



THAILAND UPR III

Joint UPR Submission

The Rights of LGBTIQ+ Youth and Children in Thailand

1. Introduction

- 1.1.** In this submission, Manushya Foundation, Young Pride Club, BUKU Classroom, Isaan Gender Diversity Network, Deaf Thai Rainbow Club, The Volunteer House for Children and Youth, and The Coalition of Innovation for Thai Youth examine the compliance of the Thai Government with the recommendations it received during its 2nd UPR Cycle, particularly in relation to the protection of the rights of LGBTIQ+ Youth in the country. In this context, we analyse the efforts made by the government to implement recommendations received related to compliance of domestic legislation with international human rights standards, protection of the rights of vulnerable groups, and prevention of discrimination and violence against children, youth, and women.
- 1.2.** During the 2nd UPR cycle, Thailand did not receive any recommendation directly addressing LGBTIQ+ Youth. However, it received 42 recommendations related to their rights. Of these recommendations, 41 were supported and one was noted. Our assessment demonstrates that the government persistently failed to fully implement recommendations since its last UPR.
- 1.3.** We are deeply concerned with Thailand's treatment of LGBTIQ+ Youth, who are facing severe challenges in accessing their human rights. While the Thai government ratified some core international human rights treaties applicable to LGBTIQ+ Youth, such as the Convention on the Rights of the Child (CRC), protecting all children against sex and gender-based discriminations (General Comment N.13, 2011), and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), gaps in Thai legislation leave the rights of LGBTIQ+ children and youth largely underprotected. In addition to this legal vacuum, LGBTIQ+ youth also experience multi-faceted discrimination, violence, and acts of prejudice - allegedly justified by cultural and religious factors and beliefs. LGBTIQ+ Youth experiences issues such as bullying in schools, confinement to specific employment sectors, difficulties accessing education and health services, lack of family acceptance and of self-acceptance, a heightened vulnerability to self-stigma, and an extensive misrepresentation of the LGBTIQ+ community, both in the media and in sexual education school textbooks.
- 1.4** This submission indicates that LGBTIQ+ face severe challenges in accessing their human rights, in the following manner:

 - Section 2 discusses legal gaps and weak enforcement of domestic legislation which leave the rights of LGBTIQ+ Youth unprotected
 - Section 3 discusses discrimination in schools, workplaces, and the military faced by LGBTIQ+ Youth
 - Section 4 discusses gender-based hate crimes experienced by LGBTIQ+ Youth

- Section 5 discusses the degrading and humiliating treatment in private settings faced by LGBTIQ+ Youth due to lack of family acceptance
- Section 6 discusses barriers in accessing healthcare services and obtaining information regarding services faced by LGBTIQ+ Youth
- Section 7 discusses the misrepresentation and underrepresentation of LGBTIQ+ Youth in media
- Section 8 includes recommendations to the Thai government, addressing the challenges and rights violations discussed in foregoing sections

2. Legal gaps and weak enforcement of domestic legislation leave the rights of LGBTIQ+ Youth unprotected

- 2.1.** During the 2nd UPR cycle, Thailand did not receive any recommendation specifically addressing the adoption of legislation protecting the rights of LGBTIQ+ Youth. However, it received two recommendations regarding the protection and promotion of key human rights principles in the new constitution, and one recommendation regarding the effective enforcement of the Gender Equality Act of 2015, criminalizing “unfair gender discriminations”, which it all supported. However, as evidenced below, the Thai government failed to implement these recommendations, particularly with regards to LGBTIQ+ youth: Thai legislation preventing discrimination, such as the 2017 Constitution, and the Child Protection Act of 2003, are not inclusive of LGBTIQ+ Youth or the issues faced by them. Worse, transgender identity is not even legally recognised in Thailand. These gaps in Thai legislation have severe consequences for LGBTIQ+ Youth, whose rights remain unprotected.
- 2.2.** While the 2017 Constitution, in Section 27 prohibits discrimination based on sex, it makes no mention of gender-based discrimination. Sex refers to biological differences between men and women, while gender refers to people’s expressions and identities.¹ Therefore, Section 27 is not inclusive of all LGBTIQ+ individuals, and fails to protect them from discrimination.
- 2.3.** The 2015 Gender Equality Act, punishes “unfair gender discrimination”, and discrimination on the basis of being “male or female or of a different appearance from his/her own sex by birth”. However, under Section 17, par 2 of this Act is provided that such discrimination is allowed on certain grounds, such as religion or national security.²
- 2.4.** The Thai government ratified the CRC, and to implement this Convention at the domestic level, the Thai government enacted the Child Protection Act of 2003. However, in reality, this Act does not address nor provide solutions for the issues particularly faced by LGBTIQ+ children and youth.
- 2.5.** In Thailand, transgender identity is not legally recognised. The Person Name Act, 1962, prohibits making changes to one’s legal title, sex, and gender in official documents for transgender people; and allows it for intersex people under strict conditions (upon showing of medical proof of intersexuality at birth and after a gender confirmation surgery). The law is therefore inherently discriminatory as it denies transgender children

and youth their right to identity and self-determination. Not being legally recognised further impedes the ability of transgender youth to access social and health services, and other fundamental rights. An incident occurred in 2016, when the University of Phayao refused to issue an intersex woman her certificate and transcripts upon completion of her degree, because she submitted a photo in which she looked like a woman, while her identification documents had male gender marks.³

- 2.6. To achieve recognition of transgender persons, the Ministry of Social Development and Human Security (MSDHS) drafted a gender recognition bill. This bill seeks to allow transgender people to change their legal titles without undergoing sex reassignment. The bill was submitted to the parliament in October 2020. However, while a step in the right direction, it was noted by Tunyawaj Kamolwongwat, MP from Move Forward Party, that the bill he had drafted on gender recognition was different from the government’s version, and that the law would not be able to put an end to discrimination against transgender persons.⁴

3. LGBTIQ+ Youth face discrimination in schools, workplaces, and the military

- 3.1. During the 2nd UPR cycle, Thailand did not receive any recommendation specifically addressing discrimination against LGBTIQ+ Youth. However, it received 17 recommendations calling upon the Thai government to address discrimination and violence against women, children, and youth, of which it supported 16 and noted one. Additionally, the government received 7 recommendations addressing children’s and youth’s right to education, which the Thai government all supported. However, as evidenced below, the Thai government failed to implement these recommendations with respect to LGBTIQ+ Youth, who continue to experience discrimination and abuse in schools, the workplace, and in the military during their conscription period, severely impeding and restricting their right to education and to work.
- 3.2. LGBTIQ+ Youth are persistently discriminated against in schools and the education system. While the Child Protection Act of 2003 was enacted to ensure the implementation of the CRC at the domestic level, in reality, LGBTIQ+ Youth are exposed to an unsafe environment at schools, where they experience high levels of bullying, discrimination, and violence, by personnel and other students, but also through school regulations and educational materials.⁵
- 3.3. LGBTIQ+ students experience high levels of bullying by teachers, senior students, and their peers, who use derogatory language when referring to LGBTIQ+ students. They are also subject to physical assault, and stereotypes regarding LGBTIQ+ individuals are being enforced. For example, trans woman students are expected to be funny all the time and have to do the make-up for cheerleaders.⁶ This is also evidenced by a 2014 study led by Mahidol University, which found that 36.2 percent of students perceived as LGBTIQ+ experienced social abuse, while 30.9 percent suffered from physical abuse, 29.3 percent from verbal abuse and 24.4 percent from sexual harassment. The study also demonstrated that teachers do not link sexuality education to bullying prevention.⁷ Discrimination against LGBTIQ+ students is also evidenced as some schools have specific “hate-tom groups” which discriminate particularly against lesbians (called Tom because they are perceived as ‘more masculine’). In instances, teachers directly bully LGBTIQ+ students. For instance, in 2015 there were more than ten schools where teachers had applied punishment or deducted points from students’ morality score, if teachers found out students’ expressed differences

from their biological gender.⁸

- 3.4.** In Thailand’s Deep South, LGBTIQ+ Youth also face severe challenges in schools, particularly in religious Islamic schools: in one incident a trans girl’s hair was shaved off after the teacher found out about the student’s gender identity. LGBTIQ+ students are also bullied and hit by other students, while the teacher did not undertake any action to stop the bullying.⁹
- 3.5.** Educational staff not only bully and discriminate against LGBTIQ+ students but also discourage the students from pursuing some professional career paths or higher education sectors. For instance, teachers expect them to fail, if enrolling in law, medicine or engineering, and perceive them as “unfit” to become teachers or psychologists as they are unable to conform to traditional norms and roles and are considered “abnormal”.¹⁰ By creating such an inaccurate and harmful understanding of SOGIESC, teachers both perpetrate and perpetuate discriminations against LGBTIQ+ Youth.
- 3.6.** School regulations are discriminatory to LGBTIQ+ students, particularly dress codes that are being enforced. According to dress codes, students are forced to dress according to their gender at birth rather than according to their gender identity. If transgender students cross-dress, they risk being banned from entering certain programmes or taking exams, which is a clear infringement on their right to education. For instance, in January 2016, Woranittha Chiewchan, a transgender man law student at Chiang Mai University requested to dress as male during the graduation ceremony, however, this was denied by the administration. Only few schools allow students to cross-dress, including Chulalongkorn University, which issued such regulation in November 2019,¹¹ followed by Thammasat University in June 2020.¹² Also, many schools lack gender-sensitive facilities, such as third-gender toilets. Consequently, transwomen students feel uncomfortable using male washrooms, as they are prohibited from using the ladies’ room. Such regulations are in clear violation of the youth’s right to self-determination.¹³
- 3.7.** Although few universities allow students to dress accordingly to their gender during the graduation ceremony, they still insist on calling students’ title according to their identification cards, disregarding the students’ gender identity.
- 3.8.** Not only school regulations, but also education textbooks discriminate against LGBTIQ+ students and portray them negatively. For example, secondary school health education textbooks call LGBTIQ+ individuals “sexually deviant”, “abnormal”, and “mentally ill”. These stigmas are not only wrong but also harm the development and self-esteem of LGBTIQ+ students, notably leading to a lack of self-acceptance.
- 3.9.** Problematically, schools and universities lack anti-bullying, anti-discrimination, and gender-sensitive policies, which are required to protect the rights of LGBTIQ+ Youth. They also do not have access to the support they require, because school counsellors lack knowledge about issues particularly faced by LGBTIQ+ Youth. Resulting from challenges and violations faced in schools, LGBTIQ+ Youth drop out, and their well-being is negatively experienced: they face trauma, anxiety, and depression.¹⁴
- 3.10.** LGBTIQ+ Youth are also discriminated against in employment, particularly in the recruitment process and in the workplace. Problematically, domestic Thai legislation is insufficient to prevent discrimination against LGBTIQ+ youth at the workplace. While

discrimination on grounds of sex is prohibited under Section 15 of the Labour Protection Act,¹⁵ this section only refers to male and female, and does therefore not prevent discrimination against persons with non-binary gender identities. Also, while the Ministry of Labour's Thai Labour Standards: Corporate Social Responsibility of Thai Business (TLS 8001-2010) forbids in Article 5.6 discrimination based on sex, as well as on personal attitude on gender or sexual orientation, these guidelines are only voluntary.¹⁶ Moreover, in the case of transgender youth with hearing disability, they face double discrimination in the recruitment process due to both their gender identity and disability and have a hard time finding an employment.¹⁷

3.11. Not being protected, LGBTIQ+ employees are discriminated against and are subjected to sexual harassment, violence, limited career advancement opportunities, and other acts of prejudice. They are regularly and unfairly denied promotions, fired or asked inappropriate questions.¹⁸ LGBTIQ+ Youth also reported to be discriminated against by companies while seeking internships, based on their sexual orientation and gender identity, and they are being declined jobs in their communities, such as Village Health Volunteer, due to their sexual and gender-identity.¹⁹

3.12. Conscription is enshrined in the Constitution of Thailand, 2017, in Section 50, which provides that "A person shall have the following duties [...] (5) to serve in armed forces as provided by law".²⁰ This is further detailed in the Military Service Act, 1954. In line with these regulations, all biological males aged 21 years old in Thailand become eligible to serve in the military. They can choose to volunteer to serve in the military, and if not, they participate in a lottery. However, LGBTIQ+ youth conscripts are discriminated against and face sexual harassment.

3.13. Transgender women, including biological males who have undergone gender-affirming surgery or any form of surgery to physically appear more feminine, were dismissed from military service based on their 'permanent mental disorder'.²¹ Since 2012, that type of wording is not used anymore, and transgender women are now "diagnosed" as 'gender differing from sex assigned at birth'. However, this certification requires a diagnosis from three different psychiatrists and a successful psychology test of more than 800 questions, which reflects Thailand's outdated and discriminatory view on gender identity and expression.

3.14. Conscripts who identify as gay or are perceived as gay are often harassed and sexually abused because of their sexual orientation and gender expression by military officers in higher ranks. Power dynamics make it very difficult to disclose and speak about those cases. Moreover, military attitudes toward gay conscripts are often deeply discriminatory and reflect stereotypes. For instance, they are exempt from difficult physical training because they are seen as less capable of endurance compared to their non-gay colleagues.

4. Gender-based hate crimes against LGBTIQ+ youth

4.1. During the 2nd UPR cycle, the Thai government received 17 recommendations calling upon the Thai government to prevent discrimination and violence against children, youth, and women. Of these recommendations, the government supported 16 and noted one. However, as evidenced below, the government failed to implement these recommendations, particularly regarding LGBTIQ+ youth, who face threats, including death threats, due to their gender identity and sexual orientation. These threats occur both

online and offline. This is a severe threat to LGBTIQ+ youth's right to life, which is enshrined in Article 6 of the ICCPR.

4.2. In January and February 2021, 21-years-old transgender woman Phetcharin, from Loei province located in Northern Thailand, faced gender-based hate crimes because of her sexual orientation and gender identity. The hate crime against her occurred in the form of threatening messages and phone calls from a man who claimed to be a journalist from Thairath TV. Phetcharin reached out to the Rainbow Sky Association of Thailand, to seek help. At the Association, she was assisted by Nada Chaiyajit, transgender woman, human rights lawyer, and prominent LGBTIQ+ activist. However, Nada also started receiving threats, including death threats, through messages and phone calls in which he warned her to 'stay out of his business'.²² The threats severely affected both transgender women, who are now seeking justice against the perpetrator.

4.3. Online hate speech and cyberbullying against LGBTIQ+ youth are increasingly common. Young LGBTIQ+ people like Phetcharin find refuge online where they can share and be who they are with community who understand and accept them. Unfortunately, cyberbullies are restless and there is not much being done to tackle the hate speech in online space.²³

4.4. In Thailand's Deep South, LGBTIQ+ youth are often harassed and assaulted due to their gender identity and sexual orientation. However, this topic does not receive sufficient attention in the region, as it is overshadowed by the armed conflict that is taking place.

5. Degrading and humiliating treatment in private settings faced by LGBTIQ+ Youth due to lack of family acceptance

5.1. During the 2nd UPR cycle, the Thai government received 17 recommendations addressing violence against children and youth, of which the government supported 16 and noted one. However, as evidenced, the government failed to implement any recommendations. Problematically, due to social and cultural beliefs family members are holding, LGBTIQ+ youth remain unaccepted, as evidenced below. Not being accepted by their families, LGBTIQ+ children and youth face severe human rights violations, such as conversion therapy or being sent to monkhood. These inhumane, degrading, and cruel practices are similar to torture and have profound consequences on LGBTIQ+ children and youth's psychological and mental well-being; causing anxiety, depression, suicidal thoughts and attempts, and self-hatred.

5.2. LGBTIQ+ youth experience varying degrees of acceptance from their families. Particularly in rural areas, families are less likely to be accepting towards LGBTIQ+ children and youth, often due to social and cultural beliefs families are holding, aiming to safeguard the family's reputation, and due to negative perceptions and stigmatisation of LGBTIQ+ individuals. In instances, parents even call their LGBTIQ+ children 'sinful'.²⁴

5.3. Families may expose their children to inhumane, degrading, and cruel practices, aiming to 'convert' them. A 2014 PRIDE project report found that within some families, there is the belief that gay-ness and Male To Female transgender-ness can be cured through various means, ranging from resorting to psychiatric services (whether counselling or conversion therapy), to sending children into monkhood²⁵ or practicing "manly" activities such as boxing. Conservative interpretations of religion, such as the belief that being LGBTIQ+ is a 'karmic punishment' for past sins, serve as a means to justify the resort to conversion

therapies or forced monkhood. In addition to family members themselves, religious leaders can also push for conversion therapies or even perpetrate them. The belief that LGBTIQ+ people have an insatiable and uncontrollable sexual appetite leads families to force their children into monkhood, which is considered to be a potential cure. In indigenous communities, LGBTIQ+ Youth was forced into marriage, which is as well perceived as a “cure”. In some instances, LGBTIQ+ youth who was found to be HIV positive were chased out of their homes by their families.

5.4. Familial acceptance is often conditioned on the perception of success of LGBTIQ+ children who have to “prove themselves” worthy in order to be accepted. Paravee Argasnom, a young Thai LGBTIQ+ activist declared: “We are always expected to be extra good, extra smart or even extra funny. If you are not 'extra', chances are other people are not going to accept you.”²⁶ If heterosexual cisgender people are all different, LGBTI people are all different too”. The 2014 PRIDE project report noted that gay and lesbian respondents who can “pass” as heterosexuals or transgender people whose transition is complete or near-complete enjoy much more social acceptance than androgynous people and transgender people before the transition. This last group is subject to the highest degree of social censure.

5.5. As these violations persist, the government fails to uphold its obligations under the CRC, under which it is obliged to protect children’s right to non-discrimination (Article 2), self-determination (Article 8 and 16), identity (Article 8) and health (Article 24). Moreover, these violations have been described as a form of torture by the Independent Expert on Protection against Violence and Discrimination based on Sexual Orientation and Gender Identity.

6. Barriers in accessing healthcare services and obtaining information regarding services faced by LGBTIQ+ Youth

6.1. During the 2nd UPR cycle, the Thai government did not receive any recommendation specifically addressing the right to health of LGBTIQ+ Youth, however, the Thai government received eight recommendations addressing the right to health of vulnerable populations, which it all supported. However, as evidenced below, LGBTIQ+ youth have limited access to mental health support, proper sexual education programs, and information about sexual and reproductive health, and safe-sex practices. Instead, they face discrimination even at healthcare facilities from health practitioners. Additional challenges are faced by transgender youth, who may need to undergo surgeries. Furthermore, transgender youth group with hearing disability have experienced not only discrimination based on their gender identity when accessing healthcare service but also lack of disabled-friendly facilities, which prevented them from accessing the services. In most hospitals, there is no sign language interpreter provided and many hospitals do not have a monitor showing the name and number of the patient being called. It shows the challenges they have to face from gender discrimination and that the most vulnerable group is often overlooked and ignored by government.²⁷

6.2. LGBTIQ+ youth face discrimination by health practitioners when they visit healthcare facilities and community service centers. The staff is rude to them, they are being gossiped about, are asked irrelevant questions, and they are treated according to their gender assigned at birth rather than to the gender they identify with. This occurs because staff lacks understanding of gender and sexual diversity. Often times, LGBTIQ+ youth also have

bad experiences at healthcare facilities, as they are not youth-friendly. For example, most HIV clinics in Thailand focus on adult clients, while overlooking the specific needs of youth. LGBTIQ+ youth may be hesitant to test for HIV, as they fear that their test result may be disclosed to their parents.²⁸

- 6.3. Due to the discrimination, stigma, violence, and other challenges LGBTIQ+ youth face in their daily lives, they are experiencing social exclusion and other factors that cause increased levels of anxiety, depression, or even suicidal thoughts and attempts. To restore the youth's well-being, they require youth-friendly and specialized mental health support, with counsellors who are sensitive to and knowledgeable on the issues and challenges particularly faced by LGBTIQ+ youth. However, LGBTIQ+ children and youth's challenge in accessing mental health services is linked to the shortage of practitioners, poor training in terms of counselling skills, and practitioners' lack of knowledge on SOGIESC and LGBTIQ+ issues.^{29,30}
- 6.4. In Thailand, sexual education is perceived a taboo, and many are unwilling to discuss such issues with their families or health professionals, fearing facing stigma or be discriminated against. Due to this stigma, proper sexual education programs are not available to youth as they are often not included in schools' curriculum and educational programs. Even when such education is provided, it does not reflect the diversity of SOGIESC but rather sticks to heteronormative conceptions. Consequently, LGBTIQ+ youth lack information about sexual and reproductive health, and safe-sex practices. In order to seek information, they require, they turn to online sources. Additionally, transgender and intersex youth lack accurate information on hormonal treatments available to them, which causes them to turn to unsafe and illegal practices, such as buying hormonal treatment online or through black markets.
- 6.5. Transgender youth may require undergoing Gender Affirming surgeries. However, they face difficulties doing so. While male-to-female surgeries are widely performed, female-to-male surgeries are more expensive and less accessible. Additionally, to undergo such surgeries, youth must obtain two medical opinions, including one from a Thai practitioner. However, these surgeries, while expensive, are not covered by health insurances, and there are very few youth-friendly services available.³¹
- 6.6. Additional challenges are also faced by intersex children and youth, who face unnecessary early irreversible interventions, which seek to modify their sex characteristics, whether hormonal or medical. These interventions are often performed without the child's or youth's consent. For instance, in October 2014, the medical examinations of a five-year-old intersex child from Loei province allegedly proved that the child was 100 percent male but had to undergo gender reassignment surgery to be "normal".³² This medical diagnosis is a clear violation of the child's right to choose its own gender identity and physical characteristics. While the rationale of the child's best interests was often used to justify these interventions, many studies proved that these interventions entail deep physical and mental suffering for the child. These practices directly contravene with children's right to identity and self-determination, as well as with other rights protected under General Comment No.15 of the UN Committee on the Rights of the Child, which guarantee that transgender and intersex children's opinion regarding surgical or hormonal operations are given due weight, and that no operations can be performed without their consent.

7. Misrepresentation and underrepresentation of LGBTIQ+ Youth in media

7.1. During the 2nd UPR cycle, the Thai government did not receive any recommendation addressing the problematic underrepresentation and negative portrayal of LGBTIQ+ Youth in media. However, as evidenced below, this issue deserves attention, as LGBTIQ+ individuals, when they appear, are often being portrayed as deviant people, and derogatory terms are used to describe them. This does not only harm the development, self-acceptance, and well-being of LGBTIQ+ Youth, but it also shapes the perception of the public at large of LGBTIQ+ Youth, encouraging discrimination, stigma, and violence against them.

7.2. LGBTIQ+ people are constantly represented in harmful, inaccurate, and stigmatising ways in Thai news media. In this regard, Save the Children noted that “The lack of variety and positive LGBTIQ+ role models in the media [...] affects young people’s self-belief and aspiration”. It can also contribute to self-stigma and lead to a lack of self-acceptance.

7.3. Often times, through media LGBTIQ+ Youth are shown that living “scandalous” lives and working in the entertainment or beauty industry is the only path available to them. This misrepresentation will therefore increase negative self-stigma among LGBTIQ+ youth and impedes their ability to develop themselves.

8. Impact of COVID19 on the lives of LGBTIQ+ youth and children

8.1 Due to the lockdown and its regulations, many businesses relying on tourism and entertainment businesses were losing income causing many young LGBTIQ+ people to lose their jobs. This impact was apparent in big tourist cities such as Chiang Mai. Newly graduates and first jobber bore the brunt of the impact. Students who worked to financially support themselves during their academic years were also affected as well. Consequently, during COVID19, many LGBTIQ+ youth became financially unstable.³³

8.2 The financial instability has impacted not only the living condition of the LGBTIQ+ youth, it also indirectly caused harm to their mental health. By not being able to financially support themselves, many of them had to move back with their families, causing them to feel they lost their independence and self-confidence. Moreover, some of their families were not supportive of their gender and sexual identities. Therefore, living in close proximity with them caused the LGBTIQ+ youth’s mental health to deteriorate.

9. Judicial harassment against a transgender pro-democracy activist

9.1. Chanya Rattanathada “Panan”, transgender woman and pro-democracy youth activist, also co-founder of Young Pride Club, was charged under the Covid-19 Emergency Decree for joining a pro-democracy protest at Tha Pae, Chiang Mai back in November, 2020. At the protest, Panan publicly advocate for equal rights for all, justice, and real democracy. On 16 February 2021, she was summoned to the Chiang Mai Police Station together with 33 other people to acknowledge her charges. Panan’s case is another attempt from the Thai government to suppress the voices of the youth and marginalized group who demand for their basic rights to be respected and try to criticize the government.³⁴

10. Recommendations to the Thai Government

10.1 Legal gaps and weak enforcement of domestic legislation

- To ensure that gender-based discrimination is prohibited, revise Section 27 of the 2017 Constitution to unequivocally include SOGIESC as a basis for non-discrimination. This will help to ensure that everyone, including LGBTIQ+ Children and Youth, is entitled to equal treatment and protection before the law, including with respect to the rights to life, security of persons and privacy, the right to be free from discrimination and the right to freedom of expression. In this regard, revise the 2015 Gender Equality Act to clearly cover sexual orientation; and remove the provision allowing sexual and gender-based violence on grounds of welfare and safety protection, as well as for religious or security reasons (section 17.2).
- In line with Article 8 of the Convention on the Rights of the Child, that protects child's rights to identity and to preservation of their identity, and in accordance with Principle 32 (a) of the Yogyakarta Principles + 10, that seeks to guarantee child's self-determination, Thailand must allow transgender people to change their legal titles without requiring gender reassignment surgeries, and suppress requirements for intersex people. In the same view, the Thai cabinet should push for the adoption of the Recognition Bill of the Ministry of Social Development and Human Security.

10.2 Discrimination in schools, workplaces, and the military, faced by LGBTIQ+ Youth

- In line with Article 28 of the Convention on the Rights of the Child regarding the right of all children to education and to protection from violations of their human dignity in the education system, with Article 26 of the Universal Declaration of Human Rights, and with Section 10 of the National Education Act, amend the Child Protection Act to clearly include and protect LGBTIQ+ Children and Youth from discrimination, violence and acts of prejudice.
- Reform the educational system and its curriculum to include provision of sexual health education, addressing gender and sexual diversity.
- Personnel in educational institutions must be trained on topics of gender and sexual diversity, as well as on equality, to remove their bias towards LGBTIQ+ youth and students, and to ensure their equal treatment in classrooms.
- Ensure that Policies and regulations in educational institutions are gender-sensitive. Particularly, it is recommended to ensure that students shall be allowed to dress according to their gender identity, upholding their right to self-determination.
- Investigate promptly all serious incidents of violence perpetrated against individuals because of their actual or perceived sexual orientation or gender identity, whether carried out in public or in private by the State, and establish systems for the recording and reporting of such incidents, as well as take measures to prevent torture and other forms of cruel, inhuman or degrading treatment on the grounds of sexual orientation and gender identity.

- Ensure that businesses and employers abide to its National Action Plan on Business and Human Rights and the LGBTI Business Standards developed by United Nations High Commissioner for Human Rights. The business sector has an obligation to ensure equal treatment with elimination of all forms of discrimination against LGBTIQ+ in all processes and aspect of employment including recruitment process.

10.3 Gender-based hate crimes experienced by LGBTIQ+ Youth

- Address harassment and gender-based hate crimes against LGBTIQ+ youth, and ensure that youth experiencing such incidents have access to remedy, the government should establish channels for youth through which they can submit complaints and share experiences and issues they face.
- Take responsibility in dealing with online harassment and should put strict measures in place to address the issue and hold perpetrators accountable.

10.4 Degrading and humiliating treatment in private settings faced by LGBTIQ+ Youth due to lack of family acceptance

- In line with Section 25(4) of the Child Protection Law, Thailand must ensure that guardians of a child shall refrain from treating a child in any manner which obstructs his or her growth or development. Considering that conversion therapy infringes upon numerous fundamental human rights, including the right to non-discrimination, to identity, to self-determination, to physical and mental integrity, and to health, and severely jeopardize LGBTIQ+ Children and Youth's development, Thailand must immediately forbid and criminalize these practices, in all their forms.

10.5 Barriers in accessing healthcare services and obtaining information

- Ensure that LGBTIQ+ youth have access to mental health support they require in schools, educational institutions shall ensure to obtain counselors who have an understanding of mental health issues, obtaining a degree in counselling or in a psychology-related field. Educational institutions and communities shall also establish mental health counselling centers particularly for youth, which is sensitive and knowledgeable on issues particularly faced by them.
- In line with Article 24 of the Convention on the Rights of the Child, and Sections 47 and 55 of the 2017 Constitution, ensure that LGBTIQ+ Children and Youth have access to adequate, available and good quality health services, including mental, sexual and reproductive health services, and HIV services. Thailand must ensure that health practitioners receive proper training on SOGIESC and issues specific to LGBTIQ+ people. Thailand must extend health insurance coverage to gender reassignment surgeries. All institutions should also have measures in place to protect clients' privacy, and personnel should receive training on these policies and the implementation thereof.
- Establish community health centers in each community, so as to enhance LGBTIQ+ youth's access to healthcare services.

- Ensure that transgender and intersex children and youth are not being subjected to medical treatment or intervention without their consent and are given due weight for their opinions on whether to undergo gender reassignment surgery or hormonal treatment, and are therefore protected from unwanted or unnecessary interventions, especially at a young age.
- Adopt gender-responsive approaches to COVID-19, that account for marginalized and vulnerable communities, including LGBTIQ+ Children and Youth, notably by reinforcing and extending access to health services, social protection schemes and relief plans for LGBTIQ+ Youth. Regarding health services, the Thai cabinet should facilitate access to mental, sexual and reproductive health services and HIV services, notably through setting-up hotlines, online services and crisis centers.

10.6 Misrepresentation and underrepresentation of LGBTIQ+ Youth in media

- Create an enabling environment to build understanding and acceptance among the public at large on gender diversity and the LGBTIQ+ community, and address discrimination and biases against LGBTIQ+ individuals. The LGBTIQ+ community must be well represented and respected in the media, and the government must guarantee educational content on gender diversity on free television.
- In the view of ensuring that LGBTIQ+ people, including LGBTIQ+ Children and Youth, are not discriminated against in the way journalists report about them, the Thai cabinet should collaborate with civil society organizations to push for the adoption of a binding professional code of conduct for journalists, monitored by external and independent parties.

Endnotes

¹ Thailand's Constitution of 2017, available at:

https://www.constituteproject.org/constitution/Thailand_2017.pdf

² ILO, *Gender Equality Act 2015*, available at;

https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=100442&p_country=THA&p_count=441

³ Reuters, *In LGBT 'paradise', Thai transgender activist breaks barriers to education*, 18 January 2017, available

at: <https://www.reuters.com/article/thailand-lgbt-idINKBN152013> ; NBC News, *Transgender Activist Breaks*

Barriers to Education in Thailand, 18 January 2017, available at: [https://www.nbcnews.com/feature/nbc-](https://www.nbcnews.com/feature/nbc-out/transgender-activist-breaks-barriers-education-thailand-n708366)

[out/transgender-activist-breaks-barriers-education-thailand-n708366](https://www.nbcnews.com/feature/nbc-out/transgender-activist-breaks-barriers-education-thailand-n708366)

⁴ Bangkok Post, *Gender Recognition Bill set to be tabled*, 6 August 2020, available at :

<https://www.bangkokpost.com/thailand/general/1963599/gender-recognition-bill-set-to-be-tabled>

⁵ This information has been obtained during Manushya Foundation's focus group discussions with LGBTIQ+ youth, held in November 2020.

⁶ This information has been obtained during Manushya Foundation's focus group discussions with LGBTIQ+ youth, held in November 2020.

⁷ UNESCO, Plan International, and Mahidol University, *Bullying targeting secondary school students who are or are perceived to be transgender or same sex attracted : types, prevalence, impact, motivation and preventive measures in 5 provinces of Thailand*, 2014, available at :

<https://unesdoc.unesco.org/ark:/48223/pf0000227518>

⁸ UNESCO, *From insult to inclusion*, 2015, available at: <https://unesdoc.unesco.org/ark:/48223/pf0000235414>

⁹ This information has been obtained during Manushya Foundation's focus group discussions with LGBTIQ+ youth, held in November 2020.

¹⁰ This information has been obtained during Manushya Foundation's focus group discussions with LGBTIQ+ youth, held in November 2020.

¹¹ Bangkok Post, *Chulas transgender students can now wear uniform of choice*, 13 November 2019, available

at : [https://www.bangkokpost.com/thailand/general/1793354/chulas-transgender-students-can-now-wear-](https://www.bangkokpost.com/thailand/general/1793354/chulas-transgender-students-can-now-wear-uniform-of-choice)

[uniform-of-choice](https://www.bangkokpost.com/thailand/general/1793354/chulas-transgender-students-can-now-wear-uniform-of-choice) ;

¹² Thai Enquirer, *Thammasat University greenlights gender inclusive dress code*, 10 June 2020, available at :

<https://www.thaienquirer.com/14205/thammasat-university-greenlights-gender-inclusive-dress-code/> ; The

Nation, *Thammasat allows transgender students to dress according to their gender*, 9 June 2020, available at :

<https://www.nationthailand.com/news/30389293>

¹³ This information has been obtained during Manushya Foundation's focus group discussions with LGBTIQ+ youth, held in November 2020.

¹⁴ This information has been obtained during Manushya Foundation's focus group discussions with LGBTIQ+ youth, held in November 2020.

¹⁵ ILO, *The Labour Protection Act, B.E. 2541*, available at:

<https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/49727/125954/F-1924487677/THA49727%20Eng.pdf>

¹⁶ Thai Labour Standards CSR of Thai Businesses TLS 8001-2010, available at:

https://www.magnecomp.tdk.com/Document/TH_Labor/Thai_Labor_Standard.pdf

¹⁷ This information has been obtained during Manushya Foundation's focus group discussion with LGBTIQ+ youth, held in November 2020.

¹⁸ Manushya Foundation, *Gender-based discrimination and sexual harassment in the workplace in Thailand*, March 2019, available at: [https://a9e7bfc1-cab8-4cb9-9c9e-](https://a9e7bfc1-cab8-4cb9-9c9e-dc0cee58a9bd.filesusr.com/ugd/a0db76_28e0280277cd4047ab3050385a7fb248.pdf)

[dc0cee58a9bd.filesusr.com/ugd/a0db76_28e0280277cd4047ab3050385a7fb248.pdf](https://a9e7bfc1-cab8-4cb9-9c9e-dc0cee58a9bd.filesusr.com/ugd/a0db76_28e0280277cd4047ab3050385a7fb248.pdf)

¹⁹ This information has been obtained during Manushya Foundation's focus group discussions with LGBTIQ+ youth, held in November 2020.

²⁰ Krisdika, *Constitution of the Kingdom of Thailand 2017*, available at:

http://web.krisdika.go.th/data/outsitedata/outside21/file/Constitution_of_the_Kingdom_of_Thailand.pdf

²¹ Togetherness for Equality and Action (TEA), and Thai women and LBT Friends, *Human Rights Violations of women and LBT people in Thailand: A Shadow Report*, March 2017, available at:

https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKewiru4WwnbfvAhVsyYsBHYX0CloQFjABegQIAxAD&url=https%3A%2F%2Fbinternet.ohchr.org%2FTreaties%2FCCPR%2FShared%2520Documents%2FTHA%2FINT_CCPR_CSS_THA_26537_E.docx&usg=AOvVaw0japX8KsuwrtFB6QZ2alDp ; Reuters, *Nightmare looms for transgender Thai at army*, 6 April 2017, available at:

<https://www.reuters.com/article/us-thailand-armydraft-idUSKBN1780FS>

²² Prachatai, *LGBTIQ+ rights activist faces transphobic death threat*, 5 February 2021, available at : <https://prachatai.com/english/node/9055>

²³ Manushya Foundation, *The Impact of Cyberbullying on Mental Health: the Struggle of the LGBTIQ+ Community*, 12 October 2020, available at : <https://www.manushyafoundation.org/post/the-impact-of-cyberbullying-on-mental-health-the-struggle-of-the-lgbtiq-community>

²⁴ This information has been obtained during Manushya Foundation’s focus group discussions with LGBTIQ+ youth, held in November 2020.

²⁵ ILO, *Gender identity and sexual orientation in Thailand*, 2015, available at : https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-bangkok/documents/publication/wcms_356950.pdf

²⁶ UNDP Thailand, *New research highlights persistent inequality, violence, and discrimination faced by LGBTI people in Thailand*, 21 June 2018, available at : <https://www.th.undp.org/content/thailand/en/home/presscenter/pressreleases/2018/06/21.html>

²⁷ This information has been obtained during Manushya Foundation’s focus group discussions with LGBTIQ+ youth, held in November 2020.

²⁸ This information has been obtained during Manushya Foundation’s focus group discussions with LGBTIQ+ youth, held in November 2020.

²⁹ Timo Ojanen, *Defining mental health practitioners’ LGBTIQ cultural competence in Thailand*, November 2020, available at : https://www.researchgate.net/publication/346096439_Defining_Mental_Health_Practitioners'_LGBTIQ_Cultural_Compentence_in_Thailand

³⁰ This information has been obtained during Manushya Foundation’s focus group discussions with LGBTIQ+ youth, held in November 2020.

³¹ This information has been obtained during Manushya Foundation’s focus group discussions with LGBTIQ+ youth, held in November 2020.

³² Save the Children, *LGBTIQ+ Youth in Thailand*, available at : https://resourcecentre.savethechildren.net/node/13480/pdf/lgbtiqyouth_in_thailand_save_the_children_2018.pdf

³³ Young Pride Club, *Young Pride Club’s Online Survey of University Students in Thailand*, 2020.

³⁴ Manushya Foundation, *Human Of Courage - Chanya Rattanathada “Panan”*, 17 February 2021, available at: <https://www.manushyafoundation.org/post/human-of-courage-chanya-rattanathada-panan>