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The Recognition of LGBTQIA+ Rights as Human Rights in Thailand's Six Public Universities

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ABSTRACT

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This study investigates the recognition of LGBTQIA+ rights in Thailand's six public universities, including Chulalongkorn University, Thammasat University, Kasetsart University, Silpakorn University, Mahidol University, and Chiang Mai University, in terms of uniform dressing, graduation gowns, and name prefixes. Later, in the context of a university setting, this study discusses the legal recognition of LGBTQIA+ rights in a broader Thai society. This study employs a mixed-method research design, primarily using documentary research and supplemented with qualitative methods of short interviews with six representatives from selected universities to confirm the documentary data. According to the findings of this study, LGBTQIA+ rights were recognized in various ways at the majority of public universities. They all allow LGBTQIA+ students to wear uniforms that correspond to their gender. Chiang Mai University allows them to wear their uniform and graduation gown officially. Moreover, student councils at Kasetsart University and Thammasat University are very active in ensuring the rights of LGBTQIA+ students, especially the right not to use the name prefix at the student level. Unlike others, Mahidol University, Chulalongkorn University, and Silpakorn University do not have a specific rule for a name prefix. The fact that some LGBTQIA+ rights are not recognized in educational settings reflects some of the legal constraints and public awareness of LGBTQIA+ human rights in Thai society.

Introduction

Thailand is regarded as one of the world's most LGBTQIA+ -friendly countries because of its acceptance of gender diversity. According to the World Economic Forum, a survey in 2021 found that the LGBTQIA+ community is rapidly expanding. They are identified as lesbian, gay, bisexual, queer, transgender, other non-heteronormative or cisgender individuals (World Economic Forum, 2022). Asian countries are home to roughly 60 percent of the world's LGBTQIA+ population. Thailand's LGBTQIA+ population is estimated to be around 6 percent of the total population, or approximately four million people. The country is also the second most popular LGBTQIA+ travel destination in Asia in 2021. Furthermore, due to its LGBTQIA+ dating scene, nightlife, openness, and safety, Bangkok was named Asia's third most gay-friendly city, behind Boracay Island in the Philippines and Taipei, Taiwan (Saunders, 2021). Therefore, Thailand is believed to be the centre of LGBTQIA+ festivals and world-renowned events (Armartpon, 2021).

In the past, Thai LGBTQIA+ people have received poorer treatment, HIV and AIDS care, persistent mental health issues like depression and suicidality, greater economic insecurity, and political marginalization than heterosexual and cisgender people. In the literature on queer people, the stories of LGBTQIA+ people appear to be ones of disparities caused by systemic discrimination, social exclusion, and stigma (Newman et al., 2021). Later on, Thailand's gender diversity situation continued to improve in a positive way. In 1956, Thailand became one of the first Asian countries to legalize homosexuality. According to Saunders (2021), homosexuality has been openly served in the military since 2005, and homosexuality was declassified as an illness in 2002 (Saunders, 2021). Thailand has had a slew of anti-discrimination laws in place since 2015, covering everything from education to employment to hate speech. On the other hand, LGBTQIA+ people are not permitted to register for marriage. A gay couple's marriage license was denied in Chiang Mai Province in 2012. The issue was brought to Thailand's National Human Rights Commission, which filed a complaint with the Constitutional Court. This complaint was accepted, and a series of bills were drafted to extend the rights and obligations of same-sex marriage through a "civil unions" scheme (Saunders, 2013).

The Thai people are guaranteed a variety of rights and freedoms under Part III of the *Constitution of the Kingdom of Thailand B.E. 2560*, which includes gender equality, non-discrimination, the right to life, the right to privacy, freedom of religion, association, and

expression, and the right to a 12-year education (Constitution of the Kingdom of Thailand B.E. 2560, 2017). In reality, LGBTQIA+ youth face numerous problems and gender stigmatization due to a lack of social support and legal recognition, particularly in the context of school and higher education. This study investigates the recognition of LGBTQIA+ rights in Thailand's six public universities that have made significant changes for their students in terms of uniforms, graduation gowns, and name prefixes. Second, the study discusses the implications of gender stigmatization in the context of Thai higher education and the legal recognition of LGBTQIA+ rights, especially the right to marry, in broader Thai society.

Research Questions

1. How do Thailand's six public universities, including Chulalongkorn University, Thammasat University, Kasetsart University, Silpakorn University, Mahidol University, and Chiang Mai University, recognize the rights of LGBTQIA+ students?
2. How can gender stigmatization in Thai higher education imply to public awareness of LGBTQIA+ rights in a broader Thai society?

Research Objectives

This study aims to

1. investigate the recognition of LGBTQIA+ rights in Thailand's six public universities, including Chulalongkorn University, Thammasat University, Kasetsart University, Silpakorn University, Mahidol University, and Chiang Mai University, concerning uniform dressing, graduation gowns, and name prefixes.
2. discuss the implications of gender stigmatization in the context of Thai higher education to public awareness of LGBTQIA+ rights in a broader Thai society.

Literature Reviews

LGBTQIA+ rights as Human Rights

The rights of people with gender diversity are hotly debated in real-world politics. Many aspects of LGBTQIA+ rights are denied. They are emphasizing the inconsistencies of a rights-based politics. Before 2011, the United Nations, which is at the heart of the global human rights regime, had never ignored LGBTQIA+ rights. In fact, sexual orientation and gender

identity are fundamental aspects of our identities that should never be subjected to prejudice or abuse (Human Rights Watch, 2013). In 2006, the Yogyakarta Principles were developed by a group of international LGBT+ legal scholars and activists to combat “violence, harassment, discrimination, exclusion, stigmatization, and prejudice” against LGBT+ people (Yogyakarta Principles, 2007, p. 8). This vision should be incorporated into international human rights principles to counter LGBT+ exclusion (Newman et al., 2021). Finally, the UN High Commissioner for Human Rights (UNHCR), under former UN Secretary-General Ban Ki-moon, stated in 2011 that...

All people, including lesbian, gay, bisexual and transgender (LGBT) people, are entitled to enjoy the protections provided for by international human rights law, including in respect of rights to life, security of person and privacy, the right to be free from torture, arbitrary arrest and detention, the right to be free from discrimination and the right to freedom of expression, association and peaceful assembly (United Nation General Assembly, 2011, p. 4)

Since then, international organizations have asserted that human rights include sexual rights (Cochran et al., 2020). In 2012, the United Nations launched “Free and Equal,” a major global education campaign on LGBTQIA+ rights (Langlois, 2018). In addition, as US Secretary of State, Hillary Clinton joined the international community in recognizing that “gay rights are human rights, and human rights are gay rights” (Amnesty International, 2011).

Various UN fora have voted in favor of LGBTQIA+ human rights measures on a global scale. The Human Rights Council has requested reports from the UN High Commissioner for Human Rights on discrimination and violence against people based on their sexual orientation and gender identity on two occasions, the first in 2011 and the second in 2015. The application of existing human rights protections and the expansion of their remit through various strategies are critical components of legal and political advocacy for LGBTQIA+ rights. The Human Rights Council voted in favor of establishing a UN Special Procedure to establish an Independent Expert on Sexual Orientation and Gender Identity (SOGI) in 2016 (United Nations Office of the High Commissioner for Human Rights [UN Human Rights], 2016). This organization urges the United Nations Human Rights Council to establish and renew a mandate on sexual orientation and gender identity. Finally, in 2019, the United Nations Human Rights Council passed a resolution renewing the Independent Expert's mandate on violence and discrimination against

people based on their sexual orientation or gender identity. This resolution reaffirmed the universal nature of international human rights law (McEvoy, 2019). As a result, LGBTQIA+ rights as human rights relied on existing international human rights law and its implications to protect LGBTQIA+ people (Langlois, 2018). Nonetheless, LGBT+ people continue to face discrimination around the world. They are struggling for full physical security, economic security, and overall health rights (Newman et al., 2021).

The debate over LGBTQIA+ rights is heavily influenced by each state's society, values, beliefs, religion, and politics. This case demonstrates the rigid polarization of views on gender and sexuality between states. There are various levels of LGBTQIA+ acceptance at the national and social levels. According to *State-Sponsored Homophobia 2020: Global Legislation Overview Update*, 28 UN Member States will recognize same-sex marriage in 2020, while 34 UN Member States will only recognize same-sex couples as the first step toward same-sex marriage. The first "registered partnership" between same-sex couples began in Denmark in 1989. Later on, an increasing number of jurisdictions began to offer these unions (Mendos et al., 2020). On the other hand, same-sex sexual activity is illegal in over 67 countries worldwide (Sinclair & Sinatti, 2022). For example, Iran is the only country that punishes consensual same-sex sexual acts with the death penalty. In Brunei, Mauritania, Nigeria (in the northern third of the country), Saudi Arabia, Somalia (in the autonomous state of Jubaland), and the United Arab Emirates, the death penalty is officially legal but rarely used. In addition, LGBTQIA+ people in Afghanistan are subjected to extrajudicial killings under Taliban rule, as well as in the Russian region of Chechnya (Vella, 2021). Sudan's death penalty for anal sex (heterosexual or homosexual) was reinstated in 2020. Stoning is legal in fifteen countries as a punishment for adultery, which includes gay sex, but it is only enforced by Iranian legal authorities (Holley, 2015; Stephens, 2019).

LGBTQIA+ rights in Thai Educational System

Education is believed to be the shortest, fastest, and most effective way to achieve sustainable gender equality in society. Also, gender equality in education is one of the educational goals in many countries around the world (Ngo, 2021). Nevertheless, LGBTQIA+ people in Thailand continue to face challenges in a variety of areas, including in the Thai education system. The recognition of LGBTQIA+ rights in Thai education is governed by at least three important laws, namely *the Constitution of the Kingdom of Thailand B.E. 2560* (2017), education of all programs in Thailand since 2005, and *the Gender Equality Act B.E.*

2558 (2015).

The protection of gender diversity in Thailand is based on the Constitution's principle of non-discrimination based on gender. According to Araya Suksom (2018), the protection of gender diversity in the Thai Constitution began in 2006. Since the drafting of the Constitution B.E.2550 (2007), the drafters have changed the text in Article 30, paragraph two of the Constitution from “Men and women have equal rights” to “Men, women, and LGBTI people have equal rights.” The adoption of the nondiscrimination principle, however, was revised in 2016. On April 6, 2017, the 2007 Constitution was repealed and replaced by the Constitution of the Kingdom of Thailand (B.E.2560), following a coup d'état in 2014. The text on gender was removed from the recent constitution, leaving only the prohibition of discrimination based on gender differences (Sooksom, 2018). Section 27 of *the Constitution of the Kingdom of Thailand B.E. 2560* (2017), paragraph three states that...

All persons are equal before the law, and shall have rights and liberties and be protected equally under the law.

Men and women shall enjoy equal rights.

Unjust discrimination against a person on the grounds of differences in origin, race, language, gender, age, disability, physical or health condition, personal status, economic and social standing, religious belief, education, or political view which is not contrary to the provisions of the Constitution or on any other grounds, shall not be permitted (Constitution of the Kingdom of Thailand B.E. 2560, 2017, p. 9).

As a result of the provisions, all Thai people, including LGBTQIA+ people, are protected under the principle of non-discrimination based on gender, including gender diversity (Sooksom, 2018)

In terms of education, Thailand hosted the World Conference on Education for All (EFA) in 1990, recognizing the right to an education of all children in the country. Thailand's Cabinet approved the Ministry of Education's proposal for a Resolution on Education for Unregistered Persons in 2005, with the goal of providing basic education for all children, regardless of nationality or legal status (Khaikham, 2017). However, there is likely to be a gap

between policy intention and reality in Thai schools for LGBTQIA+ students (Help Without Frontiers Thailand Foundation, 2019).

The study by Newman et al. shows that most LGBTQIA+ students in Thai schools face bullying; for example, verbal/social abuse like name-calling, online bullying, and social exclusion; physical abuse like kicking and slapping; and sexual abuse like unwanted touching of the breasts, penis, or buttocks (Newman et al., 2021). Thailand established the first national policy on sex education in 1938, but the subject was not taught in public schools until 1978. Since then, sex education has become a part of the upper secondary school curriculum. Despite this, many schools continue to emphasize sex and physical anatomy, and sex education programs do not address sexual orientation, gender identity, or sex characteristics. A study conducted by Plan International Thailand, UNESCO, and Mahidol University in 2014 demonstrated that over half of LGBTQIA+ secondary students in Thailand's five provinces and four regions encounter various forms of bullying based on sexual orientation and gender identity. Furthermore, roughly 70 percent of male students who felt less masculine than other boys, including those who did not identify as LGBTQIA+, reported being bullied (PLAN International et al., 2014). Some schools flatly refuse to admit any LGBTQIA+ students. Some high schools have been hesitant to allow research and interviews because the administration did not want parents to believe the school promoted LGBTQIA+ values (McAvoy, 2018).

Furthermore, according to the United Nations Development Programme's study in 2019, 88 percent of LGBTQIA+ respondents received sex education in school. Only 35.7 percent of LGBTQIA+ respondents thought their sex education was inclusive of their sexual orientation, gender identity, and gender expression, compared to 70.7 percent of non-LGBTQIA+ respondents. This discrepancy indicates that LGBTQIA+ people did not perceive sex education to be inclusive of their lived experience, a finding that is consistent with previous research demonstrating the absence of LGBT-related content in sex education curricula. This confirmed that while Thai schools are full of gender diversity, education curricula ignore the existence of LGBTQIA+ people (United Nations Development Programme [UNDP], 2019).

At the higher educational level, universities are under the Ministry of Higher Education, Science, Research, and Innovation (MHESI), established in 2019. To keep up with the changing world, it has the authority to promote, support, and direct higher education; science; research; and innovation. Because heterosexuality has become the norm in Thai society, LGBTQIA+ rights were not recognized in any university regulations prior to 2015. University curricula created the knowledge that heterosexual discourse was normal and natural in society, as well

as authorized "heteronormativity," or "heterosexuality as a norm." Students who engaged in homosexual behavior were acting contrary to society's norms. As a result, in mainstream heterosexual discourse, they are recognized as abnormal, taboo, and subject to social stigma. At university, LGBTQIA+ students had to deal with issues related to their sexual identities (Chintaradeja, 2021).

Since *the Gender Equality Act 2015* was enacted, the attitude of considering homosexual abnormality has gradually changed. Following *the Constitution of the Kingdom of Thailand B.E. 2560*, this law protects the rights of those who are discriminated against based on gender. Between 2015 and 2017, the Committee on Unfair Gender Discrimination heard 22 cases. Most of them are found in educational institutions, such as forcing LGBTQIA+ people to dress or have their hair styled according to their biological sex; discrimination in education training; and working in the teaching profession, including forcing them to wear a gown to their graduation ceremony based on their sex. In Thai society, LGBTQIA+ people face discrimination and violations of their fundamental rights based on their gender (Thai PBS, 2019). According to the study of LGBTQIA+ Thai students in higher education in 2021, Chintaradeja demonstrates that the university becomes a discursive field in which teachers never teach or mention anything about the queer student's sex, gender, or sexuality. As a result, the university goes silent, forcing LGBTQIA+ students to live in an exclusively male-female society (Chintaradeja, 2021).

Consequently, the failure to recognize LGBTQIA+ rights in educational settings has a significant impact on students and youth. They are unable to grow comfortably because they cannot freely express themselves. Furthermore, a lack of gender diversity awareness and recognition in society jeopardizes equality and impedes the protection of human rights for LGBTI people. They are vulnerable to a variety of human rights violations and violence within healthcare systems, which could have long-term physical and psychological consequences for them.

Research Methods

This research employs a mixed-method research design, primarily using documentary research and supplemented with qualitative methods of short interviews with six representatives of selected universities to confirm the data from the documentary method. The written documents were selected based on authenticity, credibility, representativeness,

and meaning to ensure the quality of the selected documents (Scott, 2006). Later, the qualitative data is collected from brief interviews, which helps researchers better understand the meaning of the research participants' life experiences (Mohajan, 2018; Neuman, 2014).

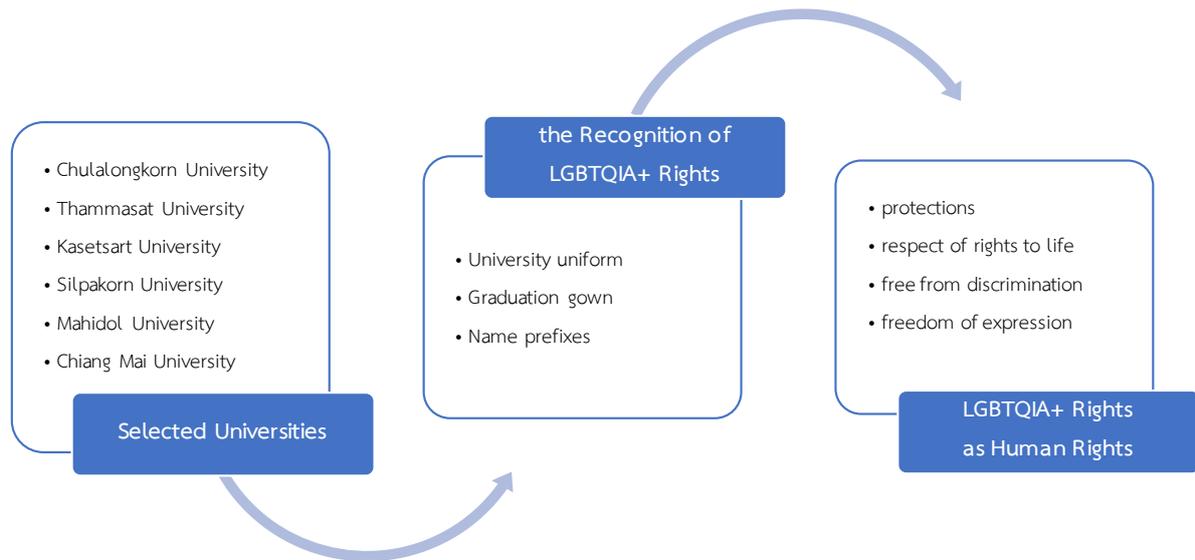
Data Collection: The data was gathered from a variety of written documents, including official university websites, online social media, newspapers, and media headlines, which were published between 2012 and 2022. In the second phase, short interviews with six representatives from selected universities were conducted to confirm the data from the documentary method. The brief interviews took about 15-20 minutes to complete.

Research Location: This study involves six Thai public higher education institutions, including Chulalongkorn University, Thammasat University, Kasetsart University, Silpakorn University, Mahidol University, and Chiang Mai University. They are regarded as leading universities, admitting a large number of students each year. In addition, these universities made significant changes for their students concerning LGBTQIA+ rights.

Data Analysis: The researcher gathered and categorized the information before interpreting and coding it. The data was also organized using Microsoft Office and Microsoft Excel. To begin with, the study places the source in its historical and policy context. The NVivo application was employed to analyze the data collected from documentary research so that the researcher could develop an interpretation from one source or group of sources. This method can aid in the creation of a comprehensive analysis by ensuring that multiple datasets point to the same conclusion (Gorsky & Mold, 2020).

Research period: between January and June 2022

Research Framework



Source: Researcher, 2022

Research results

This research included six of Thailand's most prestigious public universities. Chulalongkorn University, Thammasat University, Kasetsart University, Silpakorn University, Mahidol University, and Chiang Mai University. Five universities are located in Bangkok or the Bangkok periphery. The remainder of Chiang Mai University is located in the northern Thai province of Chiang Mai. These are Thailand's premier universities, which accept hundreds of thousands of new students each year through the Thai University Central Admission System (TCAS). Moreover, these universities recently implemented significant changes for their students' LGBTQIA+ rights.

1) University uniform

In Thailand, university students are required to wear university uniforms that reflect the sex on their identity cards, which are based on the country's binary sex system of "male" and "female." Uniforms for university students are generally the same across the country. Males wear long black trousers, a white long-sleeved shirt, and a dark blue or black tie, while females wear a white blouse and a plain or pleated skirt (Techawongtham, 2020). The Thai university uniform, on the other hand, has sparked debate and satire. According to Bunyawanich et al. (2018), wearing a university uniform reinforces unity, existing hierarchy, and conformity, but it

does not improve students' quality of life or help them achieve their life goals (Bunyawanich et al., 2018).

LGBTQIA+ students face unique challenges when it comes to university dress codes. They must choose between breaking gender-based dress codes and violating their sense of self by wearing a uniform. There are a number of students who are unable or unwilling to identify as male or female based on their physical sex. This can lead to situations where they are forced to wear clothing that contradicts their gender identity or are completely excluded from school. Attempts to break the dress code can result in other consequences. For instance, students may be refused to write exams or submit coursework (Newman et al., 2021). When it comes to attending an examination, each university's examination regulations govern uniform wear. At some universities, male and female students are both required to wear an appropriate uniform wear. In practice, however, teachers and staff will have the authority to determine, based on their own interpretations and personal biases, whether students are allowed to take the exam for anti-cheating reasons. Some of them may refuse to let cross-dressing students sit for the exam. This forces LGBTQIA+ students to choose between following the rules and wearing "proper" uniforms or breaking the rules and wearing uniforms according to their gender identity (Juntasutthanakul, 2013).

Although there has been no official announcement from the university, Kasetsart University, Thailand's third oldest university and a public research university in Bangkok, has practically allowed students to dress according to their gender since 2015. The research discovered that the university does not have a prohibition against LGBTQIA+ students' attire, according to interviews with deputy deans at the faculty level and the vice chancellor at the university level (Interview, May 2022). At the same time, the students informed one another that students at Kasetsart University are allowed to dress according to their gender. A grade 12 student posted a question on Pantip.com, a famous older Thai website that offers web boards with many chat rooms, asking the seniors whether Kasetsart University students could dress according to their gender. According to the seniors who responded to the thread, since 2015, LGBTQIA+ students have been able to dress according to their gender (User number 2186466, 2015). In June 2022, Kasetsart University's Student Council announced on its Facebook page that students do not need to notify the university or obtain permission to dress in accordance with their gender identity (Student Council, Kasetsart University, 2022a).

Silpakorn University, also known as the University of Fine Arts of Thailand, was founded in Bangkok in 1943. It, however, did not clearly set out its university regulations in 2014 to

allow LGBTQIA+ student groups and transgender women to dress as they wish. The choice of whether to wear a uniform is entirely up to the students and professors. Most fine art students do not value the uniform. Students, including LGBTQIA+ students, are only allowed to wear any outfit to class with permission from professors in a few subjects. Students in the Faculty of Arts, for example, can wear a uniform according to their gender identity. According to an interview with Silpakorn University students, some faculties may have a dress code that is specific to the profession. Students in the faculties of pharmacy and education, for example, will already be reminded to dress appropriately for their professions. Students who are required to work off-campus must follow the university's rules in some cases, even if they are not comfortable with them (Interview, May 2022).

Following *the Gender Equality Act*, many Thai universities began to recognize and accept LGBTQIA+ rights. Since 2019, a number of universities have allowed students to wear gender-specific uniforms. After a student complaint to the university's grievance committee, Chulalongkorn University, Thailand's oldest institute of higher education, which was founded by King Vajiravudh as a national university in 1917, has finally amended its uniform regulations to allow students to dress according to their gender identity. The Faculty Board of Administrators denied her request to wear a female uniform and ordered her to dress as a man or face severe consequences (Prachatai, 2019). The university approved an amendment to its uniform regulations on November 7, 2019, stating explicitly that “students may wear the uniform according to the sex they were assigned at birth or according to their gender identity” (Thai PBS, 2019, p. 1). With permission, students can dress appropriately in class, during exams, or at formal events. Chulalongkorn University has finally allowed LGBTQIA+ students to dress according to their gender without submitting a request for permission a year later. In addition, students can dress appropriately for class.

Thammasat University is Thailand's second-oldest university, having been founded as the country's national university in 1934, following the Siamese Revolution of 1932. It is thought to be a liberally democratic university, as chancellor Sanya Thammasak states, “Thammasat has freedom in every square inch.” (Chainakent, 2013). Students can wear whatever they want to most classes. Even if there are no uniform requirements, some lectures may still require students to dress in uniform. In the past, cross-dressing students had to get a medical certification confirming their gender identity. As a result, LGBTQIA+ students choose to dress in gender-neutral attire.

In 2021, Thammasat University Council approved the university's regulations concerning

student dress code and uniforms, with additions to Clause 9 regarding student uniform dressing to allow students to dress according to their sex or gender identity. It means that the university recognizes and protects the right of LGBTQIA+ students to freely express themselves and dress (QS Global Education News, 2021). The Thammasat University Student Organization posted a message on Facebook saying that everyone must receive equal rights and liberties in an open and equal society (Matichon, 2021).

Students at Chiang Mai University, a public research university in northern Thailand that was founded in 1964, are working to achieve gender equality in university uniforms. In fact, Chiang Mai University is credited with being Thailand's first university to allow graduates to dress according to their gender at the 2018 graduation ceremony. However, there are some barriers to LGBTQIA+ rights, such as the prohibition of gender-based dressing (Young Pride Club, 2019). As a result, Chiang Mai University students and Young Pride Club 07, a youth group for gender equality, filed a complaint with the Division Director for the Promotion of Gender Equality, Department of Women's Affairs and Family Institute to amend the university's regulations on student uniforms. The university's student uniform regulations were not changed until 2021. *The Rules on equality and gender equality for workers and students under Chiang Mai University B.E. 2564 (2021)* allow university officers and students to dress in uniform according to their gender (Chiang Mai University, 2021). Chiang Mai University has taken an important step toward achieving gender equality in the university setting.

Mahidol University changed its dress code in 2021 by issuing *the Regulations on the Issue of Mahidol University Student Attire, B.E.2564*, on February 25. It became effective on February 18, 2021. There is a message in the regulations that says...

Students may dress in attire based on their sex or gender identity, which may not match their birth sex,... including the dress at the graduation ceremony, diploma ceremony, or a diploma as well... (Mahidol University Regulations on the Issue of Mahidol University Student Attire, B.E.2564, 2021)

Other amendments to the regulations have also been made in order to achieve equality for all students. During their time at the university, undergraduates, short-term students, and students from co-teaching institutions have the right to dress in student attire that reflects their gender identity.

2) Graduation gown and ceremony

A graduation ceremony is a special event held by higher education institutions to officially award diplomas to the year's graduates. It has traditionally started in continental Europe and the United States. Thailand later began to adopt such customs by paying homage to the King, who would then preside over. The first graduation ceremony was held on October 25, 1930, during the reign of King Prajadhipok, who awarded degrees to Chulalongkorn University graduates. This custom has survived to the present day and was coined “royal graduation ceremony¹.”

In the past, only a small percentage of Thais obtained a bachelor's degree. Because only a small number of families could afford to send their children to a higher level of education, the graduates were always from a wealthy background. Graduation, in this way, concretizes the disparity between educated and uneducated people. Nidhi Eoseewong stated that the ceremony for receiving a Thai diploma reinforces new graduates' awareness of social strata in order for them to gain a higher social status as a result of graduating. During the graduation ceremony, they also recognize other social classes higher than themselves, particularly the president of the ceremony or the king, who is always a great master. Graduates are also taught important skills in Thai society during the graduation ceremony, such as conforming to social conditions without question. These lessons were learned through extensive training, preparation, and wearing the proper attire and gown for the graduation ceremony. At the same time, it reinforces generational, institutional, and class solidarity, particularly when graduates all wear graduation gowns outside the event, clearly distinguishing themselves from the general public (Eoseewong, 2013).

Moreover, Eoseewong points out that “intense training, preparations, the gown and proper dress” have become one of the many reasons why recent graduates are increasingly disregarding tradition. In 2019, the trend of attending graduation ceremonies is constantly shifting. Graduation is now attended by fewer people. Some people dressed up and took pictures with their family and friends, but they didn't show up for the ceremonies. They also discover that attending the graduation ceremony is not only a source of joy and pride, but also exhausting, difficult, and expensive (Chetpayark, 2019).

In terms of the graduation ceremony, most universities establish clear guidelines for how male and female graduates should dress. On the other hand, LGBTQIA+ graduates want

¹ In Thai “*Pi-tee rúp prá rât taan bpà-rin-yaa bàt*” (พิธีพระราชทานปริญญาบัตร)

to be able to dress according to their gender identity. Some universities, including Chiang Mai University (since 2018) and Thammasat University, have begun to allow LGBTQIA+ graduates to wear cross-gender graduation uniforms for graduation ceremonies. Before 2020, Thammasat University graduates must apply for permission individually with a medical certificate indicating that they are “mentally impaired” or have gender identity disorder. This is due to the fact that their gender does not correspond to their physical sex.

Many universities enforce gender-based dress codes on graduation days. Students are required to have a medical certificate confirming their gender. To be specific, I'm referring to a testimonial from a psychiatrist to confirm that their identity is different from their sex. They will be identified as having Gender Identity Disorder, which the Thai word translates indirectly away from the word disease or disorder by using the phrase “identity does not match the gender of origin.”²
(Kongsuwan, 2019)

Currently, the demand for the right to dress for graduation ceremonies according to one's gender identity has spread across the country's universities. Many universities now allow graduates to wear gowns as they please. These rights are subject to a number of restrictions and conditions, including the submission of official documents, university ID photos, and medical certificates for review and approval (Chaichumkhun, 2019)

According to the research, three universities allow graduates to wear their graduation gown according to their gender without permission. Firstly, cross-dressing in graduation ceremonies has been a tradition at Kasetsart University for some time. Without official university regulation, students and graduates are known to be able to dress in student attire and graduation gowns that reflect their gender identity, as long as they do not violate university rules and laws. Second, in 2018, Chiang Mai University became the first university to declare that it would allow LGBTQIA+ graduates to wear gowns that match their gender with permission. However, it took three years for the official regulations to be released in 2021. This new gender equality regulation allows students to not only dress in uniform according to their gender, but also to have their name prefix removed from their student ID card and other university documents (Chiang Mai University, 2021). Third, Thammasat University has issued an *Announcement regarding the dress code guidelines for students whose gender identity or*

² In Thai “At lák mâi dtrong gáp pêt gam-nèrt” (อัตลักษณ์ไม่ตรงกับเพศกำเนิด)

sexual orientation does not match their birth sex B.E.2563 on March 2, 2020. Since then, Thammasat University students and graduates have had the right to dress according to their gender identity or sexual orientation, including when attending classes, taking exams, training, making contact with government officials, taking photographs, or wearing academic gowns in accordance with the regulations of the university (Wongpanya, 2020).

Graduates of Silpakorn University, on the other hand, must notify the universities that they prefer to wear graduation gowns that are different from their sex. In some cases, the graduates are required to submit a medical certificate and a letter of recommendation to the university. The process of applying for permission at Silpakorn University is not difficult, as this is only a notification process. They will be allowed to wear graduation gowns based on their gender once the process is completed (Interview, May 2022).

The permission request for LGBTQIA+ graduates to wear gowns that corresponded to their gender at Mahidol University began in the academic year 2009. Graduates were required to obtain medical certificates as same as in a medical procedure for sex reassignment surgery. A medical certificate was not required when transgenderism was removed from the International Classification of Diseases (ICD)-10 list. It means that transgender people are no longer classified as having a mental illness (Cochran et al., 2020). Later in 2021, *An Announcement on Mahidol University students' Regulatory Attire, B. E. 2564*, allowed LGBTQIA+ graduates to dress for the graduation ceremony according to their gender identity (Prachachat, 2021).

At Chulalongkorn University, the permission process is more serious. To begin, graduates must request permission from their faculty with a medical certificate. The university will establish a committee to consider granting permission. Permission is only granted for individual consideration, as the university does not have a policy on this matter. Some graduates may not be allowed to cross dress depending on the committee's decision.

More universities are allowing graduates to dress according to their gender identity, but LGBTQIA+ graduates still face challenges. This is because the application for approval is a lengthy process. Attending the graduation ceremony also necessitates discipline, several days of practice, intense preparation, and proper attire. As a result, many graduates opt to skip the graduation ceremony. It's no longer a concern for them.

3) Name prefixes

Thailand has been debating the right to change one's title for quite some time. Representatives from a transgender women's organization visited parliament in 2019 to

request a bill that would allow transgender people to change their name prefix after undergoing sex reassignment surgery (SRS). Unfortunately, society is opposed to the concept. Some people are concerned that criminals will use the law to disguise themselves. Others are concerned that transgender women will use this as an opportunity to lure men into marrying them. These beliefs stem from the stigma associated with SRS as well as a lack of understanding of the SRS process, which necessitates undergoing counseling with psychologists and medical professionals. Transgender people also encounter financial and health constraints (Mahavongtrakul, 2019). Due to the lack of legal recognition of a title change, Thai transgender people continue to face difficulties in a variety of areas, including job discrimination, healthcare, and international travel.

The trend of name prefixes has shifted in a new direction. To begin with, Chiang Mai University is the only university in Thailand that allows students' titles to be left off of student ID cards and other documents. Article 9 of *Chiang Mai University's Rules on Equal Opportunity and Gender Equality for Workers and Students B.E. 2564* states that...

Identification Card Processing or any other document-related services relating to university workers' or students' information that has not been associated with or linked to significant official documents; gender prefixes are not required (Chiang Mai University, 2021, p. 2)

This is a significant step for a regional university to accept gender equality and LGBTQIA+ students' rights.

Aside from Chiang Mai University, there are two universities that have rules about name prefixes. At the university level, Thammasat University's official announcement in 2021 stated that the author's biography does not need to include the author's title, name, or date of birth. The library's new thesis submission manuals and templates have been updated to remove the use of title names, such as Mr., Mrs., or Ms. As a result, all students are exempt from including their title name in the thesis and thesis cover. Furthermore, the Thammasat University Student Council issued an announcement in October 2021 regarding operational guidelines. It approved Article 77, concerning name-calling and identifying a person's name, in Chapter 4 on Organization and Order. It states...

1) In calling names or specifying one's own name, it is the freedom of that person to use or not to use their name prefix.

2) In calling names or specifying the name of another person, the caller must not say or specify the person's name, unless that person wishes to use their name prefix. (Thammasat University Student Council, 2021, p. 1)

This announcement was to allow the Student Council to operate without regard to gender, which could jeopardize gender diversity. This announcement also sought to liberate students from sexism, allowing them to freely express themselves and putting an end to Thammasat University students' rejection of various gender identities (Thammasat University Student Council, 2021).

In addition, the Student Representative Council and Student Organization, Kasetsart University (Bangkhen campus), announced in 2022 that the use of name prefixes to identify gender in documents of student organizations, clubs, and activities organizations would be phased out. This campaign will begin at the student level to promote gender equality and non-discrimination against people of any gender (Student Council, Kasetsart University, 2022b). Nonetheless, Kasetsart University has made no changes at the faculty or university levels. Mahidol University, Chulalongkorn University, and Silpakorn University, on the other hand, are not present in this issue as of 2022³.

Table 1: List of University and the recognition of LGBTQIA+ rights in terms of uniform dressing, graduation gowns, and name prefixes as of 2022

List of Universities	University uniform	Graduation gown	Name prefixes	
			University level	Student level
1 Chulalongkorn University	Officially recognition in 2020	Allow with request and approval	No regulation	No regulation
2 Thammasat University	Officially recognition in 2020	Officially recognition in 2020	Officially recognition in thesis in 2021	Recognition in 2022
3 Kasetsart University	Practically allow	Practically allow	No regulation	Recognition in 2022

³ Other regional universities, such as Khon Kaen University in Khon Kaen province and Burapha University in Chonburi province, have also approved the name prefix policy at the student level. The Student Councils of both universities have announced the cancellation of the use of the name prefix in 2022 (Prachachat, 2022).

	List of Universities	University uniform	Graduation gown	Name prefixes	
				University level	Student level
4	Silpakorn University	Allow with permission	Practically allow	No regulation	No regulation
5	Mahidol University	Officially recognition in 2021	Officially recognition in 2021	No regulation	No regulation
6	Chiang Mai University	Officially recognition in 2021			

Source: Researcher, 2022

Discussion

Thailand is well-known for its LGBTQIA+ tolerance and as one of Asia's most popular LGBTQIA+ destinations. However, LGBTQIA+ people in the country face numerous stigmas, particularly in the educational setting. Previously, LGBTQIA+ people had to dress in accordance with their physical sex. In 2022, many universities will recognize LGBTQIA+ rights, allowing them to dress in uniform and wear graduation gowns that reflect their gender identity, with some universities requiring many steps for approval.

Two universities, namely Mahidol University, and Silpakorn University, need to be notified if graduates want to dress differently based on their sex of birth. Only Chulalongkorn University graduates are required to submit a medical certificate, which must be approved by the graduation committee. Kasetsart University, Chiangmai University, and Thammasat University, on the other hand, allow graduates to dress however they want without any notification or approval. Official regulations on these practices are in place at Thammasat University and Chiangmai University.

Dressing is a person's outward appearance. It's simple to notice. The way we dress is a way of expressing our human identity. As a result, the right to dress as an LGBTQIA+ person is a fundamental human right that does not require a medical certificate for permission or approval. Having the freedom to dress according to gender is one way to respect human rights while also respecting the rights of other students and educational institutions. Freedom of

dress in Thai society is influenced by social media, daily life, and surroundings, all of which change public awareness of the new LGBTQIA+ norm. Although few LGBTQIA+ people still hide their gender preferences due to social status or other limitations, dressing according to gender identity has become common in Thailand. As a result, continuing to forbid students from dressing as they please would be against society. Furthermore, many Thai people are far more accepting of LGBTQIA+ people because they have experienced gender diversity in everyday life as friends, relatives, coworkers, or acquaintances.

In terms of name prefixes, only Chiang Mai University and Thammasat University have officially recognized the right of LGBTQIA+ students to use a name prefix at the university level. In 2021, Chiang Mai University implemented a new rule that allowed student ID cards and other documents to be printed without the student's name prefix. Graduates of Thammasat University can omit their name prefix from their thesis and dissertation. In addition, Thammasat University and Kasetsart University have recognized the right to use a prefix in their names at the student level. The Student Council at Thammasat University has issued a new operational guideline that gives people the option of using or not using their name prefix. In addition, Kasetsart University has announced the removal of the name prefix for gender identification in documents within student organizations, clubs, and activities. As a result, Thammasat University is the only university that has recognized the LGBTQIA+ right to a name prefix at both the university and student levels.

Unlike the university uniform or graduation gown, the name prefix is something out of sight, out of mind. The other three universities do not follow this practice because they do not have any regulations in place. The ignorance reflects the larger picture of Thai society, which continues to discriminate against LGBTQIA+ people on social and legal levels. To begin with, even if they are transgendered, they are unable to change their titles. This issue has a significant impact on the LGBTQIA+ community in terms of employment, social relations, and other factors. They may face discrimination because of their sexual orientations and gender identities, or they may be discriminated against during job interviews.

The practice of using a name prefix is important because it maintains the idea of a male/female binary as Mister and Miss/Mrs. This idea was once a fundamental and universal pattern in human society, according to natural science. However, social scientists coined the term "gender" to challenge the binary sex view, referring to the social, cultural, and psychological constructions that are imposed on biological sex differences (Nanda, 2014). The prefix affects the practice of marriage in Thailand. Unlike Taiwan, Thailand continues to

prohibit same-sex marriage in 2022, as the country allows only "Mister" to register a marriage certificate with "Miss" and vice versa. Importantly, marriage equality has become a topic of public awareness and political debate in Thailand. The draft of *the Marriage Equality Act*, proposed by an MP of the Move Forward Party (MFP) or *Phak Kao Klai*, Thailand's opposition party, has been delayed since 2019. In contrast, the Ministry of Justice proposed a draft of the *Life Partnership Bill* that differs from *the Marriage Equality Act*. This bill does not address certain LGBTQIA+ rights or benefits, but rather exacerbates inequality. For example, LGBTQIA+ people must pay 500 baht for life partner registration, whereas marriage registration for men and women is free. This is fundamentally incompatible with the principles of equality and human rights (Arestis, 2021; Theparat, 2018; Thai PBS, 2022).

Conclusion

In conclusion, after many years of struggle, LGBTQIA+ rights were recognized at least in six Thai universities. At various levels, Chulalongkorn University, Thammasat University, Kasetsart University, Silpakorn University, Mahidol University, and Chiang Mai University have guaranteed the rights of LGBTQIA+ students to wear uniforms that correspond to their gender. Chiangmai University is the most progressive one, officially allowing LGBTQIA+ students to wear their uniform and graduation gown according to their gender identity. It also does not require students to use a name prefix that could reveal their biological sex. Chulalongkorn University and Thammasat University have officially recognized student attire according to gender in 2020, followed by Mahidol University in 2021. In practice, Kasetsart University and Silpakorn University allow students to dress as they please during their university studies and graduation ceremonies. On the other hand, Chulalongkorn University maintains its authority to permit graduates to wear graduation gowns according to their gender.

The Student Councils of Kasetsart University and Thammasat University are very active in ensuring the rights of LGBTQIA+ students in terms of the use of the name prefix, although it is guaranteed only at the student level. Thammasat University and Chiang Mai University have officially recognized that they will not use name prefixes in 2021. Unlike the universities listed above, Mahidol University, Chulalongkorn University, and Silpakorn University do not have a name prefix rule. The fact that these six universities do not fully recognize LGBTQIA+ rights highlights some of the legal limitations and public awareness of human rights for LGBTQIA+ people in broader Thai society.

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Biography

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