



## Sexual Orientation, Gender identity and Expression and Sex Characteristics(SOGIE) Rights

**With the suspension of the 2007 Constitution, the provisions to provide for protection for the LGBTI** (Lesbian, Gay, Bisexuals, Transgender, and Intersex) individuals has been done away as well. Therefore, the Thailand should ensure that the new Constitution contains safeguards against discriminations based on gender identity and expression, sexual orientation and sex characteristics and allow LGBTI individuals to participate in the legislation and development of policy to protect the rights of LGBTI persons, including the protection against abuse and discrimination in educational institutions, the right to be recognized as a transgender person, and the recognition of same-sex marriage.

### 1) SOGIE Rights under Thailand Constitution:

There is a lack of public participation in the drafting process of laws and policies, and of the constitution, making it difficult for these laws and policies to include specific clauses guaranteeing the rights of LGBTI persons. Although the Gender Equality Act B.E. 2558 (2015) came into effect on 9 September 2015, its contents contain at least one clause that is discriminatory towards LGBTI persons.

#### Recommendations:

- Collaborate with civil society in recommending and rectifying laws and policies, along with their implementations to support and protect the rights of LGBTI individuals
- Raise public awareness and recognize sexual orientation, gender identity and expression and sex characteristics rights under the constitution to protect and uphold equality and dignity for LGBTI persons.
- Ensure adequate public participation in the drafting process of laws in order to be inclusive of LGBTI persons.
- Amend laws that discriminate LGBTI individuals and that are not in line with international human rights standards.

2) There are no laws or policies that protect or provide social services for the LGBTI community regarding family rights, such as same-sex marriage, adoption of children, and legal access to assisted reproductive technologies.

#### Recommendations:

- Make amendments to the Civil and Commercial Code, Book 5, Article 1448 to enable rights to marriage equality.

### 3) Gender Identity of the Individual:

The State has no laws that guarantee the existence of diverse gender identities. The results are discrimination towards transgender persons in the judicial system, customs and re-entry into the country, access to health, education, and employment for example. These cause much difficulty in having a normal life for those whose gender identities differ from their identified ones. As an example, a person travelling into the country is questioned by customs officials because their passport details do not match their gender identity.

#### Recommendations:

- Adopt a law on gender identity that allows gender recognition.
- Ensure appropriate training is provided to officials, including prison officers, in sexual orientation, gender identity and expression and sex characteristics.
- Provide an educational program on schools that promote the respect for sexual orientation, gender identity and expression and sex characteristics.
- Ensure that the national policies on education, health, labor and justice have a gender and sex characteristics-sensitivity approach.

Access the Joint NGO Submission at the following link: <http://ilgb-tea.org/wp-content/2016-UPR>  
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