

Being LGBT in Thailand: Transgender student files complaint with Gender Discrimination Committee on uniform case

Wednesday 30 January 2019, by [PRACHATAI](#) (Date first published: 22 January 2019).

Today (29 January 2019), Jirapat, the transgender student who was denied the right to dress according to her gender identity by Chulalongkorn University, went to the Department of Women's Affairs and Family Development (DWF) to file a formal complaint on her case.



Jirapat is a student at the Faculty of Education, Chulalongkorn University. She has allegedly been facing transphobic comments and verbal harassments from a special instructor, and earlier in January 2019, the Faculty informed Jirapat that they had overturned their decision to allow her to wear the university's uniform for female students. Jirapat, along with two other students, then filed a complaint on the case with the Committee on Consideration of Unfair Gender Discrimination on 29 January 2019.

Their complaint was received by Lerdpanya Buranabundit, the director-general of the Department of Women's Affairs and Family Development. Mr Lerdpanya said that, under the Gender Equality Act, those who face discrimination have the right to protection, and to have their rights defended. The Gender Equality Act [\[1\]](#) prohibits unfair treatments on the basis of gender, and under Section 18 of this act, any person who thinks that they have suffered from gender-based discrimination may file a complaint with the Gender Discrimination Committee, which has the authority to ensure that appropriate actions are taken to end and prevent discrimination, and to ensure that there will be compensation and remedy for the injured party.

Mr Lerdpanya also said that "DWF welcomes complaints from anyone facing gender-based discrimination, no matter the person's gender identity, since the Gender Equality Act protects everyone who is discriminated against on the basis of gender. Those who wish to file a complaint may do so in person, by post, or online."

For Jirapat's case, Mr Lerdpanya said that the Committee, together with Chulalongkorn University and the Faculty of Education, will try to find a common solution that is fair to everyone.

Chulalongkorn University has been granting transgender students permission to graduate in the attire that matches their gender identity, provided that they file a formal request with the university. However, Jirapat is the first student to formally request permission to dress according to her gender

identity to class and to sit examinations, and other students are now following in her footsteps. She said that such requests are so rare not because there are no transgender students at Chulalongkorn University, but because the university has never informed its students that this is possible and students weren't aware of the protocol.

Jirapat told Prachatai that she does not think that the uniform requirement is the problem. She believes that, even if the university does not require a uniform, transgender students will still have a hard time wearing clothing that matches their gender identity in a conservative institution. She said she understands that this is not the point where students would no longer have to ask the university for permission to dress according to their gender identity. However, she would like the university to establish a protocol and criteria which treat everyone fairly. Jirapat said that currently the requirement is that the student making the request must already have gone through gender confirmation surgery or top surgery, or at least look traditionally feminine for their request to be approved. Jirapat thinks that this is unfair, as she is supported by her mother and is therefore able to access these treatments, while others may not have the same opportunity.



From left: Boat, Flook, and Jirapat

Boat and Flook, also students at the Faculty of Education, said that they were also affected by the faculty's order for every student to dress according to the gender they were assigned at birth, and decided to stand with Jirapat. They were also present at the DWF Office this morning when Jirapat filed her complaint.

Boat, a fourth-year student, said that she will soon have to undergo teacher training. She will be posted at a school for four to five months at a time, and she is concerned that she won't be able to dress as a woman while in training. Boat said that she has been wearing the female uniform since her second year, and is concerned that the faculty will not defend her rights. Boat told Prachatai that there have been many instances in which a transgender student was rejected by the school they have been posted to because they are transgender, and the faculty does not have any support system in place when such an incident happens. She said that the faculty either sends the student to another school, or tries to convince them to dress as a man while they are in training — a method she finds unacceptable.

Flook, a second-year student, said that she also faced some discrimination from staff members. A lecturer allegedly ordered her to use the Thai ending particle "khrap," used by male speakers, instead of "kha" which is used by female speakers, as, according to the lecturer, "you're a man" even though she was wearing a female uniform at the time. She told Prachatai that she wanted to file a formal uniform request as Jirapat did, but her academic advisor did not allow her to do so.

Chulalongkorn University is known for being a conservative institution. However, Boat and Flook said that not every lecturer in their Faculty is discriminating. Many members of staff are rather accepting about them expressing their gender identity, and only a few lack understanding about LGBT rights. Despite this, Boat said that she wishes all parties could come to a mutual understanding. She noted that the right to be treated fairly regardless of gender identity is enshrined in the Gender Equality Act, and she would like the university to understand that clothes

are also a means of self-expression.



Nada Chaiyajit (pink shirt)

Nada Chaiyajit, a trans right activist and legal advisor for the trans right group Transpiration Power, who has been Jirapat's advocate, said that the university's decision to suspend the Faculty of Education's order prohibiting transgender students from dressing according to their gender identity shows their intention to protect these students. However, she said that she and Jirapat decided to file a complaint in order to make sure their rights will be protected. Nada said that the special instructor's action affected a wide group of people, since his homophobic and transphobic comments were made in class. She does not think that this can be tolerated. Nada said that the case will now be processed according to the Committee's protocols, and that she will present their evidence when the investigation starts. Nada also says that the aim is for transgender students to be able to dress according to their gender identity to class, to examinations, to internship, and to graduation.

Prachatai

- Prachatai, Tue, 2019-01-29 22:33:
<https://prachatai.com/english/node/7901?utm>

University denies trans student's right to wear female uniform; reflects discrimination faced by Thailand's LGBT community

On 15 January 2019, the Board of Administrators at the Faculty of Education at Chulalongkorn University overturned a transgender student permission to wear the university's uniform for female students, and instead ordered the student to dress as male or face extreme penalties.

Jirapat, a student at the Faculty of Education, says that she filed a formal request with the Faculty in September 2017 for permission to wear the university's female uniform to class and to sit examinations. The Faculty forwarded it to the university's Office of Student Affairs. The university then informed Jirapat that it will be changing its uniform regulations so that the authority lies with each faculty.

Chulalongkorn University does not currently have an official protocol for transgender students requesting permission to dress according to their gender identity. Nada Chaiyajit, a trans right activist and legal advisor for the trans right group Transpiration Power, told Prachatai that there is an effort from the university to solve the problem by changing its regulations. However, giving the dean of each faculty the authority to give or not to give students permission to dress according to their gender identity is still a violation of human rights principles.

Meanwhile, as it takes time for the university to rewrite its regulations and for the new rules to come into effect, Jirapat filed another request with the Faculty of Education, and received a letter from the Faculty in December 2017 informing her that permission has been granted.

Later, Jirapat said that she faced transphobic comments from a special instructor in November 2018. The instructor told her to either dress as male for his next class, or not come to class at all. As Jirapat told *Morning News* on Channel 3 [2], the instructor told her that being transgender is just like being insane, and that he had said to her: “it is good enough that we’re allowing you to study instead of sending you to an asylum.” The instructor also told Jirapat that he would be asking the faculty to reconsider her request.

On 11 January 2019, Jirapat was informed that the Faculty Board of Administrators had overturned their decision allowing her to wear the uniform for female students. She was also told that she must dress as a male from then on, or have her disciplinary points deducted, which could eventually result in termination of her student status.

Student activist Netiwit Chotiphatphaisal later launched a Change.Org campaign [3], indicating that the special instructor in question is Assistant Professor Dr Niran Sangsawat. The petition calls for the Faculty of Education to take disciplinary action against Dr Niran for his discriminatory behaviour which has continued for 35 years.

Due to the unfair treatment she received, Jirapat filed an appeal with the University’s grievance committee. On 16 January, the University released an announcement on its website [4] that it has received the student’s appeal, and that the university’s President, Professor Bundhit Eua-arporn, has suspended the Faculty of Education’s order, therefore allowing the student to dress according to her gender identity until a decision is made otherwise. Nada Chaiyajit told [MONO 29](#) that she and Jirapat would be asking the University to start an investigation, and that they will push for the University to publish written regulations in order to prevent such a case from happening again.

Being LGBT in Thailand

While Thailand’s LGBT community faces daily cases of discrimination and inequality such as Jirapat’s, the country advertises itself as a queer-friendly destination. In 2013, the Thailand Tourism Authority even launched the “Go Thai, Be Free” campaign, hoping to attract LGBT tourists. Bangkok has been called “Asia’s gay capital” and is known for its gay nightlife scene, transgender beauty queens, and gender confirmation surgery. However, this façade of acceptance is only skin-deep. Here is a country that promotes itself as a gay paradise while offering no protection for its LGBT population, where discussions of sex and sexuality are still taboo and there is limited sex education in school, and LGBT people live under strong pressure not to bring shame on their family.

The LGBT community in Thailand is tolerated as long as its members remain within certain social confines. In Thai media, the token “kathoei” or trans woman is rarely seen in any other role but that of comic relief, and gay people are portrayed in a negative light or as stock characters. LGBT films, such as Tanwarin Sukkhapisit’s *Insects in the Backyard*, are often banned. Even with the Gender Equality Act of 2015, there is little legal support for the LGBT community. And even if homosexuality is no longer a crime under Thai law, the LGBT community still faces discrimination in the workplace, school, and in the home. There are reports of LGBT people being denied promotion or fired from their jobs after disclosing their sexuality, or questioned inappropriately about their sexual orientation and gender identity during interviews. LGBT students face harassment and bullying from their teachers and peers based on their sexual orientation and gender identity.

A USAID/UNDP report cited a 2014 study conducted by UNESCO [5], Plan International, and

Mahidol University, which said that a third of the 2000 LGBT students participating in the survey had been harassed, and that only a minority had reported the bullying. Transgender children are often abused by their families and punished for being trans. Under Thai law, a transgender person still cannot legally change their title on identity papers, even after gender confirmation surgery, and most schools and universities still do not officially recognize a student's right to dress according to their gender identity. Same-sex couples still cannot legally marry, and are therefore denied certain rights given to heterosexual couples, such as the right to adopt a child, to take their partner's name, to access social benefits, to make medical decisions on their partner's behalf, or to obtain a marriage visa for a partner who does not hold Thai citizenship.

Thailand is currently in the process of passing a Civil Partnership Act, which, if successful, would make it the first country in Southeast Asia to recognize same-sex partnerships, and local activists are working to push the country towards equality. But while there is no overt prosecution, there is no protection either. Discrimination still lurks below the surface of Thai society, which may not be the paradise of acceptance it claims to be.

Revision on 24 January 2019: previously, the report said that Jirapat sent a request to the Faculty in 2018 and continue to wear the female uniform while waiting for the verdict on her request. We were then informed that this is not the case. In fact, Jirapat filed her request in 2017. The permission was granted only to be overturned in January 2019. We have amended the report and would like to apologize for our mistake.

Prachatai

- Prachatai, Tue, 2019-01-22 16:05:
<https://prachatai.com/english/node/7887>

Footnotes

- [1] <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/100442/120478/F764760666/THA100442%20Eng.pdf>
- [2] <https://www.youtube.com/watch?v=R2gfN6Fl0CQ>
- [3]