



WE ARE NOT INVISIBLE:

The Need for Legal Gender Recognition in Thailand

Brief Assessment of the Implementation of the 3rd Cycle UPR Recommendations

Thailand accepted 7 of the 12 LGBTI+-specific recommendations received during its 3rd UPR cycle, including recommendations to combat discrimination and violence based on sexual orientation and gender identity, strengthen inclusive education and training, and improve protection for marginalized LGBTI+ persons. However, five recommendations were noted, to enact a Gender Identity, Gender Expression and Sex Characteristics Act, reflecting a key unresolved gap in Thailand's human rights framework. Since the 3rd UPR cycle, other UN human rights mechanisms have reinforced the need for stronger legal recognition and protection for LGBTI+ persons. As a result, legal and administrative systems continue to rely on binary gender classifications, creating barriers across education, decent work, detention and access to public services.



4

draft Gender Recognition laws proposed in Thailand

0

enacted

None has become law.



77% reported job rejection rate for transgender job applicants in Thailand.

They also face 3x more employment barriers than cisgender workers.



REALITIES ON THE GROUND

Key Challenges

Cases, Statistics, Testimonials



Challenge 1: Lack of Legal Gender Recognition

- Thailand has no enacted Gender Recognition Act.
- Transgender and non-binary persons cannot amend legal gender markers based on self-determination.
- Four draft Gender Recognition Acts have been proposed, but none has become law.
- Existing legal and administrative systems continue to impose binary classifications that do not correspond with many people's lived gender identities.

Thailand has made significant progress on LGBTI+ rights, including marriage equality in 2025. Yet, it still lacks a comprehensive legal gender recognition framework: four Gender Recognition Acts have been proposed, but none has been enacted. Transgender and non-binary persons cannot change their legal gender markers based on self-identification, leaving transgender and non-binary persons with legal documents that do not reflect their gender identity and gender expression. Documented cases in education, professional licensing and detention show how the lack of legal non-recognition creates structural barriers to equal participation and protection.



Challenge 2: Intersex Persons: Bodily Autonomy and Self-Determination

- Birth registration remains restricted to binary "male" or "female" markers, creating pressure for early sex assignment.
- The 2026 draft Gender Identity Recognition Act introduces important protections but retains medical, judicial and administrative barriers to self-determination.

The absence of legal gender recognition has left intersex persons unable to align their official documents with their sex characteristics or self-determined identity without medical intervention. Thailand's existing administrative practice allows an intersex person to amend their civil title only by providing medical evidence of an intersex variation at birth and proof of "gender confirmation" or "normalising" surgery.



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- Intersex bodily autonomy remains inadequately protected where medical standards and exceptions are left to bodies without clear independent safeguards.



Nada Chaiyajit, Co-Founder of Intersex Thailand and Coordinator of the Thai CSOs Coalition for the UPR and UN Mechanisms, campaigns for public support for Thailand's proposed Self-Determination of Gender Identity, Gender Expression and Sex Characteristics Act.

The petition calls for legal recognition grounded in self-determination, including protection of intersex people's sex characteristics.

SOURCE: Nada Chaiyajit / Intersex Thailand (2026)

Cases, Statistics, Testimonials

The consequences of incorrect sex assignment have been documented in Thailand. One case documented in 2011 and another in 2020 involved individuals who were registered as female at birth based on external genital appearance but developed male secondary sex characteristics at puberty. **Both faced prolonged medical and administrative barriers before the Thai State would recognise their self-identified sex.**

Birth registration itself reinforces this problem. Thailand's civil registration system has traditionally required newborns to be recorded as either "male" or "female," forcing a sex marker to be selected shortly after birth even where sex characteristics do not fit typical binary categories. This can contribute to pressure for early sex assignment and medical intervention before the individual can participate in the decision.

These risks are compounded by limited understanding of intersex persons within the healthcare system. An intersex Muslim and LGBTQI+ rights activist reported that intersex variations remain poorly understood even among medical specialists outside endocrinology, while many healthcare providers lack training in intersex-competent care. This reflects broader gaps in medical education: a study of Thai medical schools found that none of the surveyed institutions had formal learning objectives on LGBTI+ healthcare in their core curricula, with teaching on gender diversity largely limited to basic terminology rather than practical, inclusive healthcare competencies.

A significant development came in **August 2026**, when the Government published a draft Gender Identity Recognition Act. The draft would allow intersex status to be recorded at birth, introduce a non-binary marker, and prohibit requiring surgery, hormones or psychological treatment for recognition. **However, applicants would still need a "certificate of readiness," meaning recognition would continue to depend on third-party assessment rather than self-determination alone.**

In 2025, the **CEDAW Committee** has additionally highlighted intersecting discrimination affecting lesbian, bisexual, transgender and **intersex persons**, alongside Indigenous and ethnic minority communities, and has urged Thailand to adopt targeted legislative and policy measures to eliminate intersectional discrimination and improve access to justice and public life.



Challenge 3: Trans Youth: The Need for Recognition from Education to Adulthood

- School and university systems remain structured around rigid gender binaries.
- Gender markers affect uniforms, hairstyles, records, dormitories and graduation.
- Recognition often depends on institutional discretion rather than an enforceable national right.

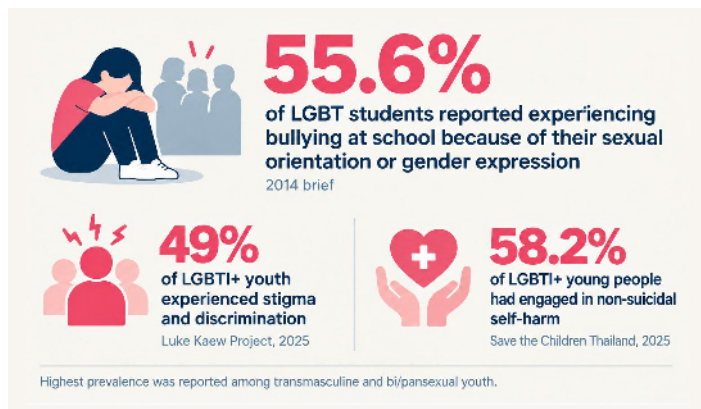
The absence of legal gender recognition follows transgender young people through education. Transgender and non-binary students remain unable to amend their legal gender markers based on self-identification, leaving them to navigate educational institutions structured around rigid gender binaries. In **2026, a transgender woman graduating from Maejo University was denied permission to receive her graduation certificate in academic attire corresponding with her gender identity and was required to wear male academic attire.** After the university refused to approve her graduation photograph, she was unable to obtain her graduation certificate. **More than 30 transgender students were reportedly affected by similar graduation barriers.** A complaint before the Committee on Consideration of Unfair Gender Discrimination remained pending at the time of submission.



REALITIES ON THE GROUND

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Legal non-recognition also affects students' everyday safety. In 2026, a Chulalongkorn University student publicly criticized dormitory policies requiring placement according to sex assigned at birth. A similar case documented in 2024 involved a transgender woman assigned to male housing who reported harassment, safety risks, and discomfort using male-designated facilities.

These institutional barriers occur within a wider environment of discrimination. In a 2014 brief, Mahidol University, UNESCO, and Plan International estimated that **55.6% of LGBT students reported experiencing bullying at school because of their sexual orientation or gender expression**. The Luke Kaew Project in 2025 reported that **49% of LGBTI+ youth experienced stigma and discrimination, 38% verbal or psychological harassment, and 15% physical violence because of their gender identity**. Similarly, the Save the Children Thailand study in 2025 study found **58.2% of LGBTI+ young people had engaged in non-suicidal self-harm**, with the highest prevalence among transmasculine and bi/pansexual youth.



Challenge 4: Decent Work and Professional Recognition

- Legal-document mismatches expose transgender people to discrimination during recruitment.
- Gender-specific public-sector rules continue to be based on legal sex rather than lived gender identity.
- Lack of LGR can prevent equal access to professional qualifications.

The absence of legal gender recognition creates barriers as transgender people transition from education into professional life. **Thai transgender job applicants face a reported 77% rejection rate and encounter three times more employment barriers than cisgender workers.**

Professional recognition can itself become a barrier. In **June 2025, two transgender women were excluded from national teacher-licensure examinations**. One was removed after the examination had already begun, while another was denied entry and instructed to change into male attire. These cases demonstrate how discrepancies between gender identity, legal title and sex assigned at birth can restrict access not merely to employment, but to the professional qualifications required to enter an occupation.



Challenge 5: Detention and Deprivation of Liberty

- Legal sex can determine placement in gender-segregated detention facilities.
- Transgender women placed in male facilities face heightened risks to safety and dignity.
- Lack of recognition compounds barriers to gender-affirming healthcare in detention.

The consequences of legal non-recognition become particularly serious when transgender persons are deprived of liberty. Reports documented in **2026 found that transgender women placed in male detention facilities faced heightened risks of physical assault, intimidation, and sexual violence**, raising concerns regarding their raising concerns regarding their safety, dignity, and protection from gender-based violence.



SOURCE: Depart of Corrections, Thailand via AP (2021)

Legal and institutional non-recognition also affects access to healthcare while detained. Interviews conducted in **November 2024 with transgender women detained in male prisons found that gender-affirming 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** were reported to have formal measures supporting transgender detainees, leaving access to gender-affirming healthcare largely dependent on institutional discretion.



Challenge 6: 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.



Non-binary activist Sirisak Chaited "Ton":

"When I posted about calling for legal gender recognition, it attracted lots of hatred. I got direct messages threatening me: 'You people are so greedy. Just shut up and stay quiet. Don't let me find you.'"

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 received death threats for advocating legal gender recognition which sparked the waves of online attacks against trans and non-binary activists across the nation.

In the months leading up to the February 2026 general election, a broader and related pattern emerged in which women and LGBTI+ persons participating in public and political life faced targeted gender-based harassment online. These patterns show how cyber harassment and doxxing increasingly threaten digital freedom in Thailand, making it more difficult for Thai LGBTI+ activists and CSOs to advocate for their rights.



RECOMMENDATIONS

- **Enact a law establishing legal gender recognition based on self-determination by 2030**, responding to recommendations on legal gender recognition made during Thailand's third UPR (2021) and by the CEDAW Committee (2025 Concluding Observations to Thailand), as well as the call for legal gender recognition by the United Nations Working Group on discrimination against women and girls in 2025. Ensure that trans, non-binary, intersex 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 reflecting their lived gender identity without requirements of medical diagnosis, surgical intervention, or sterilization.
- **Amend the Gender Equality Act B.E. 2558 (2015) to remove the exemptions under Section 17 paragraph 2 by 2030.** Eliminate the exemptions based on religious principles or national security while preserving measures that remove barriers or protect people's safety and welfare. Explicitly protect against discrimination based on sexual orientation, gender identity, gender expression and sex characteristics, including discrimination against non-binary people, in employment, education, healthcare, detention and digital spaces. This would advance recommendations made during Thailand's third UPR and the CEDAW Committee's 2025 call to amend the Act.
- **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 Thailand third UPR recommendation (2021), The Special Rapporteur on the right to health (2025), and The Working Group on discrimination against women and girls (2025).
- **Enact comprehensive anti-discrimination legislation and adopt binding national guidelines, developed in consultation with affected communities by 2030.** 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, in line with Thailand third UPR recommendation (2021), and the CEDAW Committee's Concluding Observations (2025).



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Human Rights Situation of
LGBTI+ Persons in Thailand**