

Appendix: Letters to the Government of Thailand

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Minister Juti Krairiksh
Ministry of Social Development and Human Security
Royal Thai Government
1034 Krungkasem Rd., Klongmahanak, Pomprabsatrupai,
Bangkok 10100 Thailand

Fax: [REDACTED]
Email: [REDACTED]

Re: Request for information on the rights of transgender people in Thailand

Dear Minister Juti Krairiksh:

I am writing on behalf of Human Rights Watch to inquire about the Social Development and Human Security Ministry's work to protect the rights of transgender people in Thailand.

Human Rights Watch is an independent nongovernmental organization that monitors and reports on human rights in more than 90 countries around the world, including in Thailand.

We have conducted research on the rights of transgender people in Thailand as it relates to their ability to change their legal gender. Our forthcoming report draws on and cites the work your Ministry has conducted on the issue.

As you may know, because there is no legal procedure in Thailand for changing gender, transgender people face discrimination in accessing education, employment, and health care. In many cases, this results in them pursuing unsupervised transition-related care, including hormone replacement therapy via over-the-counter drugs without supervision of a medical professional—which can have grave consequences.

We understand the Ministry of Social Development and Human Security has engaged extensively with transgender communities to discuss legal reforms, including legal gender recognition, that would protect the rights of transgender people.

We are keen to reflect the Ministry's latest actions and commitments in this regard in our report. As such, we kindly request your reply to the following questions by December 1, 2021 so that we may accurately reflect it in our publications.

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1. What recent steps has the Ministry taken to develop and advocate for a law that enables transgender people to be recognized according to their gender identity and change their legal name and gender without any medical requirements?
2. What are your plans for, according to the powers vested in the minister of social development and human security under section 5 of the Gender Equality Act, developing a robust and inclusive definition of “gender identity” to be formally published in the royal gazette?

We would be happy to meet at your convenience to discuss our findings or the international human rights standards relevant to our recommendations in more depth. Kindly send your reply to Kyle Knight at [REDACTED].

Thank you for your attention to this important matter.

Sincerely,



Kyle Knight
Senior Researcher, LGBT Rights
Human Rights Watch

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Minister Anutin Charnvirakul
Ministry of Public Health
Royal Thai Government
Tiwanon Road, Talat Khwan Subdistrict, Mueang District,
Nonthaburi Province 11000

Fax: [REDACTED]

Email: [REDACTED]

Re: Request for information on the rights of transgender people in Thailand

Dear Minister Anutin Charnvirakul:

I am writing on behalf of Human Rights Watch to inquire about the Ministry of Health's work to protect the rights of transgender people.

As you may know, Human Rights Watch is an independent nongovernmental organization that monitors and reports on human rights in more than 90 countries around the world, including in Thailand.

We have conducted research on the rights of transgender people in Thailand as it relates to their ability to change their legal gender. Because there is no legal procedure for changing gender, transgender people in Thailand face discrimination in accessing education, employment, and health care. In many cases, this results in them pursuing unsupervised transition-related care, including hormone replacement therapy via over-the-counter drugs without supervision of a medical professional—which can have grave consequences.

One barrier to medically supervised hormone administration for transgender people in Thailand is the 2009 regulations issued by the Medical Council of Thailand.¹ While intended to be affirmative and provide a pathway to gender-affirming surgeries, the regulations require that transgender people undergo a psychiatric evaluation in order to be eligible for supervised hormone therapy and stipulate that the hormone therapy is part of a pathway toward surgery, which not all transgender people want to undergo.² In fact, research has shown that a minority of

¹ Regulations of the Medical Council Concerning Ethics in the Medical Profession Rules for Treatment in Sex Change Operations B.E. 2552 (2009), <http://thailawforum.com/laws/Regulation%20of%20the%20Medical%20Council%20Concerning%20Ethics.pdf><http://thailawforum.com/laws/Regulation%20of%20the%20Medical%20Council%20Concerning%20Ethics.pdf>

² Announcement of the Medical Council 58/2552 B.E. (2009 A.D.) Regarding Guidelines for Persons Manifesting Confusion Concerning Their Sexual Identity or Desiring Treatment By Undergoing a Sex Change Operation, <http://www.thailawforum.com/Guidelines-sex-change-operations.html> (accessed August 10, 2021).

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transgender men and transgender women in Thailand desire surgery, suggesting that medically supervised hormone administration linked to surgery may be perceived as excluding them.³

Requiring psychiatric evaluation or diagnosis to access care is antithetical to international standards and best practices. As you may know, the World Health Organization's International Classification of Diseases Version 11 (ICD-11) removed the diagnosis of "gender identity disorder," which requires Thailand to update its diagnostic codes. As the Ministry of Health is responsible for implementing ICD-11, we write to inquire how the Ministry plans to engage the Thai Medical Council in updating Thailand's standards of care for transgender people.

We urge the Ministry to carefully consider the harms posed to transgender people under Thailand's current legal regime, which lacks a procedure for allowing people to change their legal gender.

For the purposes of our research, we request that the Ministry kindly provide us with information by December 1, 2021 on the following so that we may reflect this in our reporting:

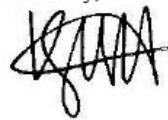
1. What plans does the Ministry have to update Thailand's standards of care for transgender people?
2. What steps have been taken to support the creation of a rights-based legal gender recognition procedure?

We would be happy to meet at your convenience to discuss our findings or the international human rights standards relevant to our recommendations in more depth.

We kindly ask that you reply to Kyle Knight at [REDACTED] in response to this letter.

Thank you for your attention to this important matter.

Sincerely,



Kyle Knight
Senior Researcher, LGBT Rights
Human Rights Watch

³Louis J. Gooren, Tanapong Sungkaew, Erik J. Giltay & Thomas E. Guadamuz, "Cross-sex hormone use, functional health and mental well-being among transgender men (Toms) and Transgender Women (Kathoey) in Thailand," *Culture, Health & Sexuality*, 17:1 (2015), 92-193, accessed August 10, 2021, doi: 10.1080/13691058.2014.950982.