done when the man and the woman are 17 years old..."
- ^{ix} Cases reported by the same sources above and Buku Gender, Sexuality and Human Rights Classroom and Sangsan Anakot Yawachon. Cases can be viewed through the following URLs: <https://www.youtube.com/watch?v=zFxRjEG9SzM>, <http://prachatai.com/journal/2015/10/62136>, <http://prachatai.org/journal/2016/10/68527>, <https://program.thaipbs.or.th/watch/Nkqf3p>, <http://www.bangkokpost.com/archive/the-parent-trap/760084>
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- ^{xi} <https://thairesidents.com/local/transgender-teacher-forced-resign-wearing-skirt/>

^{xii} The noted in Women and LBT Friends meeting on 17 January 2017

^{xiii} Pravit Rojanaphruk, "Women Recount Lives Disrupted 3 Years by Junta Harassment," *Khaosod*, last modified June 8, 2017, <http://www.khaosodenglish.com/politics/2017/06/08/women-recount-lives-disrupted-junta-harassment-3-years-running>.

^{xiv} Ibid.

^{xv} Buku Books & More Pattani Bookstore which hosts an activity called Buku Classroom to promote safe space for exchanging knowledge of gender and sexuality, and organizes a football club named Buku FC.

^{xvi} Bee (Pseud) first joined a student's demonstration by using three-finger symbol. (Hungry Game movie's three-finger symbol has been used as a symbol against military coup in Thailand. Military government has arrested activists and people who show the symbol in public.) She was arrested and taken to Patumwan Police Station and later to the Royal Thai Army. Later she participated in "One Year Anniversary of Coup" activity on 22 May 2015 in front of a cinema in Bangkok. She was summoned to report to the military government. The incident led to her second arrest on 24 June 2015. The bail was denied. Attorney and activists made several attempts requesting the authority to place her in female prison according to her gender. The requests were denied. She was later released after spending some time in the male prison.

^{xvii} On July 1, 2014, a right-wing newspaper, ASTV Manager, published a "mock column" which threatened Bow (Pseud) with sexual violence, because she had criticized Thailand's le'se majeste' law. The column described in vivid detail a fictitious scenario in which Bow, if captured and imprisoned, would repeatedly face sexual assault to "return happiness" to other inmates (making a reference to the junta leader's "returning happiness" campaign). Available at [<http://m.manager.co.th/Pjkkuan/detail/957000073608>] Accessed 30 October 2016.

^{xviii} UNESCO, 2015, From Insult to Inclusion: Asia-pacific Report on School Bullying, Violence and Discrimination on the Basis of Sexual Orientation and Gender Identity. Available at <http://unesdoc.unesco.org/images/0023/002354/235414e.pdf>

^{xix} <https://prachatai.com/english/node/8683>

^{xx} New Student Admission Rules, Tawanchai Wittaya School. Accessible online at http://www.tavanchaividhaya.ac.th/image/mypic_customize/files/ระเบียบการรับสมัครนักเรียน2560.pdf

^{xxi} Sexual Diversity in Thai Textbooks: an Analysis of Lower High School's Health Education Textbooks, Wijit Wongwaritip, August 2016. Foundation for SOGI Rights and Justice (FOR-SOGI)

^{xxii} In January 2016, Woranittha Chiawchan, a transman student from Faculty of Law, Chiang Nai University, was denied his rights to enter his graduation ceremony in a male uniform. The letter from Graduation Ceremony Committee stated that his request contradicted the long-practiced traditions of dress code in graduation ceremony which was designed to honor the presidency of the ceremony and for effective security and that the denial of his request was not a violation of rights.—Memorandum 6392(1)/00343 issued by the Secretariat of the Royal Graduation Certificate Ceremony, Chiang Nai University on 18 January 2016

^{xxiii} Transgender student was denied the issue of documentation, including certificate of academic achievement and transcript, because she requested to use a photo of her wearing female uniform. The university claimed that the issue of documentation requires photos that are in congruence with the person's sex assigned at birth.

^{xxiv} <https://thethaiger.com/news/national/land-of-teenage-tears-tackling-thailands-youth-depression-and-suicide>

^{xxv} <https://www.tcijthai.com/news/2015/08/english/5712>