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The Human Rights Situation of Intersex Persons in Thailand



Joint UPR Submission to the UN Universal Periodic Review

53rd Session of the UPR Working Group



Joint UPR Submission: The Human Rights Situation of Intersex Persons in Thailand April 2026

Submission by

Intersex Thailand, Intersex Asia, Manushya Foundation, and
the Thai CSOs Coalition for the UPR and UN Mechanisms



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I. Executive Summary

Intersex refers to the lived experiences and biological realities of persons born with sex characteristics- including genitals, gonads, hormone production, and chromosome patterns that do not fit typical binary, medicalized, or social definitions of male or female bodies. In the Kingdom of Thailand, intersex individuals systematically endure profound human rights violations, ranging from severe social stigmatization and systemic discrimination to irreversible medical interventions performed without their prior, free, and fully informed consent. Despite Thailand's international reputation as a tolerant society and a purported haven for sexual and gender minorities, the legal, medical, and social architecture of the State perpetuates the absolute erasure, invisibility, and pathologization of intersex bodies.

Intersex children in Thailand are routinely subjected to medically unnecessary "normalizing" surgeries, interventions that violate their bodily autonomy, abrogate their right to physical integrity, and inflict lifelong physical and psychological trauma. Furthermore, the complete absence of comprehensive legal gender recognition (LGR) frameworks leaves intersex individuals trapped in a state of legal limbo. They are unable to align their official identity documents with their lived reality or self-determined gender without undergoing coerced surgical interventions. This lack of legal recognition cascades into every sphere of life, creating insurmountable barriers in accessing education, healthcare, employment, social security, and the fundamental right to form a family.

This joint stakeholder submission evaluates the efforts of the Royal Thai Government since its third Universal Periodic Review (UPR) in 2021. It exhaustively examines the State's compliance with its international human rights obligations, particularly analyzing the implementation of recommendations from United Nations Treaty Bodies, and details the de jure and de facto discrimination that intersex persons continue to face. This submission demonstrates that the State's failure to enact specific, protective legislation and its persistent non-implementation of judicial and treaty body recommendations have resulted in a framework of systemic oppression. We urge the Human Rights Council to recommend immediate, concrete, and binding actions to the Government of Thailand to remedy these grave, ongoing violations.

II. Context

The human rights situation of intersex persons in Thailand is deeply embedded in a complex socio-cultural and linguistic matrix that masks systemic discrimination beneath a veneer of tolerance. Thailand is frequently hailed in global discourse as a "haven" for the lesbian, gay,



bisexual, transgender, intersex, and queer (LGBTIQ+) community, a narrative heavily promoted by the State's thriving tourism apparatus. However, critical expert analysis reveals that this environment is characterized by superficial tolerance rather than genuine, structural inclusion.

This tolerance is severely limited, underpinned by deeply rooted homophobia, transphobia, and intersex-phobia that pervade Thai institutions. The primary barrier to intersex rights in Thailand is the pervasive societal and institutional conflation of sex characteristics with gender identity and sexual orientation. The Thai lexicon and official definitions critically misunderstand intersex variations. For example, the authoritative Royal Society Dictionary 2554 B.E. (2011) defines transgender and intersex identities interchangeably under the umbrella term "kathoeey," describing individuals with both male and female reproductive organs alongside those whose gender expression differs from their assigned sex. This linguistic and cultural erasure prevents intersex individuals from being recognized as a distinct population with unique human rights' needs, particularly regarding bodily integrity and protection from non-consensual medicalization.

Furthermore, traditional and religious beliefs significantly impact the social status and self-perception of intersex persons in Thailand. Influenced by certain interpretations of Thai Buddhism, intersex variations are sometimes associated with the concept of "Pandaka", a state viewed as a karmic consequence or punishment for sins committed in past lives. This status carries inherent social and religious prohibitions, such as the strict inability to ordain as a Buddhist monk to attain enlightenment. This religious framing fosters a pervasive culture of shame, stigma, and secrecy. It forces families to hide intersex children and pressures medical institutions to surgically "correct" them to conform to the binary norms of male and female, attempting to erase the physical evidence of this perceived karmic abnormality.

The intersex movement in Thailand has struggled against this profound invisibility for decades. While early advocacy began during the legislative assemblies of 2006 surrounding amendments to sexual assault laws, the specific issue of Intersex Genital Mutilation (IGM) failed to gain widespread traction due to the extreme marginalization of the community and the reluctance of individuals to disclose their status. The movement saw incremental milestones, such as in 2012, when Dr. Taejing Siripanich of the National Human Rights Commission of Thailand (NHRC) intervened in a case allowing an intersex individual to change their legal title, albeit conditionally.

The movement's regional integration began in 2013 at the ILGA Asia Regional Conference in Bangkok, which planted the seeds for a regional intersex network that would eventually become



Intersex Asia in 2018. Global institutions initially contributed to the erasure; for instance, the UNDP's 2014 "Being LGBT in Asia" initiative excluded the 'I' for intersex, though targeted advocacy led to its inclusion in subsequent phases by 2016. In 2018, the NHRC of Thailand initiated audits regarding the right to access public health and welfare for intersex persons.

Despite these hard-won milestones, intersex people in Thailand continue to live in a state of systemic vulnerability, facing coercive medical practices, social ostracization, and a fundamental lack of standalone legal protection.

III. Follow-up from Previous UPR Cycle

During Thailand's third Universal Periodic Review (UPR) cycle in 2021, the State's human rights record was scrutinized, resulting in a broader dialogue on Sexual Orientation, Gender Identity and Expression, and Sex Characteristics (SOGIESC). Thailand received 12 recommendations specifically addressing SOGIESC issues, of which it accepted seven and noted five.

In the previous cycle, several Member States urged Thailand to strengthen its anti-discrimination frameworks. For instance, Mexico recommended the adoption of a comprehensive legislative framework to prohibit all forms of discrimination and the repeal of policies promoting stigmatization against LGBTI people. The Netherlands urged Thailand to actively work toward the eradication of societal homophobia and transphobia.

Additionally, countries such as Italy and the United Kingdom called for concrete measures to combat violence based on gender identity and sexual orientation, and to adopt comprehensive anti-discrimination legislation.

UPR Cycle	SOGIESC Recommendations Received	State Responses	Assessment of Implementation regarding Intersex Rights
1st Cycle (2011)	Vague references to equality	Noted/Accepted	Complete absence of intersex recognition. State drafted early



			anti-discrimination bills that ignored sex characteristics.
2nd Cycle (2016)	42 related recommendations, 1 specific (Mexico)	41 Accepted, 1 Noted	The recommendation from Mexico focused on violence regardless of sexual identity. Zero recommendations explicitly addressed intersex youth or IGM.
3rd Cycle (2021)	12 specific SOGIESC recommendations	7 Accepted, 5 Noted	Recommendations focused heavily on sexual orientation and gender identity (e.g., UK, Netherlands, Italy). The State accepted anti-discrimination clauses but failed to operationalize them for intersex persons, completely ignoring the protection of sex characteristics.

While the Royal Thai Government's acceptance of these recommendations signaled a nominal commitment to the 2030 Agenda principle of "leaving no one behind," the implementation phase has demonstrated a persistent, systemic failure to protect intersex persons. The accepted



recommendations were broadly framed around sexual orientation and gender identity, critically omitting explicit, targeted safeguards for sex characteristics. The State has utilized this ambiguity to avoid enacting protections against Intersex Genital Mutilation (IGM) and has failed to establish a legal gender recognition framework based on self-determination.

The systemic inaction since the 2021 UPR cycle highlights a profound implementation gap. Thailand has not introduced any binding legislation explicitly prohibiting non-consensual surgeries on intersex children, nor has it provided accessible pathways for intersex youth and adults to rectify their identity documents without enduring coercive medical interventions.

The commitments made in Geneva have not translated into the dismantling of the binary, heteronormative legal structures that perpetuate the marginalization of intersex Thais.

IV. Intersex issues in Thailand

The gap between Thailand's international human rights rhetoric and its domestic legal architecture produces severe, ongoing violations of intersex rights. The State's approach remains fundamentally medicalized and pathologizing, viewing intersex variations as biological errors or disorders to be cured through surgical intervention rather than natural human diversity to be protected by law.

A. Constitutional Guarantees and Legislative Gaps

The Constitution of the Kingdom of Thailand B.E. 2560 (2017) contains provisions that theoretically safeguard human dignity and equality. Section 4 guarantees human dignity, rights, liberties, and equality, while Section 27 explicitly prohibits unjust discrimination against a person on the grounds of "sex" (phet). While the previous 2007 Constitution was praised for a broader interpretation of sex, the current constitutional jurisprudence and legislative drafting in Thailand interpret "sex" through a rigid, biologically determinist, binary lens, fundamentally excluding the diverse realities of sex characteristics.

The primary domestic mechanism for addressing gender-based discrimination is the Gender Equality Act B.E. 2558 (2015). Section 3 of this Act provides a definition that encompasses individuals who "express themselves differently from their biological sex," which has been utilized to protect transgender and intersex individuals in specific contexts of gender expression. However, the Act contains a fatal flaw that undermines its efficacy and violates international law: Section 17(2). This provision explicitly permits gender-based discrimination if it is deemed necessary for "protecting the welfare and safety of a person or for following religious rules, or



for the security of the nation". This expansive, catch-all exception essentially legalizes discrimination against intersex persons in key institutional settings and has been consistently criticized by civil society and international treaty bodies as incompatible with fundamental human rights standards.

Furthermore, Thailand completely lacks a comprehensive Legal Gender Recognition (LGR) law. The legal standing of intersex persons is severely constrained by a 1981 Supreme Court ruling (Judgment No. 157/2524), which established that a person's legal gender is irrevocably fixed at the sex assigned at birth, based strictly on the binary capacity to give birth. This ruling entrenched biological determinism into the civil registration system. In 2012, the Department of Provincial Administration under the Ministry of Interior publicly reaffirmed an administrative regulation allowing intersex individuals to change their title. However, this was contingent upon presenting medical evidence of intersexuality at birth and proof of subsequent gender confirmation (normalizing) surgery. This regulatory framework coerces intersex individuals into undergoing irreversible and invasive surgeries simply to obtain accurate legal documents, representing a gross violation of their right to bodily autonomy and self-determination.

To address this legislative vacuum, civil society organizations, led by Intersex Thailand with support from networks like the Movement for Elimination of Discrimination (MovED), have drafted the "Self-Determination of Gender Identity, Gender Expression, and Sex Characteristics Act". This proposed legislation seeks to establish administrative pathways for gender recognition without surgical requirements, includes a "Gender X" option, and explicitly criminalizes Intersex Genital Mutilation. However, the State has yet to adopt or prioritize this crucial legislative reform in the national assembly, leaving the drafts languishing.

B. Thailand's International Human Rights Obligations

Thailand's failure to protect the rights of intersex persons stands in stark contrast to its extensive obligations under international law. The State is a party to seven core international human rights treaties, which form an integral part of the framework by which domestic laws must be measured. These include:

- The International Covenant on Civil and Political Rights (ICCPR)
- The International Covenant on Economic, Social and Cultural Rights (ICESCR)
- The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
- The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)



- The Convention on the Rights of the Child (CRC)
- The Convention on the Rights of Persons with Disabilities (CRPD).

These binding legal instruments establish an unequivocal framework obligating Thailand to protect the right to bodily integrity (CAT Art. 2, 16; ICCPR Art. 7), the right to health (ICESCR Art. 12), the right to legal recognition (ICCPR Art. 16), and the right to live free from discrimination (CEDAW, CRC, CRPD). The forced medicalization and surgical alteration of intersex children, coupled with systemic discrimination in civil registration, constitute direct, actionable violations of these ratified treaties. Despite these obligations, Thailand has consistently failed to domesticate these international standards into comprehensive national laws protecting sex characteristics.

C. Failure to implement concluding observations from UN Treaty Bodies

The inaction of the Royal Thai Government is particularly egregious given that UN Treaty Bodies have provided specific, direct, and unambiguous guidance on the protection of intersex persons. Over successive review cycles, human rights mechanisms have systematically condemned

Thailand's treatment of intersex individuals, yet the State has demonstrated profound inertia in implementing these critical recommendations.

The Committee on the Elimination of Discrimination against Women (CEDAW) has been pivotal in highlighting these abuses. During the review of Thailand's eighth periodic report in 2025, the CEDAW Committee explicitly included the term "intersex" in its Concluding Observations (CEDAW/C/THA/CO/8). Following a joint submission by Intersex Asia and Intersex Thailand, the Committee addressed the severe negative impacts of "sex-normalizing" surgeries performed on intersex infants without their personal, prior, and informed consent. Furthermore, CEDAW condemned the lack of legal recognition and the widespread discrimination faced by intersex individuals in healthcare, education, and employment.

Despite CEDAW's clear directive to enact protective legislation prohibiting harmful medical practices and ensuring legal recognition, the Thai government has failed to advance such legislative safeguards.

Similarly, the Committee Against Torture (CAT), in its Concluding Observations on the second periodic report of Thailand in 2024 (CAT/C/THA/CO/2), issued stringent recommendations regarding the treatment of intersex persons. The CAT explicitly urged Thailand to ensure full



protection against discrimination and, critically, recommended amending the Gender Equality Act of 2015 to completely eliminate the Section 17 limitations on protection against gender-based discrimination. The Committee further directed the State party to intensify measures to ensure that intersex people do not suffer from violence and discrimination. The continued practice of Intersex Genital Mutilation (IGM) in Thai hospitals stands in direct defiance of the fundamental principles upheld by the CAT against cruel, inhuman, or degrading treatment.

The Committee on the Rights of the Child (CRC) has unequivocally established that performing medically unnecessary surgical procedures on intersex children without their informed consent constitutes a harmful practice (as detailed in joint CEDAW/CRC General Comment No. 18/31). Despite Thailand's obligations under the CRC, and its own Child Protection Act B.E. 2546 (2003) which mandates prioritizing the best interests of the child (Section 22), the State continues to permit medical institutions to perform these irreversible surgeries. This disregards the child's future autonomy and violates their rights to bodily integrity and self-determination. The lack of any state-led investigation or accountability mechanism for these non-consensual interventions underscores a systemic disregard for UN Treaty Body jurisprudence.

UN Treaty Body	Concluding Observation Reference	Core Directive to the State of Thailand	State Implementation Status
CEDAW (2025)	CEDAW/C/THA/CO/8	Prohibit non-consensual sex-normalizing surgeries; provide LGR aligned with identity; eliminate discrimination.	Failed. No legislation drafted to ban IGM; LGR bills stalled in parliament.
CAT (2024)	CAT/C/THA/CO/2	Amend Gender Equality Act 2015 Section 17 exceptions; protect	Failed. Section 17(2) remains fully active; no intersex-specific



		intersex persons from violence and discrimination.	anti-violence measures enacted.
CRC	General Comment 18 (Harmful Practices)	Guarantee bodily integrity, autonomy, and self-determination to intersex children; stop undocumented medical treatment.	Failed. Surgeries continue as standard medical practice under the guise of "Disorders of Sex Development" treatment.

V. Thematic Analysis of Human Rights Violations

The dissonance between Thailand's international commitments and its domestic reality generates a landscape of pervasive human rights abuses for intersex persons. These violations are systematically reproduced through medical protocols, administrative barriers, educational policies, and social exclusion.

A. Violation of Bodily Integrity and other forms of violence

The most severe, irreversible, and physically invasive human rights violation inflicted upon the intersex community in Thailand is the systemic practice of Intersex Genital Mutilation (IGM). Medically unnecessary, non-consensual, and irreversible surgeries are routinely performed on intersex infants and children. These procedures—which include clitoral reductions, vaginoplasties, gonadectomies, and enforced hormone therapies—are rarely performed to address a genuine medical necessity. Instead, they are cosmetic interventions designed solely to force a child's natural anatomy to conform to binary, heteronormative societal expectations of "normal" male and female bodies.

In the Thai medical system, intersex variations are highly pathologized. Medical institutions continue to classify natural variations in sex characteristics under the outdated and stigmatizing diagnostic umbrella of "Disorders of Sex Development" (DSD). This pathologizing framework



treats intersex bodies as medical emergencies requiring immediate surgical "correction." Evidence from the Thai medical establishment confirms the persistence of these practices.

A 2017 study conducted at King Chulalongkorn Memorial Hospital examining the sex assignment of 30 patients with "ambiguous genitalia" (including 46,XX DSD and 46,XY DSD) revealed that a significant number of individuals were subjected to gender reassignment procedures orchestrated by physicians and parents. This practice heavily overrides the future self-identity and bodily autonomy of the child, denying them the right to an open future. Dr. Wasin Meewattana of Siriraj Hospital published clinical guidelines in 2010 further corroborating the institutionalized approach of early surgical intervention for intersex newborns.

The trauma of these interventions is profound and lifelong. Intersex individuals interviewed in Thailand report experiencing severe physical complications, extensive scarring, loss of sexual function and sensation, and chronic psychological distress resulting from surgeries they never consented to. Furthermore, the medical environment itself is frequently a site of abuse. Personal accounts reveal how intersex patients are subjected to non-consensual, degrading physical examinations. One intersex individual, "S.", recounted experiences with urologists who spoke disrespectfully, demanding to see his underdeveloped genitalia without clinical justification or empathy, making him feel treated as an anomaly rather than a patient. Pakwilai Sahunalu, a co-founder of Intersex Thailand, detailed how intrusive questioning and privacy violations regarding her menstruation led to severe emotional distress and a fear of seeking medical assistance. This systemic medical violence violates the fundamental right to freedom from torture and ill-treatment as enshrined in the CAT and ICCPR.

B. Denial of Legal Recognition

The fundamental right to legal recognition before the law is the gateway to participation in modern society. In Thailand, this gateway is systematically blocked for intersex persons.

The administrative architecture of the State actively forces intersex individuals into a binary framework that erases their existence and violates their right to self-determination.

The denial of legal gender recognition traps intersex Thais in a lifetime of legal and administrative barriers. The 1981 Supreme Court decision permanently fixing sex at birth means that intersex individuals who discover their variation later in life, or whose gender identity does not align with the arbitrary sex assigned to them by doctors, have no legal recourse to amend their civil status.



The limited exception created by the 2012 Ministry of Interior regulation only exacerbates the human rights violation: it allows an intersex person to change their title only if they provide medical proof of their intersex variation at birth and, egregiously, proof of having undergone "normalizing" sex correction surgery. This policy acts as state-sanctioned coercion, holding civil recognition hostage in exchange for bodily mutilation.

The consequences of misidentification at birth are severe. High-profile cases, such as "Naviya" (featured on the documentary program 'Kon Khon Kon' in 2011) and "Ake" (documented by BBC Thai in 2020), highlight the tragic reality. Both were assigned female at birth based on external genitalia but developed male characteristics during puberty. They faced immense legal and social hurdles because the State refused to recognize their self-identified gender without navigating a labyrinthine, pathologizing medical and legal system.

Legal Document/Process	Governing Law/Regulation	Gender/Sex Options Provided	Analysis of Human Rights Violation
Birth Registration	Bureau of Register Administration Guidelines	Male / Female	Forces premature binary categorization of intersex newborns. Facilitates panic-driven, non-consensual surgical interventions (IGM) to justify the marker.
National Identity Card	Civil Registration Act	Male / Female	Fails to recognize diverse sex characteristics. Mismatch between physical appearance and ID marker leads



			to systemic discrimination in public life.
Name Title Amendment	Ministry of Interior Regulation (2012)	Mr. / Ms.	Requires proof of "normalizing" surgery for intersex individuals to change their title. Violates bodily autonomy and the right to self-determination.
Marriage Registration	Civil and Commercial Code (Section 1448)	Man and Woman	Explicitly restricts marriage to a binary man and woman. Legally prevents intersex individuals from exercising family rights based on their true identity.

C. Barriers to Development and Dignity: Discrimination in Key Sectors

The initial failure of the State to provide legal recognition and bodily autonomy generates a domino effect of discrimination across all sectors of public and private life, effectively excluding intersex persons from full, dignified participation in Thai society.

Education

The Thai education system serves as a highly hostile environment for intersex and gender-diverse youth. The national basic education curriculum continues to portray intersex variations as biological abnormalities or "disorders," utterly failing to recognize them as natural human diversity. This institutionalized ignorance fosters a culture of pervasive bullying, teasing,



and social isolation. A collaborative study by UNESCO, Plan International, and Mahidol University revealed that a staggering percentage of LGBTIQ+ students face physical abuse, sexual harassment, and social bullying, driven by strict adherence to gender norms.

Furthermore, strict, binary-based uniform codes and grooming regulations force intersex students into restrictive gender expressions. Teachers and school staff in both public and private institutions frequently punish students on the basis of SOGIESC, utilizing humiliating tactics such as public shaming or forced haircuts.

While the 2015 Gender Equality Act has been utilized in isolated cases, such as Intersex Thailand co-founder Nada Chaiyajit's successful 2016 petition against Phayao University to dress according to her gender identity at her graduation ceremony, these victories require exhausting legal battles.

They are not applied systemically across primary and secondary educational institutions, leaving intersex youth vulnerable to high dropout rates and severe psychological distress.

Health

Beyond the specific trauma of IGM, the broader healthcare system remains inaccessible and discriminatory. The pathologizing view of intersex bodies means that healthcare professionals lack the training to provide affirming, consent-based, and human rights-compliant care. Intersex individuals frequently report experiencing insensitivity, stigma, and invasive questioning from medical providers. While the National Health Security Office (NHSO) recently moved to include some intersex health services under universal health coverage following a 2018 NHRC directive, significant implementation barriers remain. The fundamental medical paradigm has not shifted away from the "disorder" model towards a psychosocial and human rights-based support structure. However, promising initiatives exist, such as the collaboration between Intersex Thailand and the Thai Association for Clinical Sexology and Sexual Medicine (TACS), led by Dr. Atiwut Kamudhamas, to integrate SOGIESC and human rights into medical curricula at Thammasat University.

Social Security

The right to social security is theoretically extended to intersex persons via a 2012 regulation by the Ministry of Social Development and Human Security (MSDHS), which explicitly recognized "intersex" individuals (those with ambiguous biological sex characteristics) as a target group for social welfare. However, the practical implementation of this provision remains severely deficient. The lack of demographic data collection and the systemic invisibility of the intersex



population mean that targeted social security programs fail to reach those in need. Intersex individuals disproportionately face poverty and socioeconomic marginalization due to exclusion from education and employment, yet social safety nets remain largely inaccessible.

Family Rights and Marriage

The fundamental right to form a family is legally impossible for many intersex people in Thailand. The Thai Civil and Commercial Code, specifically Section 1448, unequivocally defines marriage as a union exclusively between a "man and a woman". This heteronormative and binary legal framework completely disenfranchises intersex individuals whose legal markers may not align with traditional categories, or whose sex characteristics are deemed ambiguous. It legally prevents intersex individuals from marrying, adopting children on an equal basis, or enjoying spousal inheritance rights, representing a profound violation of their fundamental right to family life under international human rights law.

Employment

In the labor market, intersex individuals face severe discrimination and economic exclusion. Because legal identity documents often do not match an intersex person's physical appearance or gender expression, they face insurmountable administrative barriers and prejudice during hiring processes. The 2018 World Bank study on the Economic Inclusion of LGBTI Groups in Thailand confirmed the persistence of discriminatory practices in the workplace. While the Gender Equality Act 2015 theoretically provides protection against discrimination in employment, the broad exceptions granted under Section 17(2) dilute this protection, leaving employers with legal loopholes to justify discriminatory practices. Consequently, intersex individuals are highly vulnerable to termination, harassment, and relegation to the informal economy where labor protections are non-existent.

D. Political Exploitation, Hate Speech, and Digital Violence

The period surrounding the 2023 general elections and the subsequent parliamentary debates on the Marriage Equality and Gender Recognition bills witnessed a disturbing escalation of hate speech targeting intersex and LGBTIQ+ persons in Thailand. Amnesty International's May 2024 report, *"Being Ourselves is Too Dangerous: Digital Violence and the Silencing of Women and LGBTI Activists in Thailand,"* documented pervasive technology-facilitated gender-based violence (TfGBV) targeting LGBTI activists, including doxing, threats of violence, and hateful anti-LGBTI speech. The report found that "those who speak out about human rights are



punished for pursuing human rights activism" and that many activists suffered severe mental health impacts including post-traumatic stress disorder, paranoia, depression, and anxiety.

Critically, the attacks did not pause when the Marriage Equality Act passed in June 2024, some even intensified. Amnesty International documented that LGBTI people who advocated for legal gender recognition and non-discrimination continue to face harassment on platforms including Facebook, X, and TikTok. Nada Chaityajit, co-founder of Intersex Thailand and co-author of this submission, personally experienced coordinated online harassment following a social media post documenting her experience accessing intersex healthcare services in the United Kingdom. Among the messages received was the following: *"You people are so greedy. Just shut up and stay quiet. Don't let me find you."*

The parliamentary debates on the Gender Recognition Bill further exposed the instrumentalization of intersex and transgender identities as political bargaining chips. On 21 February 2024, the House of Representatives rejected the Move Forward Party's draft Gender Recognition Bill by a vote of 257 to 154. During these debates, lawmakers voiced objections citing "concern over deception, crime and violation of religious orthodoxy."

One MP warned that allowing title changes "could increase crimes like fraud and sexual assault," perpetuating harmful stereotypes that dehumanize intersex and transgender individuals.

This instrumentalization of intersex identity constitutes a profound violation of human dignity.

When the basic civil status and bodily autonomy of a minority group become contingent upon political expediency, these individuals are relegated to second-class citizenship. The International Commission of Jurists has affirmed that in Southeast Asia, "there is a conspicuous absence of laws protecting LGBTI individuals from harmful expressions, including a total lack of LGBTI-specific hate crime laws." Such conduct by state and non-state actors directly contravenes Thailand's obligations under ICCPR Article 20(2), which mandates the prohibition of "any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence." The UN Human Rights Committee has made clear that these principles are also applicable to expression that incites discrimination against individuals based on their sex characteristics.

VI. Recommendations to the Kingdom of Thailand

In light of the severe, systemic, and ongoing human rights violations detailed in this submission,



Intersex Asia and Intersex Thailand urgently call upon the Royal Thai Government to fulfill its constitutional promises and international treaty obligations by immediately implementing the following recommendations:

A. Legislative and Policy Reform

1. **Enact Comprehensive Anti-Discrimination Legislation:** Enact specific legislation, or comprehensively amend existing laws, to explicitly include "sex characteristics" alongside sexual orientation and gender identity as protected grounds against all forms of discrimination in public and private spheres.
2. **Repeal Section 17(2) of the Gender Equality Act:** Fully comply with CAT and CEDAW directives by repealing Section 17(2) of the Gender Equality Act B.E. 2558 (2015), closing loopholes that permit gender-based discrimination under the guise of religious principles or national security.
3. **Amend the Constitution:** Codify the interpretation of Section 27 of the 2017 Constitution to explicitly include and protect sexual orientation, gender identity, gender expression, and sex characteristics (SOGIESC).
4. **Develop a National Action Plan:** Develop a time-bound, resourced national action plan on SOGIESC inclusion through an inclusive consultation process led by intersex and LGBTIQ+ civil society organizations, with an inter-ministerial coordination mechanism for accountability.

B. Protection of Bodily Integrity

5. **Criminalize Intersex Genital Mutilation (IGM):** Enact legislation to explicitly prohibit medically unnecessary, non-consensual surgeries, hormonal treatments, and other invasive procedures on intersex infants and children, deferring such procedures until the individual can provide free, prior, and fully informed consent, in line with CRC and CAT mandates.
6. **Establish Human Rights-Based Medical Protocols:** Mandate the Ministry of Public Health and the Medical Council of Thailand to discard the pathologizing "Disorders of Sex Development" (DSD) framework and replace it with binding, patient-centred protocols focusing on bodily autonomy, psychosocial support, and delayed intervention, developed in consultation with intersex-led organizations.
7. **Ensure Accountability and Redress:** Establish an independent investigative mechanism to examine past and ongoing cases of non-consensual medical interventions on intersex persons, ensuring survivors have access to effective legal remedies, adequate



compensation, and state-funded psychosocial rehabilitation.

C. Ensuring Legal and Social Recognition

8. **Enact Legal Gender Recognition (LGR):** Pass the civil-society drafted "Self-Determination of Gender Identity, Gender Expression, and Sex Characteristics Act," establishing a rapid, accessible, and purely administrative procedure for intersex individuals to amend their name, title, and gender markers on all official documents based entirely on self-determination, without medical diagnoses, psychiatric evaluations, or surgical requirements. Include provisions for non-binary or "Gender X" markers.
9. **Reform Data Collection Systems:** Mandate the National Statistical Office and the Ministry of Interior to safely and ethically integrate "sex characteristics" into national censuses, household surveys, and civil registries, with strict confidentiality safeguards developed in partnership with intersex experts.
10. **Launch Public Awareness Campaigns:** In collaboration with intersex civil society, fund nationwide public awareness campaigns to destigmatize intersex variations, dismantle the conflation of intersex bodies with transgender identities, and educate the public on intersex human rights and bodily autonomy.

D. Sector-Specific Protections

11. **Reform the Education System:** Mandate the Ministry of Education to revise national curricula and textbooks to remove pathologizing language regarding intersex bodies, replacing it with scientifically accurate, rights-based education on human biological diversity. Abolish restrictive binary uniform and grooming codes and mandate anti-bullying policies inclusive of intersex students.
12. **Guarantee Family Rights:** Amend Section 1448 of the Civil and Commercial Code to define marriage as a union between two persons regardless of sex characteristics, gender identity, or sexual orientation, ensuring equal access to marriage, family formation, adoption, and inheritance rights.
13. **Ensure Inclusive Healthcare Access:** Guarantee that universal health coverage comprehensively covers the self-determined healthcare needs of intersex individuals, including affirming hormone therapies, non-coercive surgeries, and dedicated mental health services. Mandate SOGIESC-inclusive education in all medical and nursing schools.
14. **Combat Hate Speech and Protect Dignity in Political Discourse:** Enact and enforce legislation prohibiting hate speech based on sex characteristics, sexual orientation, and gender identity, in accordance with ICCPR Article 20(2) and the Rabat Plan of Action



threshold test. Establish an independent monitoring mechanism for hate speech in media and political discourse, ensuring political debates on intersex rights uphold human dignity.

Annex - References (Alphabetical Order)

1. ASEAN SOGIE Caucus. (2017). *Country briefing – Thailand* (Country Brief No. 9). <https://aseansogiecaucus.org/images/resources/publications/2017-country-briefs/ASC-Country-Brief-09-Thailand.pdf>
2. Amnesty International. (2024, May 16). *"Being ourselves is too dangerous": Digital violence and the silencing of women and LGBTI activists in Thailand* (ASA39/7955/2024). <https://www.amnesty.org/en/documents/asa39/7955/2024/en/>
3. Amnesty International. (2025, May). *Why does digital violence against LGBTI people in Thailand and Taiwan continue even after marriage equality?* <https://www.amnesty.org/en/latest/campaigns/2025/05/why-does-digital-violence-against-lgbti-people-in-thailand-and-taiwan-continue-even-after-marriage-equality/>
4. Bangkok Post. (2024, April 22). *At the end of the rainbow*. <https://www.bangkokpost.com/life/social-and-lifestyle/2779930/at-the-end-of-the-rainbow>
5. Bangkok Post. (2025, January 27). *Gender titles emerge as new battleground*. <https://www.bangkokpost.com/thailand/general/2948182/gender-titles-emerge-as-new-battleground>
6. Chaiyajit, N. (2024). *Intersex justice in Thailand: A country report on the situation of intersex rights in Thailand*. Intersex Asia. <https://www.intersexasia.org>
7. Constitutional Court of Thailand. (2021, December 5). *Constitutional Court ruling No. 20/2564* (C. Chandranee, Trans.). Justice in Southeast Asia Lab, Center for Southeast Asian Studies, University of Wisconsin-Madison. <https://seasia.wisc.edu/wp-content/uploads/sites/1794/2021/12/Constitutional-Court-1448-FINAL.pdf>
8. Ghattas, D. C. (2019). *Protecting intersex people in Europe: A toolkit for law and policy makers* [Digital appendix]. ILGA-Europe & OII Europe. https://oiiueurope.org/wp-content/uploads/2019/05/Protecting_intersex_in_Europe_Ap



[pendix.pdf](#)

9. Human Rights Watch. (2021, December 15). *"People can't be fit into boxes": Thailand's need for legal gender recognition.*
<https://www.hrw.org/report/2021/12/15/people-cant-be-fit-boxes/thailands-need-legal-gender-recognition>
10. iLaw. (2012, June 26). กรมการปกครองชี้ อวัยวะเพศกำกวมเปลี่ยนคำนำหน้าชื่อได้ สตรีข้ามเพศเปลี่ยนไม่ได้ [Department of Provincial Administration: persons with ambiguous genitalia may change personal title, but transgender women may not].
<https://www.ilaw.or.th/articles/737>
11. ILGA World. (2021, November 12). *39th UPR working group sessions SOGIESC recommendations (1–12 November 2021).*
https://ilga.org/wp-content/uploads/2024/01/39th_UPR_working_group_session_SOGIESC_recommendations.pdf
12. International Commission of Jurists. (2024, September 18). *Avoiding overreach: Shaping state responses to anti-LGBTI online hate speech in Southeast Asia.*
<https://www.icj.org/resource/avoiding-overreach-shaping-state-responses-to-anti-lgbti-online-hate-speech-in-southeast-asia/>
13. Intersex Asia. (2025, September 24). *One signature at a time: Bringing Thailand's intersex rights conversation to everyone's home.*
<https://intersexasia.org/intersex-thailand-campaign/>
14. Kaleidoscope Human Rights Foundation & Sexual Rights Initiative. (2021). *Report on Thailand regarding the human rights of LGBTIQ persons: Universal Periodic Review, 39th Session.* Sexual Rights Initiative.
<https://www.sexualrightsinitiative.org/sites/default/files/resources/files/2021-05/UPR%2039%20Thailand%20Kaleidoscope%20and%20SRI.pdf>
15. Kirdchok, P., Chandarasiri, P., & Sahakitrungruang, T. (2017). Sex assignment, gender identity and gender roles in patients with ambiguous genitalia at King Chulalongkorn Memorial Hospital. *Chulalongkorn Medical Journal*, 61(3), 373–385.
<https://doi.org/10.58837/CHULA.CMJ.61.3.8>
16. Manushya Foundation et al., (June 2025). *Techno-colonialism and the Gendered Crackdown: A Feminist Report on Civic Space, Transnational Repression, and Digital Control in Thailand. Joint Civil Society CEDAW Shadow Report to be considered by the Committee on the Elimination of Discrimination against Women (CEDAW) during its 91st Session (16 June - 4 July 2025).* Manushya Foundation.
https://www.manushyafoundation.org/_files/ugd/a0db76_a1f4695882c64ca1a897b10e



[a64dd51c.pdf](#)

17. Manushya Foundation & Young Pride Club. (2021, September 29). *Situation of LGBTIQ+ persons, including LGBTIQ+ youth & children: Thailand's third universal periodic review cycle* Manushya Foundation.
https://www.manushyafoundation.org/_files/ugd/a0db76_8308a87c8c494891886f3ec49d59cd39.pdf
18. Manushya Foundation et al. (2021, March 25). *The rights of LGBTIQ+ youth and children in Thailand: Joint submission to the UN Universal Periodic Review for Thailand's third UPR cycle, 39th session of the UPR Working Group*. Manushya Foundation.
https://www.manushyafoundation.org/_files/ugd/a0db76_a8e5e3cd30da4179814df87ae3887f48.pdf
19. Meewattana, W. (2010, October 5). *Intersex in newborn infants*. Faculty of Medicine Siriraj Hospital, Mahidol University.
https://www.si.mahidol.ac.th/sidoctor/sirirajonline2021/Article_files/70_1.pdf
20. Office of the United Nations High Commissioner for Human Rights. (2012, October). *Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence*. OHCHR.
<https://www.ohchr.org/en/documents/outcome-documents/rabat-plan-action>
21. Office of the United Nations High Commissioner for Human Rights. (2023, November 3). *OHCHR technical note on the human rights of intersex people: Human rights standards and good practices*. OHCHR.
<https://www.ohchr.org/sites/default/files/2023-11/ohchr-technical-note-rights-intersex-people.pdf>
22. Office of the United Nations High Commissioner for Human Rights. (n.d.). *Reporting status for Thailand*. UN Treaty Body Database.
https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/countries.aspx?CountryCode=THA&Lang=EN
23. Singh, P. (2025, August 6). *Recognition without protection: CEDAW's recommendations for Thailand*. Intersex Asia.
<https://intersexasia.org/cedaws-recommendations-for-thailand/>
24. Thai Enquirer. (2020, December 29). *Thailand's Gender Equality Act five years on*.
<https://www.thaienquirer.com/22048/thailands-gender-equality-act-five-years-on/>
25. Togetherness for Equality (TEA) & Feminist's Liberation Front (FLF). (2021). *Joint submission on the situation of lesbian, gay, bisexual, transgender, intersex, queer and non-binary (LGBTIQN) persons in Thailand: Universal Periodic Review, 3rd Cycle, 39th*



Session. UPR Info.

https://upr-info.org/sites/default/files/documents/2021-10/js10_upr39_tha_e_main.pdf

26. UN Committee Against Torture. (2024, December 9). *Concluding observations on the second periodic report of Thailand* (CAT/C/THA/CO/2). United Nations.
<https://docs.un.org/en/cat/c/tha/co/2>
27. UN Committee on the Elimination of Discrimination Against Women. (2017, July 24). *Concluding observations on the combined sixth and seventh periodic reports of Thailand* (CEDAW/C/THA/CO/6-7). OHCHR.
<https://www.ohchr.org/en/documents/concluding-observations/cedawthaco6-7-concluding-observations-committee-elimination>
28. UN Committee on the Elimination of Discrimination Against Women. (2025, July 10). *Concluding observations on the eighth periodic report of Thailand* (CEDAW/C/THA/CO/8). OHCHR.
<https://www.ohchr.org/en/documents/concluding-observations/cedawthaco8-concluding-observations-eighth-periodic-report>
29. UN Committee on the Rights of the Child. (2015, February 26). *Concluding observations on the combined second to fourth periodic reports of Switzerland* (CRC/C/CHE/CO/2-4). OHCHR.
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FCHE%2FCO%2F2-4&Lang=en
30. UNDP & Asia Pacific Transgender Network. (2018). *Legal gender recognition in Thailand: A legal and policy review*. UNDP Thailand.
<https://files.acquia.undp.org/public/migration/th/legal-gender-recognition-in-thailand-2018.pdf>
31. UN Human Rights Committee. (2011, September 12). *General comment No. 34: Article 19 – Freedoms of opinion and expression* (CCPR/C/GC/34). OHCHR.
<https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no34-article-19-freedoms-opinion-and>
32. UN Human Rights Committee. (2017, April 25). *Concluding observations on the second periodic report of Thailand* (CCPR/C/THA/CO/2). OHCHR.
<https://www.ohchr.org/en/documents/concluding-observations/ccprthaco2-concluding-observations-second-periodic-report>
33. UN Human Rights Council. (2022, March 24). *Report of the Working Group on the Universal Periodic Review: Thailand* (A/HRC/49/17). OHCHR.



<https://docs.un.org/en/A/HRC/49/17>

34. UN Working Group on Discrimination Against Women and Girls. (2024, December 13). *End of mission statement: Official visit to Thailand (2–13 December 2024)*. OHCHR. <https://www.ohchr.org/sites/default/files/documents/issues/women/wgdawg/statements/2024-12-13-eom-thailand-wgdawg-en.pdf>
35. UNAIDS Asia-Pacific. (2015, September 9). *Gender Equality Act comes into effect in Thailand*. <https://unaids-ap.org/2015/09/09/gender-equality-act-comes-into-effect-in-thailand/>
36. UNESCO, Plan International, & Mahidol University. (2014). *A brief on school bullying on the basis of sexual orientation and gender identity: LGBT-friendly Thailand?* https://unesdoc.unesco.org/ark:/48223/pf0000227706_tha
37. United Nations in Thailand. (2021, November 5). *Thailand's human rights record to be examined by Universal Periodic Review* [Press release]. <https://thailand.un.org/en/156940-thailand%E2%80%99s-human-rights-record-be-examined-universal-periodic-review>
38. World Bank Group. (2018, March 23). *Economic inclusion of LGBTI groups in Thailand* (Vol. 2). <https://documents.worldbank.org/curated/en/269041521819512465/main-report>
39. Young Pride Foundation. (2024). *Submission to the UN Independent Expert on SOGI: The human right to education and protection against violence and discrimination based on sexual orientation and gender identity* [Input 1 of 3]. OHCHR. <https://www.ohchr.org/sites/default/files/documents/cfi-subm/sogi-education/subm-human-education-protection-cso-44-young-pride-foundation-input-1.pdf>

Joint UPR Submission: The Human Rights Situation of Intersex Persons in Thailand April 2026

Submission by



Intersex Thailand is the premier national organization led by and for intersex persons in the Kingdom of Thailand. Officially established on October 26, 2021, coinciding with Intersex Awareness Day, the organization was founded by intersex-transgender and intersex-non-binary activists. Intersex Thailand was created to address the specific, localized human rights violations faced by the Thai intersex community. Emerging from a nascent movement that began in the early 2000s, Intersex Thailand works tirelessly to dismantle the conflation of intersex variations with transgender identities. The organization advocates for bodily autonomy, provides peer support, and drafts legislative proposals—such as the groundbreaking "Self-Determination of Gender Identity, Gender Expression, and Sex Characteristics Act"—to secure legal protections and social visibility for intersex individuals at the national level.



Intersex Asia (IA) is a Taiwan-based autonomous regional network of intersex-led organizations and individuals from Asian countries. Established in 2018, the network works to support, educate, and advocate for the rights and lives of intersex individuals, raising awareness of human rights violations and discrimination faced by intersex communities across the region. Intersex Asia envisions a world where the beauty of intersex people is celebrated, and where intersex persons can act as fully empowered stakeholders in the global human rights movement. Intersex Asia frequently collaborates with national organizations to elevate domestic issues to international platforms, including the United Nations mechanisms such as the UPR and CEDAW reviews.



Manushya Foundation is a women-led, decolonial and intersectional feminist organisation building cross-border safety nets of protection, solidarity, and accountability across Asia. We strengthen the political power and decision-making leadership of feminists, youth movements, and frontline communities. Our work shifts power by bridging emergency protection for activists facing repression and transnational repression, movement lawyering to confront corporate abuse and false climate solutions, defense of digital rights and civic space in increasingly surveilled environments, and grassroots-led advocacy engaging international accountability systems to advance structural justice. For more, see <https://www.manushyafoundation.org/>.



The **Thai CSOs Coalition for the UPR and UN Mechanisms (Universal Periodic Review)**, established during Thailand's Second UPR cycle, is a people-led, intersectional feminist movement bringing together local communities and national civil society organisations across all human rights sectors. As one of the largest intersectional grassroots-led movements in Thailand, it engages with the UPR and UN treaty bodies, connecting struggles from Indigenous Peoples' rights, land and environmental justice, and labour rights to digital rights, freedom of expression, transnational repression, and the protection of human rights defenders, migrants, political refugees, youth, LGBTQ+ individuals, and communities facing systemic marginalization. It fosters solidarity among communities facing shared challenges and strengthens collective action to demand accountability from the state and companies for their international human rights obligations.



THAILAND UPR IV
2026



Thai CSOs Coalition
for the UPR and
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