

Thailand's 4th Universal Periodic Review on the Situation of Transgender Persons in Thailand

Brief Assessment of the Implementation of the Cycle 3 of the UPR and National framework

Thailand accepted 7 of the 12 LGBTI+ specific recommendations it received during its 3rd UPR cycle. Five recommendations were noted, particularly those calling for same-sex marriage recognition and the enactment of a legal gender recognition. Despite marriage equality laws, Thailand lacks legal gender recognition, comprehensive anti-discrimination protections, and safeguards across employment, education, healthcare, detention, and digital spaces.

Key Challenges & REALITIES ON THE GROUND

Key Challenges	Cases, Statistics, Testimonials
Challenge 1: Legal Gender Recognition and Legislation on SOGIESC	
Gender Equality Act B.E. 2558 (2015) - Gaps in implementation and legal scope limit protection against gender-based discrimination. - Non-binary and gender non-conforming persons lack explicit legal recognition. - Section 17 paragraph 2 of the Act, gender discrimination is permitted on the basis of religious principles or national security. - Access to justice remains difficult for children and vulnerable groups.	The Gender Equality Act B.E. 2558 (2015) prohibits unfair gender discrimination and establishes a complaint mechanism through the Committee on Consideration of Unfair Gender Discrimination. However, its effectiveness is limited by broad exemptions under Section 17, paragraph 2. <u>In 2024 interview</u>, an LGBTI+ person from Yala described the difficulties faced by LGBTI+ Muslims in openly according to their sexual orientation and gender identity in Thailand's southern border provinces. This illustrates how gaps in legal protection, combined with religious and social pressures, can particularly affect LGBTI+ persons within Muslim communities in the southern border provinces. The CEDAW Committee (2025) has reiterated previous COBs regarding Section 17, paragraph 2 and its exemption from the full application of the law, noting that such provisions may undermine the effectiveness of gender equality protections. Especially on trans youth, because <u>access to justice is additionally limited by procedural rules that prevent third parties</u>, such as human rights defenders or lawyers, from submitting complaints on behalf of victims. In 2025, an LGBTI+ student <u>in Phang Nga</u> was subjected to punitive hair-cutting by a teacher. While <u>in Bangkok</u>, a vocational instructor was accused of sexual harassment and physical assault against students, including LGBTQ+ individuals. Institutional responses reportedly minimized these incidents as disciplinary issues, raising concerns about victim-blaming and weak accountability.
Lack of Gender Recognition Act - Thailand lacks a legal gender recognition framework. - Transgender and non-binary persons cannot amend legal gender markers based on self-identification. - The absence of legal recognition contributes to discrimination in employment, education, and public services.	Although four Gender Recognition Acts have been proposed, none have been enacted, and the legal system continues to rely exclusively on binary gender classifications. In the education sector, In 2026 a transgender woman, a graduate of Maejo University, participating in this Joint UPR submission was denied permission to receive her graduation certificate while wearing academic dress consistent with her gender identity and was instead required to wear male academic attire. Also, more than 30 transgender students have reportedly experienced similar barriers in exercising their right to graduate. Moreover, <u>in the same year a student from Chulalongkorn University</u> publicly criticized dormitory policies for forcing students into unsafe housing arrangements based on sex assigned at birth. <u>Similar concerns were documented in 2024, when a transgender woman assigned to male housing</u>, reported harassment, safety risks, and discomfort using male-designated facilities. In the employment sector, <u>in 2024 the TransTalents Consulting Group reported that Thai transgender job applicants face a 77% rejection rate and encounter three times more employment barriers than cisgender workers. In June 2025, two transgender women were excluded from national teacher-licensure examinations.</u> One was removed after the examination had begun, while another was denied entry and instructed to change into male attire. The inability of transgender people to change their gender information and official documents to reflect their gender identity affects their daily lives and access to rights in many areas, particularly education, employment, professional opportunities, and welfare benefits.

Challenge 1: Legal Gender Recognition and Legislation on SOGIESC

Hate Crimes

- Trans people continue being targeted by violence based on their gender identities, gender expressions, sex characteristics, and other intersectional identities such as ethnic minorities, disabilities, and religious minorities.
- Thailand lacks legislation recognizing and addressing hate crimes motivated by SOGIESC.

Thailand still lacks a specific legal framework that defines, records, investigates, and prosecutes hate crimes motivated by sexual orientation, gender identity or expression, or sex characteristics.

In April 2025 murder of a 25-year-old transgender woman in Pattaya, who was killed and whose body was severely mutilated after reportedly refusing to have sex with the alleged perpetrator. Trans and LGBTQ+ organizations publicly described the case as a hate crime and called for stronger legal protection, while TGEU noted that at least 27 transphobic murders in Thailand have been documented through Trans Murder Monitoring since monitoring began in 2008.

On 10 May 2026, an incident at Soi Ramkhamhaeng 53 in Bangkok highlighted the risk of mob pressure and bias-motivated violence against LGBTQ+ people, particularly those at the intersection of gender identity and religion. Following an online livestream perceived as insulting Islam, thousands of people reportedly gathered, and the LGBTQ+ individual involved in the ‘insult’, was pressured to publicly apologize and shave their head, raising concerns about coercion, bodily integrity, and human dignity. On 14 May 2026, the National Human Rights Commission of Thailand (NHRCT) affirmed that while freedom of expression must respect religious beliefs, no person should be punished outside the law or coerced into acts that violate their rights, bodily integrity, or dignity, and warned that irresponsible communication on sensitive issues can escalate into hatred, social division, and violence.

Challenge 2: Well-Being

Uneven access to gender-affirming healthcare

While National Guidelines on Hormone Therapy for Gender Affirmation were adopted in 2025, However, as of August 2026 trans people are still unable to access the approved gender-affirming hormone therapy benefit under UHC, due to the prolonged preparation and implementation process within the NHSO and continued resistance to the policy. The gap between formal approval and actual access means that trans people continue to bear out-of-pocket costs or rely on informal and potentially unsafe sources of hormones

In detention settings, access to gender-affirming hormone therapy remains inconsistent and is often provided only on a case-by-case basis. Interviews with transgender women detained in male prisons conducted in November 2024 found that hormone therapy was unavailable, despite the need for continuous treatment. Although the Bangkok Rules call for gender-sensitive healthcare equivalent to community standards, only two correctional facilities reportedly have formal measures to support transgender detainees, leaving access to gender-affirming healthcare largely dependent on institutional discretion.

Well-being and Reproductive Health

- LBQ women, transmasculine, non-binary, intersex, and other AFAB persons remain underserved by health systems shaped by heteronormative assumptions, and sex-based data systems.

Patients continue to report stigmatizing treatment, inappropriate questioning, and breaches of dignity in clinical settings, causing some to discontinue care altogether. Access to affirming mental health and sexual and reproductive healthcare remains constrained by cost, distance, discrimination, and limited provider knowledge.

A 2024 Thailand-based community report on the well-being of LBT persons assigned female at birth found that heteronormative and binary assumptions in sexual and reproductive healthcare continue to undermine equal access, with some patients experiencing insensitive questioning related to heterosexual intercourse and binary gender norms, leading to feelings of stigma, unsafety, and withdrawal from treatment.

The Special Rapporteur on the Right to Health and the Working Group on Discrimination against Women and Girls have both raised concerns over persistent barriers to inclusive healthcare and called for stronger integration of LGBTI+ health needs, including mental health, sexual and reproductive health, and gender-affirming care, into public health systems.

Blood Donation Policy

- Thailand's blood donation policies continue to exclude men who have sex with men and many transgender persons through identity-based eligibility criteria rather than individualized risk assessments.

In September 2025, Thailand’s Central Administrative Court ruled that the Thai Red Cross Society refusal to accept blood donations from men who have sex with men (MSM) and many transgender persons did not constitute unlawful discrimination under the Gender Equality Act, characterizing the policy as a measure to protect recipients.

At the same time, transmasculine persons using testosterone for gender-affirming care remain ineligible to donate blood under regulations claiming to protect infants receiving transfusions, despite the lack of supporting scientific evidence.

In May 2026, the National Blood Centre, Thai Red Cross Society, reported to the Senate Committee on Social Development and Affairs of Children, Youth, Women, Older Persons, Persons with Disabilities, Disadvantaged Persons, and Social Diversity that it is revising blood donation criteria for people with a history of male-to-male sexual contact (MSM), with a clearly defined deferral period expected to be introduced in early 2027.

RECOMMENDATIONS

1. Enact self-determination-based legal gender recognition, ensuring that trans, non-binary, and gender-diverse persons and those facing intersecting forms of marginalization—such as trans youth, trans inmates, trans asylum seekers, and trans migrants can obtain legal documents that reflect their lived gender identity without requirements of medical diagnosis, forced surgical intervention, sterilization, or any social restrictions by 2030 in line with UPR 3rd Cycle’s recommendation (2021), Working Group on discrimination against women and girls (2025), and CEDAW (2025) and CERD (2021) Concluding Observations.

2. Amend the Gender Equality Act B.E. 2558 (2015) to eliminate the exemptions under Section 17 paragraph 2 that permit gender-based discrimination on grounds of religious principles or national security by 2030, and incorporate non-binary identities within the Act's scope, ensuring fuller inclusion and protection for all individuals of diverse sexual orientations and gender identities in the sphere of employment, education, healthcare, detention, and digital spaces by 2030, in line with UPR 3rd Cycle’s recommendation (2021), Working Group on discrimination against women and girls (2025), and CEDAW Concluding Observations (2025).

3. Take all necessary legislative, administrative, personnel training, and other measures (in the Gender Equality Act 2015) to ensure the enjoyment of the right to the highest attainable standard of health, without discrimination based on sexual orientation or gender identity. This is particularly urgent given that LGBTI+ people continue to experience stigma and discriminatory practices when accessing health services, including insensitive conduct, irrelevant questioning, breaches of confidentiality regarding SOGIE, and denial of medical services, and intensifying measures for all LGBTI+ persons, with particular attention to those facing intersecting marginalization — including trans people in detention, youth, people living with HIV, sex workers, and migrant workers ensuring access to gender-affirming care, HIV and AIDS services, sexual and reproductive health and rights (SRHR), and mental health support, and to protect clients' privacy in line with UPR 3rd Cycle’s recommendation (2021), The Special Rapporteur on the right to health (2025), and The Working Group on discrimination against women and girls (2025).

4. Enact comprehensive anti-discrimination legislation and adopt binding national guidelines, developed in consultation with affected communities, to prohibit discrimination based on sexual orientation, gender identity, gender expression, and sex characteristics (SOGIESC), including intersecting forms of discrimination, and to prevent, investigate, prosecute, and provide effective remedies for hate crimes and hate-motivated violence targeting persons on the basis of SOGIESC; and to protect LGBTI+ persons, youth, sex workers, activists, and human rights defenders from online gender-based violence (OGBV) and technology-facilitated gender-based violence (TFGBV), including hate speech, discriminatory content takedowns, shadow banning, and algorithmic bias; and require digital platforms operating in Thailand to establish transparent content moderation standards, effective complaint and remedy mechanisms, and publicly disclose content governance practices and anonymized data to ensure accountability, privacy, and equal protection in digital spaces by 2030, in line with UPR 3rd Cycle’s recommendation (2021), and CEDAW Concluding Observations (2025).

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the Cycle 3 of the UPR recommendations for Thailand in the issue of SOGIESC

Issuing State, Response, and Topic	Recommendation
Argentina (Accepted) • Education • School Curriculum • Trainings	Train educational personnel, both in public and private institutions, and review the Basic Education curriculum to promote a positive and respectful attitude towards diversity, including sexual orientation and gender identity
Canada (Accepted) • Discrimination	In line with Thailand's international commitments, strengthen efforts to protect the rights of persons who are marginalized and most vulnerable, including women, migrant workers, children, and LGBTI persons, while also taking steps to foster their fuller inclusion and to increase women's participation in decision-making
Chile (Accepted) • Discrimination	Maintain efforts to promote and protect the rights of LGBTIQ + people
Fiji (Accepted) • Discrimination • Violence	Take the necessary steps to combat discrimination and violence against women and children, and on the basis of sexual orientation and gender identity
Finland (Accepted) • Comp. Sexuality Educ. • Discrimination • Health	Include the right to non-discrimination of people of diverse sexual orientations and gender identities in sexual health education
Israel (Accepted) • Discrimination • Public Policy	Further develop policies to ensure full enjoyment of rights and equality to LGBTIQ persons
Mexico (Accepted) • Discrimination (Services) • Education • Employment • Health	Combat discrimination based on sexual orientation and gender identity, especially in education, employment and health
France (Noted) • Legislation • Marriage • Same Sex Couple	Amend the Civil and Commercial Code to recognise same-sex marriage
Iceland (Noted) • Marriage • Same Sex Couple	Recognize same-sex marriage by the end of 2022
Iceland (Noted) • COOP. W. Civil Society • Legislation • Legal Gender Recognition	Enact a Gender Identity, Gender Expression and Sex Characteristics Act by 2023 in consultation with LGBTI+ groups in Thailand
Luxembourg (Noted) • Legislation • Marriage • Same Sex Couple	Amend the Civil and Commercial Code to recognise same-sex marriage
Netherlands (Noted) • Legislation • Marriage • Same Sex Couple	Amend legislation to recognize equality in marriage for LGBTI persons