

## **Results of Investigation Report No. 211/2560**

### **Medical Services and Welfare from the State Related to Personal Rights and Status in Case of a Request for Examination and Protection of Human Rights for Persons with ambiguous Genitalia**

#### **Issue of Complaint**

National Human Rights Commission of Thailand (NHRCT) received a petition from a group of people requesting an investigation of a case which claimed that the complainant was an ambiguous Genitalia person and wished to receive an examination to determine whether the complainant had ambiguous Genitalia condition or not. However, as physicians at present still could not adjudge to confirm that a person has ambiguous Genitalia condition, resulting in the complainant being unable to submit a request to change the complainant's name title because there is no evidence for consideration.

#### **Actions taken**

NHRCT took this case into consideration saw that state agencies have enacted laws and issued regulations and guidelines for actions to give rights to ambiguous Genitalia persons to be able to change their name title, making it correct and consistent with their current gender. They are also given right to access medical services and right to access various types of medicine that are necessary for medical treatments for ambiguous Genitalia without costs. Having these laws, regulations and guidelines for actions to protect rights of ambiguous Genitalia persons would result in ambiguous Genitalia persons being able to live with and receive recognition from the society, including being able to exercise their various rights the same as other persons in general. The Commission therefore had a resolution to end this case. However, the complainant had not been adjudged to be an ambiguous Genitalia person to be able to have the right to receive medical services and changes in citizen registration. Therefore, for rights and benefits that the complainant should have and for protecting human rights of ambiguous Genitalia persons according to the complaint, the Commission passed a resolution to send a notice to Chulalongkorn Hospital and the National Health Security Office to consider taking actions according to their authority and responsibilities according to Section 15 (5) of the National Human Rights Commission Act B.E. 2541 (1998).

#### **Recommendations**

(1) Chulalongkorn Hospital which is the hospital that the complainant has already received adjudgment should consider adjudging whether the complainant is an ambiguous Genitalia person or not according to medical methodology as a matter of fact, so that the complainant would acquire the right to receive medical services; the complainant has already given permission to disclose name and surname to Chulalongkorn Hospital to take an examination and make adjudgment.

(2) The National Health Security Office should consider taking actions as follows:

(2.1) The group of people with gender diversity (LGBTI) who are within the scope of being ambiguous Genitalia persons or persons with more than one sex (intersex) as already recognized by physicians should be able to have sex change operation according to

physician's testimonial without having to pay incurring medical costs according to the health security right that a person should have under the law.

(2.2) In the long term, for the benefit of protecting the rights of the persons who have already gone through sex change operation, or transgender persons who have already gone through examination by psychologist and endocrinologist and social assessment according to guidelines provided by the Medical Council of Thailand, the persons may be given the right to have an operation to transform their own body to meet their gender and gender identity using their right according to the health security scheme.

### **Successes/progress in human rights protection**

(1) Chulalongkorn Hospital informed the Commission that it is pleased to take an examination and make adjudgment for the complainant.

(2) The National Health Security Office informed the Commission that persons with gender diversity (LGBTI) are adjudged to be in the category and are within the scope of the right to receive medical services applied for these persons as declared by the Health Security Commission according to Section 5 of the National Health Security Act B.E. 2545 (2002), as well as persons who have gone through sex change operation or transgender. Information will be collected to present to the National Health Security Commission to consider declaring a category and scope of medical service that persons have a right to receive as provided in Section 5, Paragraph 3, of the National Health Security Act B.E. 2545 (2002).