



Intersex Justice in Laos

Inspiring Action through Research



*Country report on the situation of
Intersex Rights in Laos*

2024

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Preface

This research project aims to study the challenges faced by intersex people in Lao PDR. The general purpose of this research is to know how the administration of all parties in the Lao PDR is dealing with intersex issues. The results of the research will be compared with various countries in the region.

Acknowledgement

This research would not have been possible without the help of the donors and the cooperation of everyone involved in the interviews conducted by the researchers. We are especially grateful to the LGBTIQ+ group in Laos, especially in Vientiane, for their support. We also received a lot of support from lawyers, doctors, both those who are stationed at the hospital and those who are retired, and civil society organisations. The consultation with all the above-mentioned stakeholders was extremely valuable and very important. Although the information obtained during the interviews was not always directly related to intersex issues, it has made us realise the knowledge gap on this issue in Lao PDR.

Executive Summary

The term ‘intersex’ refers to people whose combination of chromosomes, gonads, hormones, internal sex organs, and/or genitals differs from one of the two expected patterns (female and male) (CHias, 2020).¹ Intersex people are born with these sex characteristics or develop them during puberty (UNFE, 2024).² In this way, “intersex” is an umbrella term that refers to “a wide range of natural bodily variations”. Approximately 1.7 per cent of the global population is born intersex (at the time this figure was derived (Telford & Thomas, 1998). While being LGBTQI+ is not explicitly criminalised in Lao PDR, intersex people in the country nevertheless can face extreme challenges navigating through different walks of life with intersex identity in the Laotian political and social context. More research and knowledge materials are needed to better understand how intersex people cope with challenges, whether or not they are being enabled by the legal system to reach their full potential, and which laws and policies, if any, can be used to protect them from discrimination, medical abuse, and other difficulties. This study conducted a thorough desk review by searching for academic, legal, and policy documents to understand the existing knowledge landscape of intersex people in Laos. Interviews were also conducted with lawyers, which helped in framing the scope of the study. A focus group discussion was conducted with members of the LGBTQI+ community to gain insights into the current social and cultural perceptions about LGBTQI+ people and what they encounter in day-to-day life. This study is the first, if not the only, that attempts to shed light specifically on intersex people in Lao PDR. Given the fact that Laos is unique and has a different social, cultural, and political situation, it was a bit challenging to capture strong evidence and concrete understanding regarding intersex people and their life situation in Laos.

¹ Apcom.org: Equality. Dignity. Social Justice “The State of LGBTQI People’s Economic Inclusion in Lao PDR”.

² Fact Sheet Intersex, UNFE (2024)

This study found that there is neither explicit legal discrimination against intersex people nor protections for them. Although there is a growing number of institutions in Laos that work to achieve greater protection for LGBTQI+ rights and the younger generation is more open-minded and ready to live as queer openly, many people still do not understand what it means to be LGBTQI+. Social and cultural norms are still the major obstacles impeding true LGBTQI+ inclusion in Lao PDR in general. In light of the difficulty in finding intersex people or medical professionals with specialised knowledge of intersex available to interview, this study recommends raising awareness of intersex issues in general and for relevant stakeholders to provide sufficient support to intersex people, encourage them to understand and own their circumstances, and live authentically and courageously. Were this to occur, a more in-depth study could more readily be conducted so that the situation of intersex people is clearly understood and that the government of Lao PDR can take more actions in the form of legislation and policy measures or through social and education programs.

1. Introduction

- 1.1 Who are Intersex People ?**
- 1.2 Contextualizing Intersex in the History of Gender and Sexual Minorities in the Lao People's Democratic Republic (Lao PDR)**
- 1.3 Brief Overview of Being Intersex in Lao PDR**

1.1 Who are Intersex People ?

UN's OHCHR (Office of the High Commissioner for Human Rights) defines intersex as "people who are born with physical sex characteristics (such as sexual anatomy, reproductive organs, hormonal patterns and/or chromosomal patterns) that do not fit typical definitions for male or female bodies" (OHCHR, 2024)³. The Intersex Society of North America (ISNA) refers to "intersex" as "a general term used for a variety of conditions in which a person is born with a reproductive or sexual anatomy that doesn't seem to fit the typical definitions of female or male" (ISNA, 2023). For example, a person physically appears in a way typically associated with the female gender but has anatomy typically associated with the male gender. In another example, a person may be born with genitals that have characteristics of both the usual male and female types—for example, a girl may be born with a noticeably large clitoris or lacking a vaginal opening, or a boy may be born with a relatively smaller penis, or with a scrotum that is divided so that it has formed more like labia. A person may be born with mosaic genetics, so some of their cells have XX chromosomes, and some of them have XY. In other words, intersex people have reproductive or sexual anatomy that may not neatly fit into the traditional understanding of male or female bodies. There is a broad spectrum of intersexuality; some traits can be observed externally, while most of the time they can only be found by surgery or imaging test.

Being intersex does not predetermine one's gender identity or sexuality, intersex people consider, adopt, and decide their gender and sexuality based on their preferences. Being intersex is physical; whether they are straight or gay or lesbian or bisexual or asexual or have another sexual orientation (UNHCR, 2023). Intersex is different from transgender. For transgender people, their assigned sex does fit the male/female binary but does not match their preferred gender identity. There is no need for any surgery or treatment for being intersex unless they want to or it affects their physical or mental health (ISNA, 2023). In some parts of the world, parents and doctors discuss and choose the sex of the intersex newborn and use surgery to remove reproductive anatomy that does not match their assigned sex without the consent of the child. Some intersex traits develop much later in life, particularly during adolescence. Other than that, for a country like Laos, where the majority of people do not know about the existence of intersex people, health professionals also do not have access to the correct information and support to make decisions for intersex children.

The lack of knowledge and understanding of what intersex is can lead to misconceptions and prejudice against intersex people. This will be a challenge for Laos, but the government can surely learn from the best practices adopted by other countries with regard to protection of intersex rights.

³ Intersex People. Retrieved from ohchr.org, OHCHR (2024)

1.2 Contextualizing Intersex in the History of Gender and Sexual Minorities in the Lao People's Democratic Republic (Lao PDR)

Generally, Laos is a very open-minded country, and identifying as LGBTQI+ is not a problem, unlike other countries in the world. The government is also open to increasing their understanding and support for the community; mainly in the healthcare area.

Regarding the discussion on intersex, there has been no record of a person who was born intersex, according to the interviews conducted with health professionals from public hospitals and retired midwives. None of them reported that they encountered a case of an infant known or assumed to be intersex. Due to the lack of sufficient national statistics and anecdotal evidence provided by the interviewed respondents, this current study is unable to determine how many intersex people live in Laos.

The LGBTQI+ community is represented by some community-based organisations, including Proud To Be Us Laos. They are part of an active and increasingly visible LGBTQI+ community that continues to engage with society and international partners. Some progress has been made to support LGBTQI+ people and ensure they are not excluded from Laos' development agenda. Reducing stigma and discrimination based on gender identity and sexual orientation is part of Laos' national development plan. The acknowledgement of LGBTQI+ compelled the work of active CSOs on HIV/AIDS prevention among gay men and transgender women. However, direct support for intersex people is almost non-existent.

The government, civil society organisations, and broader public people in society may be familiar with the issues surrounding the LGBTQI+ community as a whole but rarely know of the issues that impact intersex people specifically. Therefore, raising awareness of intersex people and the challenges they face in Laos would need to occur across many sectors of society. Nonetheless, the contributions of ongoing LGBTQI+ organisations, as well as the positive response of the Lao government in attempting to understand LGBTQI+ issues, are helping to foster an environment of inclusion for the community.

1.3 Brief Overview of Being Intersex in Lao PDR

Despite the lack of knowledge and understanding of certain LGBTQI+ concepts, being LGBTQI+ is widely accepted on an interpersonal basis. Many people are aware of the rights of LGBTQI+ people and would like to give them support because they understand that this group of people should have equal rights and be treated equally as other groups of people in society. Despite such recognition of LGBTQI+ people in general, intersex people may not receive the same social recognition

or acceptance. The LGBTQI+ community is stereotyped by society to be good at entertainment jobs but not suitable to take leadership jobs, especially in large companies and government offices. There is a distinction between being LGBTQ+ and I [Intersex]. Since there is greater understanding and acknowledgement of LGBTQ+ in Laos and support and resources are more readily available to them, LGBTQ+ individuals can often be better equipped to open up to their families and communities than intersex individuals. Intersex people might be more afraid of being stigmatised based on their body or being judged to have a strange physical body condition due to committing sinful acts in their past life, resulting in physical features that are different from the “normal” population and, therefore worthy of ostracization. These individuals may suffer more psychologically than their LGBTQ+ counterparts since the conditions surrounding their lived realities are met with less knowledge and acceptance in society, and direct support is largely lacking in Laos. Social institutions need to come together and learn more about intersex people and form policies that ensure their human rights are protected and that they are understood to be just as normal as any other person.

2. Methodology

Methodology

This study is intended to shed some light on the social and political barriers that prevent the inclusion of intersex people in Laos. In this regard, qualitative methods have been used, involving a desk review of existing work and the legal and policy framework regarding the subject matter, in addition to in-depth interviews and focus group discussions with individuals in the LGBTQI+ community and/or with specialised knowledge about intersex. This research intends to build upon “The State of LGBTQI People’s Economic Inclusion, Lao PDR” report by the Community Health and Inclusion Association (CHias) Laos, published in 2020⁴.

First, literature and reports relating to intersex in global and regional contexts were identified and reviewed. Then, the Lao Constitution, laws and policies were studied to determine topics relating to LGBTQI+ and intersex rights.

After the literature review, qualitative interviews were conducted. One focus group discussion with members of the LGBTQI+ community was conducted, and several interviews with legal and health experts were conducted to identify their knowledge, understanding, and perception of intersex people’s rights and well-being in the context of the Lao PDR.

In early March 2024, a focus group discussion with CHias volunteers and staff (six members, including two trans women and four gay men) was conducted. The discussion took place for nearly two hours. This is to obtain data regarding their knowledge, understanding and perception of intersex people’s rights and well-being in Laos. Therefore, open-ended questions were asked to encourage discussion and sharing of their own experience and thoughts. Before starting the conversation, participants were informed of the research objectives. They were also informed of the ethical statements and that the discussion was completely voluntary; thus they could choose to exit the discussion at any time. Verbal consent was also granted before the conversation started. In the beginning, they were asked about their knowledge and understanding of intersex and whether they had heard of or met intersex people before. Then, the discussion was led to getting them to talk about the life and well-being of LGBTQI people in Laos, like what are the challenges in society, legal cases and health care provision. And finally, what changes do they wish to see regarding the rights and well-being of LGBTQI in Laos? The discussion also digs deeper into details about intersex people. Participants were asked to think of the answer from the point of view of intersex people living in Laos; what their living conditions would be like; what kind of challenges they might be facing, and what support they may need from society and government.

Later in March, the interviews with professional legal and health experts were conducted, using the same set of questions for focal group discussion (see the Appendix for more details). Here is the summary of the interview participants:

⁴ Apcom.org: Equality. Dignity. Social Justice “The State of LGBTQI People’s Economic Inclusion in Lao PDR”.

Name	Position and workplace	Date	Discussion
Focus group interview with CHias Volunteers and staff	CHAIS	1/3/2024	Perception of intersex people in Laos and what is needed to support life and wellbeing of intersex people in terms of legal and health issues.
Informer 1	Lawyer and Graduate Degree Student in Tokyo	11/3/2024	Perception of intersex people in Laos and existing legal framework and policy relating to intersex people in Laos.
Informer 2	Lawyer at District Court of Vientiane Capital	18/3/2024	Perception of intersex people in Laos and existing legal framework and policy relating to intersex people in Laos.
Informer 3	Mother and Child Doctor at Mother and Child Hospital in Vientiane	22/3/2024	Perception of intersex people in Laos and available services to support health and wellbeing of intersex people in Laos.
Informer 4	Mother and Child Doctor and Mahosot Hospital	22/3/2024	Perception of intersex people in Laos and available services to support health and wellbeing of intersex people in Laos.

The findings from the interviews and the literature review will inform readers of relevant strategies and possible intervention programs to support the intersex movement in Lao PDR.



3. Substantial Laws, Policies, Court Decisions, Ordinances, Programs, and Resources Related to Intersex Rights

- 3.1 Commitment to International Frameworks**
- 3.2 Laos Constitution**
- 3.3 Opportunities Provided by the Government of Laos Frameworks**
- 3.5 Growing Protection from Sexual Violence and Harassment**
- 3.6 Inclusion of Congenital Adrenal Hyperplasia (CAH) in the Rare Disease Act**
- 3.7 Emerging Anti-Discrimination Ordinances at the Local Level**

There are no laws in the country that directly discriminate against intersex people in specific. According to the Gender-Based Violence Institutional Mapping Report for Lao PDR, there is no reported data on violence against LGBTQI+ people. While homosexuality is not illegal, with a growing tolerance in Laos, it is challenging to assess the current state of acceptance and violence that LGBTQI+ groups face. Same-sex marriage is not recognised and discrimination against LGBTQI+ is not prohibited by law (World Bank, 2020)⁵. However, there are also no laws which recognise and protect the rights of intersex individuals. In this section, the study will discuss the laws, ordinances, policies, and other existing resources that can be used to reinforce intersex people's rights.

3.1 Commitment to International Frameworks

Of the nine core international human rights conventions, Lao PDR has ratified seven of them and is now striving to integrate those commitments into domestic laws and government processes (Australia Embassy , 2017)⁶. One significant convention that Laos has signed is the Convention on the Elimination of All Forms of Discrimination against Women. Furthermore, Lao PDR signed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment on 21 September 2010 and ratified on 26th September 2012; the International Covenant on Civil and Political Rights in December 2000 and ratified in September 2009 and "Convention for the Protection of All Persons from Enforced Disappearance" in September 2008.

What does the adoption of such treaties mean for LGBTQ+ rights and Intersex rights in Laos? Signing these conventions shows that the Government is committed to addressing social issues caused by discrimination, stereotypes, and gender roles and exhibits their determination and intention to combat all types of violence, including gender-based violence and human trafficking. While also pushing forward to promote the rights and participation of women and girls in social, economic, political, education, healthcare, employment and family decision-making (UNDP, 2022)⁷. Meaning that all members of society, including LGBTQ+ and intersex groups, shall be protected from all forms of discrimination and violence. Even though the government is trying to create a perception that it is taking its commitment seriously in terms of anti-discrimination laws and gender-based violence, there are no clear guidelines and mechanisms to protect intersex people from being violated and discriminated against. For example, there is no information anywhere on the recourse available to intersex people when they face discrimination and gender-based violence, or who and how they can report when they face such discrimination, for instance, if they are being bullied

⁵ Lao PDR Gender-Based Violence Institutional Mapping Report, World Bank (2020)

⁶ Lao PDR and Australia Extend Human Rights Cooperation, Australia Embassy (2017)

⁷ National Human Development Report Lao PDR, UNDO (2022)

at the workplace or school, who they could report to; and if they do report, what action the person received the report could take. Besides, it is not clear whether there is any specific punishment for those who discriminate against intersex people, and if there is, it has not been fully reinforced; according to the Laos Human Rights Report by the US Government mentioned that “No law prohibits discrimination based on sexual orientation, gender identity or expression, or sex characteristics in housing, employment, or government services. Societal discrimination in employment and housing reportedly persisted; there were no government efforts to address it.” (US Embassy, 2022).

In the context of Lao PDR, the government has not yet recognised the existence of intersex people (US Embassy, 2022)⁸. Since there is no means to verify their existence, their rights and well-being are not being acknowledged. On the other hand, people’s awareness and understanding regarding intersex is so limited that the issue of intersex has not yet been discussed or mentioned by any document or social support group. There is no international or human rights organisation working on intersex or putting intersex into the agenda of any gender forum. This could be due to a lack of data on the intersex population in Laos; consequently, there is no plan for intervention regarding intersex rights in Laos as of the present time.

3.2 Laos Constitution

According to the Lao Constitution, only two genders (man and woman) are recognised as per Chapter IV of the Constitution. Article 37 declares that “Citizens of both genders enjoy equal rights in the political, economic, cultural and social fields and family affairs” (Lao Constitution, 1991)⁹. Therefore, intersex people, could either fall into the male or female category as there is nothing in between or other than two genders are legally recognised in accordance to the laws and constitution of Laos. However, according to Chapter IV, Article 34 (amended) mentioned, “The State acknowledges respects, protects and ensures the human rights and fundamental rights of citizens by the laws”. Furthermore, Article 35 stated, “Lao citizens are all equal before the law irrespective of their gender, social status, education, beliefs and ethnic group”. These statements show the effort of the government to ensure the rights of all citizens will be protected and respected, though it has not yet mentioned the rights of specific groups such as intersex people.

⁸ 2022 Country Reports on Human Rights Practices: Laos, UE Embassy (2022)

⁹ Constitution. Retrieved from constitution.org, Lao Constitution (1991)

3.3 Opportunities Provided by the Government of Laos Frameworks

There is no evidence to support that the government has launched or carried out any specific measure to protect intersex rights.

3.4 Significant Developments in the Legal Gender Recognition

Laos is making progress in terms of legal gender recognition; people are becoming more aware of the diversity of genders and different sexual orientations. However, more needs to be done to ensure that LGBTQI+ people live their lives to the fullest potential. At the moment, only two genders- male and female are considered to be the legal genders that are recognised by the government, even if an individual feels their gender identity different from their assigned sex at birth, they do not have the right to change it.

Though the Lao constitution recognised only two genders, the law is believed to have covered and protected all populations. The adoption of UN conventions regarding the Elimination of All Forms of Discrimination against Women guarantees the government's commitment to move towards an equitable society. In this regard, international organisations have also been working to push forward and advocate for Gender Equality. For example, a UNFPA-approved curriculum on sexual and reproductive health has been integrated into the Secondary School Curriculum. This is one stepping stone toward creating an understanding of gender equality. Even though there has been no change in laws and policies yet to support intersex rights, creating understanding among the young generation is step in the right direction. As the 10th CEDAW report revealed "Since Lao PDR ratified CEDAW in 1981, the Lao government has been committed to the implementation of the convention by translating it into the Lao constitution, laws, policies and socio-economic development plans, as well as establishing national mechanisms such as the National Commission for the Advancement of Women, Mothers and Children to monitor and report on the implementation of the convention, to ensure the promotion of gender equality, prevent all forms of discrimination against women and empower women in Lao PDR", stated Mme: Chansoda Phonethip, Vice President of LWU and NCAWMC (UNFPA, 2022)¹⁰.

Laos is a one-party nation; the citizens are reluctant to conduct any demonstrations or protests to influence the government's policies and legislation. There are hardly any activists to fight for the rights of intersex people. Given the fact that attention towards LGBTI+ rights came to the fore 15 years ago, there are only a limited number of CSOs working for LGBTI+ rights. While the acronym LGBTQI+ has been included in official documents, the notion of LGBTQI+ rights has not been acknowledged effectively.

¹⁰ Progress for Lao women and girls' rights reflected in the 10th CEDAW Report, UNFPA (2022)

3.5 Growing Protection from Sexual Violence and Harassment

Though it is assumed that intersex persons can be vulnerable to gender-based harassment both in private and public spaces, the Lao Human Rights Report by the US Embassy (2022) revealed that there has been no reported case of Gender-Based Violence against LGBTQI+ and intersex people in the past few years. Observers also claimed that societal stigma and concern about repercussions led lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) individuals to refrain from reporting incidents of abuse (US Embassy, 2022). This could also be because of a lack of data on LGBTQI+, and the limitation of services availability (World Bank, 2020). On the other hand, marginalised groups such as ethnic minorities, LGBTQI+ persons, and persons with disabilities have limited access to justice beyond the village level (such as formal litigation, mediation, and arbitration), because few legal professionals serve these populations. This reinforces the need for increasing government knowledge of LGBTQI+ issues and the need for legal aid (USAID, 2022)¹¹.

3.6 Inclusion of Congenital Adrenal Hyperplasia (CAH) in the Rare Disease Act

In the healthcare-related laws of Lao, there is no provision for the care of patients with rare diseases. The current system of birth registration does not account for the existence of intersex people. At the same time, the existing decrees and laws do not guide doctors in this area. Due to the absence of these legal provisions, the care of LGBTQI+ people is not prioritized.

During the data collection stage, the researchers reached out to experienced doctors who work in maternity and children's hospitals, but none of them could provide any information related to intersex. Therefore, the government and civil society must join hands and increase the capacity of all stakeholders. The Ministry of Health must take the lead in this regard as it would directly contribute to Lao PDR's development strategy.

3.7 Emerging Anti-Discrimination Ordinances at the Local Level

Laos signed the "Convention on the Elimination of All Forms of Discrimination against Women" in 1980, and it was given formal consent in August 1981. So far,

¹¹ USAID Legal Aid Support. Retrieved from [usaid.gov](https://www.usaid.gov), USAID (2022)

there are no Laws which offer protection against discrimination based on “sexual orientation”, “gender identity”, “gender expression” or “sex characteristics” in the provision of goods and services, healthcare, education and other civil rights. Further, the laws neither amplify penalties for crimes committed based on “sexual orientation”, “gender identity”, “gender expression” or “sex characteristics” nor do they explicitly consider such actions as “hate crimes”. In other words, the laws do not stop incitement to hatred, violence or discrimination based on “sexual orientation”, “gender identity”, “gender expression” or “sex characteristics”. Meanwhile, the laws in Laos do not regulate medically unnecessary interventions aimed at modifying the sex characteristics of intersex minors without their free, prior and fully informed consent (ILGA World, 2023)¹². As mentioned in the earlier section, only two genders are recognized by the legal system; therefore, the idea of intersexuality is completely absent in the legal discourse. Thus, there is no mention of treatment and support for intersex people in Laos. However, the concern regarding the protection against sexual violence and harassment is being widely highlighted by many organizations in Laos. For example, Lao Women’s Union, Youth Union, UNPD, UNFPA, Plan Laos, Child Fund, Save the Children, Village Focus, etc. to name a few.

In cooperation with the Laos’ Ministry of Education, UNFPA is working towards educating young people and teachers to equip them with the conceptual framework of SOGIESC issues. Lao PDR has a huge young population, with over half of its population between 15 and 35 years old. Young people are considered as the force for advancing social and economic development. Therefore, the Lao Youth and Adolescent Development Strategy has been designed to ensure their health and well-being are considered. Based on guiding principles and objectives outlined in this strategy document, 19 activities have been identified.

Activity no. 5 promotes adolescent and youth-friendly health services with improved access to services, reproductive health (RH) commodities, and a trained health workforce, and it ensures privacy and confidentiality. Activity no. 7 includes coverage of Sexual Reproductive Health (SRH) service under the National Health Insurance Scheme to reduce out-of-pocket expenses for services to adolescents and youth. Activity 8 enhances access to information, counselling and services for the prevention, screening and treatment of sexually transmitted infections and HIV through community-based approaches. Activity 9 promotes responsible behaviour among adolescents and youth by strengthening and expanding comprehensive sexuality education in schools and technical and vocational institutions, and Activity 11 gives priority to the mental health of adolescents and youth by increasing investment in research and by strengthening existing services to expand psychological counselling in school and health care facilities. Even though this is only a strategy, not the law, it could lead to increasing the visibility of intersex people in the future (UNFPA, 2012).

¹² Intersex Legal Mapping Report, ILGA World (2023)

Progress regarding the protection of LGBTQI+ people is evident from the fact that many companies and organisations are also looking for ways to protect LGBTQI+ people from discrimination and promote diversity and inclusion. Collaboration between local CSOs and international organizations nowadays seeks to provide more opportunities for LGBTQI+ people to receive equal opportunities when applying for employment. This work demonstrates that many sectors, both government and private entities, are concerned about the importance of awareness-raising activities to promote and engage the SOGIE. However, the discussion on basic information about intersex will take time and effort.

4. Current Gaps in Intersex Rights in Lao PDR

- 4.1 Persistent Inaccessibility of Legal Gender Recognition**
- 4.2 Protection of Intersex person's Bodily Integrity Recognition**
- 4.3 Persistent Harassment Faced by Intersex People in Laos**
- 4.4 Lack of a National Anti-Discrimination Law and Inclusion of Sex Characteristics in Existing Laws**
- 4.5 Limited Legal and Medical Infrastructures to meet the Healthcare Needs of Intersex People in Laos**
- 4.6 Limited Protection on the Right to Privacy of Intersex People in Laos**
- 4.7 Limited Comprehensive Education and Awareness on Intersex in Laos**
- 4.8 Inclusion of Intersex people in emergency response measures**

4.1 Persistent Inaccessibility of Legal Gender Recognition

In addition to the findings from the ILGA World Report (2023) which stated that there are no Laws which offer protection against discrimination based on “sexual orientation”, “gender identity”, “gender expression” or “sex characteristics” in the provision of goods and services; healthcare, education and other civil rights; the results from the interview of Gender Experts, Health Facilitators and Legal Professional has confirmed that there is no law support intersex people in case of human rights violations such as discrimination and sexual harassment. However, the discussion with a founder and director of the Association for Development of Women and Legal Education (ADWLE) revealed one interesting fact despite the organisational value of inclusivity, they encourage marginalised groups to reach out to them for legal support. Throughout their work experience of over a decade, ADWLE has assisted only one case of LGBTQI+ person in terms of legal right to their land in 2018, and that was only for the law on land rights, nothing related to legal gender recognition. Additionally, the interview with three other legal professionals revealed that the Lao constitution recognises only two genders: men and women only, and the population will be categorised as either male or female. Since there is no provision which recognises intersex people; it is fair to claim that intersex people’s rights are not being recognised. Therefore, they are vulnerable to being the target of discrimination and harassment.

4.2 Protection of Intersex person’s Bodily Integrity Recognition

Some intersex characteristics can occur immediately after birth, where some infants are born with ambiguous external genitalia, which do not easily fit into typical male and female sex categories. Since there is no record of the birth of an intersex person in Laos; therefore, there is no recorded case of violation of an intersex person’s bodily integrity. Even the medical professionals are not able to speak about this issue. A study by the University of California revealed that there is a high tendency for health workers to encourage parents to modify their child’s genitalia at birth (University of California, 2022)¹³. Nonetheless, as of the present, there is no medical protocol for health workers to deal with intersex children’s health concerns and there is no record of such an incident occurring in Laos.

In terms of law protecting the rights of bodily integrity of children who were born with intersex, there is no law nor regulation on the proper procedures for handling intersex children at birth. The interviewed participants agreed that they would run regular procedures and would advise parents to keep close observation of the child. For any further action, parents need to decide where they should take the child to receive the proper treatment from experts, which are most likely in neighbouring countries such as Thailand, Vietnam or China.

¹³ Parallels in the medicalization of people who are intersex and people who are deaf, S.A. Kirjava, University of California (2022).

4.3 Persistent Harassment Faced by Intersex People in Laos

Given the lack of official data on human rights violations against intersex people in Laos, this report is unable to provide any specific trend or analysis of the same. The 2022 Human Rights Report by the United States Department of State for Laos stated that “There were no known reports of such acts.” It also noted that societal stigma and concern about repercussions led lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) individuals to refrain from reporting incidents of abuse” (USDS, 2022)¹⁴. During the process of data collection, the researchers tried to discover if there were any reported cases of harassment or violence, but no evidence was found.

During the focus group discussion, one participant reported he had encountered one case of intersex when he was around ten years old (which was nearly 20 years ago). He heard that the person was born with both male and female genitals. The said individual was bullied a lot. Her parents relocated to another village when this person reached the age of 10. A few years later, he heard that this person passed away.

The group affirmed that there are certainly intersex people in Laos, but most of them are too shy to own their identity. It is also possible that apart from being bullied by others, intersex people may be suppressed in one way or another by their family members.

A range of institutions including families, religious groups, government, educational institutions and the health sector need to come together to address these challenges.

4.4 Lack of a National Anti-Discrimination Law and Inclusion of Sex Characteristics in Existing Laws

The Penal Code of Laos (2017) recognises discrimination against several vulnerable population groups: Discrimination against Women (Article 224), Discrimination against Persons With Disabilities (Article 225), Discrimination against Children (Article 226), and Discrimination against a Member of an Ethnic Group (Article 227). There is no law banning discrimination against intersex people. There are several reported cases of societal discrimination in households and workplaces but the government has not taken any effort to address the same. (Lao Human Rights Report, 2022). There are rare cases of LGBTQI+ persons reaching higher level positions across all sectors. It is believed that the employers would not hire them for the position or would not promote them to the high level as they would not be accepted widely. Therefore, even if there are LGBTQI+ persons at the high-level, they would cover up their true gender identity as they would be facing high levels of societal stigma and discrimination.

¹⁴ Laos Human Rights Report, USDS (2022)

4.5 Limited Legal and Medical Infrastructures to meet the Healthcare Needs of Intersex People in Laos

Research regarding this theme has revealed that the law itself does not specifically identify any special protection for intersex people. The health professionals interviewed for the project also said that they were unaware of any case concerning intersex people at all. Meanwhile, the focus group discussion with the LGBTQI+ group reported that they would like to see the availability of healthcare services that understand the nature of the medical needs of intersex people and the impact of bullying and discrimination.

4.6 Limited Protection on the Right to Privacy of Intersex People in Laos

According to the Human Rights Committee, the right to privacy refers to “the sphere of a person’s life in which he or she can freely express his or her identity, be it by entering into relationships with others or alone” (OII Europe, 2020)¹⁵. In the context of Lao, there are no laws related to the right to privacy.

4.7 Limited Comprehensive Education and Awareness on Intersex in Laos

In this regard, there are two new government-led initiatives. Recently, the government announced the first-ever National Adolescent and Youth Policy and also took a step towards embedding Comprehensive Sexual Education in all educational settings. These measures could pave the way for more inclusion of intersex people in Laos¹⁶.

4.8 Inclusion of Intersex people in emergency response measures

The law on disaster management No.71/NA defines the principles, regulations and measures for Laos’ disaster management approach. While the general provisions of the law are broad, only Part 3 of the law focuses on the need to protect individuals or people of disadvantaged groups such as poor people, people with disability, or LGBTQI+ people (National Assembly, 2019).¹⁷

¹⁵ Intersex children and the violation of their right to privacy, OII Europe (2020)

¹⁶ The State of LGBTQI People’s Economic Inclusion in Lao PDR, CHias (2020)

¹⁷ The Law on Disaster Management, National Assembly (2019)

5. Conclusion and Recommendations

- 5.1 Legal Gender Recognition of Intersex Persons
- 5.2 Banning of Non-consensual Medical Interventions on Intersex Children
- 5.3 Inclusion of Sex Characteristics in Existing Laws and Policies
- 5.4 Improving Access to Quality and Appropriate Healthcare Services
- 5.5 Addressing Gaps in Data, Research, and Education

5.1 Legal Gender Recognition of Intersex Persons

There are several significant challenges concerning legal gender recognition in Laos given the fact that the law doesn't recognise people with diverse SOGIESC identities (Lao Constitution, 1991). Furthermore, no law prohibits discrimination based on sexual orientation, gender identity or expression, or sex characteristics in housing, employment, or government services. Societal discrimination in employment and housing reportedly persisted, but there are no government efforts to address it (US Embassy, 2022).

5.2 Banning of Non-consensual Medical Interventions on Intersex Children

In Laos, it is necessary to develop a comprehensive protocol which recognises the ill effects of unnecessary medical interventions on intersex children and also takes into account their healthcare needs.

5.3 Inclusion of Sex Characteristics in Existing Laws and Policies

While all the laws are equally applicable to all citizens regardless of their sex, age, ethnicity and socio-economic status, intersex people are still not explicitly protected. Therefore, it is necessary to specifically address discrimination on the basis of sex characteristics.

5.4 Improving Access to Quality and Appropriate Healthcare Services

Intersexuality as a concept is new to healthcare professionals in Laos. The country needs well-trained healthcare facilitators to support intersex people effectively. This is, again, a high-investment endeavour and it may take a long time to achieve. In the meantime, it is good enough that more awareness-raising initiatives regarding the existence of intersex people are undertaken.

5.5 Addressing Gaps in Data, Research, and Education

There has not been any data collection on the number of LGBTQ+ and Intersex people in Laos. Given the binary understanding of sex and gender in Laos' legal system, it is difficult to undertake any data collection initiative without necessary legal reforms.



6. Way Forward

In the context of Laos, multiple stakeholders need to come together so as to improve the situation of intersex rights in the country. Therefore, the recommendations suggested in this section are a step towards future possible interventions.

1. Develop Awareness-raising campaigns for educational institutions and media.
2. Advocate for the amendment of the Lao constitution to include the concerns of intersex people.
3. Training program for Health Workers to understand the subject of access to health for intersex people.
4. Establish a Counselling Service to support intersex people with their mental and physical health issues.

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Intersex Asia is an autonomous regional network of intersex-led organizations and individuals from Asian countries that work to support, educate, and advocate for the rights and lives of intersex individuals as well as raise awareness on human rights violations and discrimination faced by intersex communities. It envisions a world where the beauty of intersex people is celebrated, intersex persons can love themselves, and intersex people grow together as a community. It seeks to create a space for intersex people where they can come forward and act as a stakeholder of the global intersex rights movement.

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