

Thailand's 4th Universal Periodic Review on the Situation of LGBTI+ 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, covering areas including combating discrimination and violence based on sexual orientation and gender identity (SOGI), integrating SOGI issues into training and education, and strengthening protections for marginalized groups. Five recommendations were noted, particularly those calling for same-sex marriage recognition and the enactment of a legal gender recognition. In addition to the UPR process, Thailand has received LGBTI+-related recommendations from the CEDAW, CERD, the Special Rapporteur on health, and the UN Working Group on Discrimination against Women and Girls. 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: Legislation on Gender Equality and 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 has been interpreted as limiting its application in the southern border provinces of Pattani, Yala, and Narathiwat, where Islamic law governs personal and family matters for Muslim communities.
- 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, the Committee's inability to initiate investigations or accept independent third-party complaints, and inconsistent implementation across government sectors. The Act's exemptions based on religious principles may also limit protection in the southern border provinces, where Islamic law governs personal and family matters for Muslim communities. As a result, the Act does not yet provide comprehensive protection for all LGBTI+ persons.

In a 2024 interview, an LGBTI+ person from Yala described the difficulties faced by LGBTI+ Muslims in openly living 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(2) and its exemption from the full application of the law, noting that such provisions may undermine the effectiveness of gender equality protections.

Marriage Equality Act (2025)

- Administrative requirements create barriers for foreign and undocumented LGBTI+ couples.
- Marriage registration procedures do not adequately accommodate individuals from countries where same-sex relationships are criminalized.

A June 2026 national survey by Suan Dusit Poll reveals 85.30% report LGBTQ+ acceptance in their communities, and 79.32% perceive Thai society as increasingly understanding. Yet 65.27% call for government action on hidden gender bias, while respondents clearly prioritize three reforms; legal protections (56.46%), non-discriminatory workplaces and societies (57.67%), and equal opportunities in education and careers (47.42%).

The evidence is clear: Thai society has moved beyond tolerance toward concrete equality demands. Thailand must close the gap between public readiness and legal reality through comprehensive legislative and policy reform.

Marriage equality came into force in January 2025. However, administrative requirements, such as authenticated single-status certificates for foreign nationals and identification of documents for registration, continue to create barriers. In 2026, a same-sex couple in Chiang Mai reported to Chiang Mai Pride organizer team that they were unable to register their marriage because one partner lacked official identification, highlighting that legal recognition has not yet ensured equal access for all couples in practice.

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.

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. One was removed after the examination had begun, while another was denied entry and instructed to change into male attire. These cases demonstrate the absence of clear, non-discriminatory guidelines, particularly where gender identity, legal title, and sex assigned at birth do not correspond. The lack of legal recognition also exacerbates vulnerabilities in detention settings.

Reports in 2026 documented that transgender women placed in male detention facilities faced heightened risks of physical assault, intimidation, and sexual violence, highlighting the urgent need for legal and institutional reform to protect their safety, and dignity.

Challenge 1: Legislation on Gender Equality and SOGIESC

Lack of Hate crime laws

- Thailand lacks legislation recognizing and addressing hate crimes motivated by SOGIESC.
- Bias-motivated violence is not systematically documented.

Thailand's criminal law does not recognize bias based on sexual orientation or gender identity as an aggravating factor. Crimes linked to gender identity are not legally defined nor recorded or punished, and an assault or murder motivated by bias is considered an ordinary offences by the courts with no enhanced penalties.

Violence against LGBTI+ persons continues to be reported in Thailand. The 2024 Trans Murder Monitoring update recorded two killings of transgender people in Thailand, out of 37 cases across Asia. Following the April 2026 murder of a 25-year-old transgender woman, civil society renewed calls to recognize hate crimes in the Criminal Code, strengthen police training on bias, and improve accountability for perpetrators.

Challenge 2: Inclusive Healthcare and Well-being for LGBTI+ Persons

Uneven access to gender-affirming healthcare

While National Guidelines on Hormone Therapy for Gender Affirmation were adopted in 2025, In 2026, one male senator publicly questioned the necessity and cost-effectiveness of including gender-affirming healthcare under Universal Health Coverage, framing it as "You won't die if it's not for free." These statements triggered broader public debate, despite the National Health Security Office affirming that such measures are necessary to reduce health risks from unsafe self-medication.

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.

International practice has increasingly shifted toward individualized, behavior-based blood donor screening. Countries such as Australia and New Zealand permit transgender men receiving testosterone therapy to donate blood if they satisfy eligibility criteria. Civil society organizations argue that Thailand's continued restrictions reinforce stigma and are inconsistent with evidence-based, non-discriminatory approaches recommended internationally.

Challenge 3: Online Harassment and Digital Violence Against LGBTI+ Persons

Cyberbullying and Online Harassment

- LGBTI+ persons, activists, and politicians in Thailand face increasing online harassment and technology-facilitated gender-based violence, while existing legal protections remain insufficient.

Civil society organizations and human rights groups have documented widespread digital abuse, including homophobic, transphobic, misogynistic, and xenophobic content.

In January 2026, A non-binary politician receiving death threats for advocating legal gender recognition which sparked the waves of online attacks against trans and non-binary activists across the nation. Similarly, there was a case of a non-binary person who came out as xenogender spectrum on Non-Binary Thailand's page as part of the coming out campaign, faced online attacks to the point of the person having a mental health breakdown.

In March 2026, online spaces further amplified these exclusionary narratives, in large public groups with 330,000 members and influencers of Islamic promoting anti-trans campaigns and framing LGBTI+ identities as sinful, contributing to stigma, discrimination, and social exclusion.

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, surgical intervention, or sterilization 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 Concluding Observations (2021).

2. Amend the Gender Equality Act B.E. 2558 (2015) to eliminate the exemptions under Section 17(2) that permit gender-based discrimination on grounds of religious principles or national security 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), 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 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 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).

Contact Us: Young Pride Foundation, contact@youngprideclub.com, (+66) 83-581-6868

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 LGBTQI 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