



VISIBLE & COUNTED

Advancing Intersex Inclusion in Civil
Registration, Vital Statistics, and Official Data



Authored by: Prashant Singh, Research and Advocacy Officer, Intersex Asia

Design and Layout: Andrey Tran, Communication Officer, Intersex Asia

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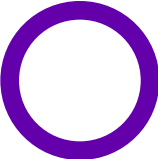


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Executive Summary

Intersex individuals, born with sex characteristics that do not fit typical binary notions of male or female bodies, remain largely invisible within legal frameworks, Civil Registration and Vital Statistics (CRVS) systems, and official data collection mechanisms across much of Asia. This report, prepared by Intersex Asia, examines the situation in twelve Asian countries: India, Nepal, Pakistan, Bangladesh, Cambodia, Indonesia, Malaysia, Philippines, Thailand, Singapore, Laos, and Vietnam. It finds a serious lack of specific legal recognition for intersex people, often conflating them with transgender individuals or ill-defined “third gender” categories. This miscategorization, coupled with the absence of appropriate options in birth registration and national identity documents, perpetuates their invisibility.

The consequences of this exclusion are severe, leading to human rights violations including non-consensual medical interventions on intersex infants and children, discrimination in accessing healthcare, education, and employment, and a lack of data to inform inclusive policies and services. While international human rights bodies increasingly call for the protection of intersex rights, a significant implementation gap persists at the national level in the above-mentioned countries. The Asian intersex movement is working to address these challenges, but systemic change requires concerted government action.

This report underscores that inclusion in CRVS mechanisms and official statistics is critical for achieving broader human rights for intersex people. It calls for urgent reforms, including distinct legal recognition of intersex status, prohibition of non-consensual medical interventions, inclusion of appropriate sex/gender markers (including “intersex” or “X” based on self-determination) in CRVS systems, and the collection of disaggregated data on intersex populations in censuses and national surveys. Such measures are essential to ensure that intersex individuals are not only visible but are also counted, respected, and guaranteed their fundamental human rights.





01

Introduction

The Imperative of Inclusion for Intersex People

A. Defining Intersex: Understanding Diverse Sex Characteristics

The term “intersex” serves as an umbrella for a range of innate variations in sex characteristics that do not conform to conventional binary expectations of male or female bodies.¹ These variations can manifest in chromosomal patterns, gonadal structures, or anatomical features. It is crucial to understand that being intersex relates to biological sex characteristics and is distinct from an individual’s sexual orientation or gender identity; an intersex person may identify as male, female, transgender, non-binary, or any other gender, and may be heterosexual, homosexual, bisexual, asexual, or have any other sexual orientation.¹ Experts estimate that intersex traits are present in up to 1.7% of the population, underscoring that intersex individuals constitute a notable, albeit often hidden, segment of any society.

The diversity encompassed by the term “intersex” is itself frequently misunderstood by policymakers and the public. This lack of nuanced understanding can lead to overly simplistic or erroneous approaches in data collection and legal recognition efforts. People with innate variations of sex characteristics are a heterogeneous population, with a wide array of individual diagnoses and other characteristics. A focus on, for example, “ambiguous genitalia” as the sole criterion for identifying intersex individuals excludes many other variations that are not immediately apparent at birth or do not involve visible genital differences. This narrow framing contributes to the continued invisibility of a significant portion of the intersex population, even when nominal efforts are made to include an “intersex” category.

B. Why CRVS and Official Statistics Matter for Intersex Rights and Well-being

1. *Legal Identity and Access to Rights:*

Civil Registration and Vital Statistics (CRVS) systems, which document key life events such as births, deaths, and marriages, form the bedrock of an individual’s legal identity. Accurate and appropriate identity documents are not mere administrative formalities; they are essential gateways for accessing fundamental human rights and services, including healthcare, education, employment, social protection, and legal recourse. For intersex individuals, exclusion from, or misrepresentation within, CRVS systems can lead to a cascade of denials, effectively barring them from full participation in society and access to essential services. The inability to obtain a recognized legal identity that aligns with their reality complicates access to appropriate medical care and support.

2. *Data for Inclusive Policy-Making and Service Delivery:*

Official statistics, derived from national censuses and large-scale surveys, are indispensable tools for evidence-based policymaking, resource allocation, and the design of public services. The systematic absence of data specifically pertaining to intersex people renders their unique needs, experiences, and vulnerabilities invisible to those in positions of power. This invisibility is not a passive state but an active impediment to the development of targeted and effective policies. As researchers in Australia have argued, “health equity is unachievable without data equity,” a principle that extends to all facets of human rights and social inclusion. Without

¹ Intersex People, OHCHR, <https://www.ohchr.org/en/sexual-orientation-and-gender-identity/intersex-people> (last visited May 27, 2025).

data, governments operate in an information vacuum, unable to identify or address the specific disparities faced by the intersex community.

3. *Combating Stigma and Discrimination:*

The act of being counted and officially recognized can be a powerful tool in combating societal stigma and discrimination. Visibility through accurate data collection helps to normalize intersex variations as part of human diversity, challenging deeply ingrained prejudices and misconceptions. Conversely, statistical invisibility reinforces the notion that intersex people are an anomaly or do not exist, thereby perpetuating cycles of discrimination and marginalization.

The lack of CRVS and statistical inclusion creates a detrimental cycle: invisibility leads to a deficiency in targeted policies and resources, which in turn reinforces marginalization and makes it more challenging for intersex individuals to assert their rights. This further entrenches their statistical and social invisibility. The absence of data directly impacts the lives of intersex people, hindering their access to education, healthcare, and other welfare policies, as highlighted by the poor literacy and employment rates among those categorized as “other” in India’s 2011 Census, a group that included many intersex individuals.

C. International Human Rights Standards and Intersex Inclusion

A growing body of international human rights law and guidance affirms the rights of intersex people. These include the right to legal recognition, the right to the highest attainable standard of health, the right to bodily integrity and autonomy, the right to be free from torture and ill-treatment (including non-consensual medical interventions), the right to non-discrimination, the right to privacy, and the right to self-determination.

Key United Nations (UN) bodies and mechanisms have increasingly addressed the specific human rights violations faced by intersex people. The Office of the High Commissioner for Human Rights (OHCHR) has issued a Technical Note on the Human Rights of Intersex People, providing guidance to States on aligning national legislation with international standards. The UN Free & Equal campaign has worked to raise public awareness. The Human Rights Council has adopted resolutions touching upon the rights of intersex individuals, particularly concerning discrimination and harmful practices. UN Treaty Bodies, such as the Committee on the Rights of the Child (CRC) and the Committee on the Elimination of Discrimination against Women (CEDAW), have issued specific recommendations to States regarding the protection of intersex children and adults from harmful medical practices and discrimination.²

The Yogyakarta Principles, and their 2017 supplement (YP+10), provide authoritative guidance on the application of international human rights law in relation to sexual orientation, gender identity, gender expression, and sex characteristics, explicitly addressing the rights of intersex people.³ Furthermore, global surveys like ILGA World’s Intersex Legal Mapping Report highlight emerging trends and persistent gaps in legal protections for intersex individuals worldwide.⁴

Despite these advancements at the international level, a significant implementation gap persists in many of the Asian countries surveyed in this report. This gap is often attributable to a lack of political will, insufficient societal understanding of intersex issues, and the absence of specific legal and policy frameworks that effectively translate international human rights norms into domestic practice and CRVS system reforms. The journey from international recognition to tangible improvements in the daily lives of intersex people requires robust national commitment and action.

² Intersex Asia, <https://intersexasia.org/wp-content/uploads/2024/09/Nepal.pdf> (last visited May 27, 2025).

³ Intersex Asia, https://intersexasia.org/wp-content/uploads/2024/10/Philippines_English_print.pdf (last visited May 27, 2025).

⁴ *Intersex Legal Mapping Report* (2023), ILGA World, <https://ilga.org/resources/intersex-legal-mapping-report-2023/> (last visited May 27, 2025).





02

Regional Overview

Common Challenges & Emerging Trends in Asia

Across the diverse socio-cultural and legal landscapes of Asia, intersex individuals face a common set of challenges rooted in their statistical and legal invisibility. While nascent advocacy efforts are beginning to shed light on these issues, systemic change remains largely elusive.

A. General Lack of Specific Legal Recognition and Protections for Intersex People

A predominant characteristic across many Asian nations is the absence of explicit legal frameworks that specifically recognize intersex status or offer protection against discrimination based on sex characteristics⁵. Research conducted by Intersex Asia consistently highlights this significant gap in both South Asian and Southeast Asian countries.⁶ This finding is corroborated by broader international assessments, such as the ILGA World Intersex Legal Mapping Report, which indicates that a vast majority of UN member states globally, a trend mirrored in Asia, lack adequate legal protections for intersex people.⁷ This legal vacuum means that intersex individuals often exist in a liminal space, their rights unacknowledged and their specific needs unaddressed by the state.

B. The Problem of Conflation: Intersex, Transgender, and “Third Gender” Categories

A critical and recurring issue is the pervasive conflation of intersex individuals with transgender people, or their subsumption under ambiguous “third gender” or “other” categories within legal and statistical systems. This practice, while sometimes intended as a step towards inclusivity, ultimately erases the distinct biological realities and specific human rights concerns of intersex people.⁸ For instance, in India, the Transgender Persons (Protection of Rights) Act, 2019, includes “person with intersex variations” under its definition of “transgender person”. Similarly, in Bangladesh, intersex people are often equated with the *hijra* community, a socio-cultural third gender identity⁹, and in Pakistan, the term *khawajasira* is sometimes misapplied to or conflated with intersex individuals.¹⁰

This conflation is not merely a matter of terminology; it represents a fundamental barrier to the realization of intersex rights. Policies designed for transgender individuals, which typically focus on gender identity and gender affirmation, may not address the core concerns of intersex people, such as protection from non-consensual intersex genital mutilation (IGM), access to appropriate medical information related to their specific variations, or discrimination based on their physical sex characteristics rather than their gender identity. When intersex individuals are legally or statistically grouped with transgender people or under a generic “third gender” label, their unique experiences of human rights violations become obscured, and the data collected fails to provide the disaggregated information necessary for targeted and effective interventions.

5 Intersex People, OHCHR, <https://www.ohchr.org/en/sexual-orientation-and-gender-identity/inter-sex-people> (last visited May 27, 2025).

6 *Advancing Intersex Rights in Southeast Asia: Insights from the Launch of Intersex Asia’s Research Publications*, Intersexasia, <https://intersexasia.org/advancing-intersex-rights-in-southeast-asia-insights-from-the-launch-of-intersex-asias-research-publications/> (last visited May 27, 2025).

7 *Intersex Legal Mapping Report (2023)*, ILGA World, <https://ilga.org/resources/intersex-legal-mapping-report-2023/> (last visited May 27, 2025).

8 Intersex Asia, <https://intersexasia.org/wp-content/uploads/2024/09/Nepal.pdf> (last visited May 27, 2025).

9 Intersex Asia, <https://intersexasia.org/wp-content/uploads/2024/09/Bangladesh.pdf> (last visited May 27, 2025).

10 Intersex Asia, <https://intersexasia.org/wp-content/uploads/2024/09/Pakistan.pdf> (last visited May 27, 2025).

C. Data Gaps and the Invisibility of Intersex Populations in Official Statistics

Throughout the Asian region, a profound lack of official, disaggregated data on intersex populations within national censuses, health surveys, and other governmental data collection efforts is evident.¹¹ The challenges in accurately counting intersex individuals are multifaceted, stemming from pervasive social stigma, a lack of public and professional awareness about intersex variations, historical and ongoing practices of clinical non-disclosure of diagnoses to intersex individuals and their families, and persistent definitional ambiguities.¹²

Report published by InterAction provides a comprehensive overview of these difficulties, highlighting the heterogeneity of the intersex population, the absence of a universal consensus on the precise boundaries of intersex definitions, natural variations in the frequency of specific biological traits across different populations, the impact of evolving diagnostic technologies, and the chilling effect of misinformation and societal misconceptions on disclosure.¹³ This systemic absence of data is not a passive oversight but an active form of exclusion. It has tangible, negative consequences, severely limiting the ability of intersex individuals to access their rights and hindering governments from fulfilling their obligations to ensure equality and well-being for all citizens. The principle that “health equity is unachievable without data equity”¹⁴ extends to all human rights; without data, the scale of discrimination, health disparities, and exclusion from social services faced by intersex people remains largely unknown and, consequently, unaddressed.

D. The Shadow of Non-Consensual Medical Interventions (IGM)

Medically unnecessary surgeries and hormonal treatments performed on intersex infants and children without their free, prior, and informed consent remain a deeply entrenched and harmful practice across the region.¹⁵ These interventions, often framed by medical practitioners as “normalizing” procedures aimed at aligning a child’s body with typical male or female appearances, are increasingly recognized by international human rights bodies as violations of fundamental rights, including the right to bodily integrity, freedom from torture and ill-treatment, and the right to health.¹⁶

The lack of legal prohibitions against IGM and the absence of intersex-specific options or considerations in CRVS systems, particularly at birth registration, are often interconnected. Birth registration systems that rigidly enforce binary male/female sex markers can create immense pressure on parents and medical professionals to “resolve” any perceived ambiguity in an infant’s sex characteristics through early surgical interventions. This pressure often leads to decisions made without full consideration of the child’s future autonomy, physical and psychological well-being, or their potential gender identity. The medical pathologization of intersex variations as “disorders of sex development” (DSD) further fuels this perceived urgency for corrective treatment.¹⁷ The absence of an “intersex” or “undetermined” option at birth registration, or a straightforward administrative mechanism for later correction based on an individual’s self-identified gender, contributes significantly to the environment in which these harmful and irreversible interventions occur.

¹¹ InterAction, Population figures, <https://interaction.org.au/resource/population-figures/> (last visited March 18, 2026)

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Intersex People, OHCHR, <https://www.ohchr.org/en/sexual-orientation-and-gender-identity/intersex-people> (last visited May 27, 2025).

¹⁶ *Id.*

¹⁷ Prashant Singh, “Visible in Law, Invisible in Data: Inclusion of Intersex People in Official Statistics”, University of Gothenburg 2023

E. Emerging Advocacy and Limited Progress

Despite the formidable challenges, intersex-led activism is gaining momentum across Asia. Organizations such as Intersex Asia and its national partners are increasingly vocal in advocating for the rights and visibility of intersex people.¹⁸ This advocacy has led to some positive, albeit often localized, legal and policy developments. For instance, court rulings in specific states within India have called for bans on non-consensual surgeries on intersex minors.¹⁹

International human rights bodies are also paying greater attention to the situation of intersex people, issuing recommendations and raising awareness.²⁰ However, the scale of advocacy and legal reform is still vastly outpaced by the depth of systemic exclusion and the pervasiveness of harmful practices. The positive steps observed are often isolated and not yet indicative of widespread, systemic change across the region. The journey from nascent activism and limited legal victories to comprehensive protection and full inclusion in CRVS and official statistics is a long one, requiring sustained effort, increased resources, and genuine political commitment from states.

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- ¹⁸ *Visible in Law, Invisible in Data: Constructing a Social Legal Framework to Include Intersex People in Official Statistics*, Intersex Asia, <https://intersexasia.org/visible-in-law-invisible-in-data-constructing-a-social-legal-framework-to-include-intersex-people-in-official-statistics/> (last visited May 27, 2025).
 - ¹⁹ *Intersex Legal Mapping Report (2023)*, ILGA World, <https://ilga.org/resources/intersex-legal-mapping-report-2023/> (last visited May 27, 2025).
 - ²⁰ Intersex People, OHCHR, <https://www.ohchr.org/en/sexual-orientation-and-gender-identity/intersex-people> (last visited May 27, 2025).



03

Country- Specific Analyses

The following sections provide an analysis of the legal and statistical landscape for intersex people in India, Nepal, Pakistan, Bangladesh, Cambodia, Indonesia, Malaysia, Philippines, Thailand, Singapore, Laos, and Vietnam.

A. India

1. Legal and Policy Landscape for Intersex People

○ *Legal Recognition and Definition:*

India currently lacks a standalone, comprehensive law specifically addressing intersex rights. Instead, intersex issues and individuals are often subsumed under the legislative and policy frameworks designed for transgender people. The Transgender Persons (Protection of Rights) Act, 2019 is the primary legislation in this regard, and it problematically includes “person with intersex variations” within its definition of a “transgender person”. Section 2(k) of the Act defines a transgender person as one whose gender does not match the gender assigned at birth and explicitly lists “person with intersex variations” among other identities like trans-men, trans-women, and gender-queer individuals. Section 2(i) of the same Act provides a definition for a “person with intersex variations” as “a person who at birth shows variation in his or her primary sexual characteristics, external genitalia, chromosomes or hormones from the normative standard of the male or female body”.

This legal conflation of “intersex” (a matter of innate biological sex characteristics) with “transgender” (a matter of gender identity) is a critical flaw in the Indian legal framework. While seemingly inclusive, this approach effectively erases the distinct biological realities and specific human rights concerns pertinent to intersex people. These concerns include, most notably, non-consensual medical interventions (IGM) performed on infants and children, and discrimination based on physical sex characteristics rather than gender identity. Such conflation can lead to the misapplication of policies and a fundamental failure to address the unique needs of the intersex community. Prior to this Act, the landmark Supreme Court judgment in **National Legal Services Authority (NALSA) v. Union of India (2014)** recognized the rights of transgender persons as a “third gender” and affirmed their right to self-identify their gender.²¹ The NALSA judgment also made a judicial mention of intersex persons, generally placing them under the broader transgender umbrella.²²

○ *Anti-Discrimination Laws and Protections:*

The Transgender Persons Act, 2019, contains provisions prohibiting discrimination against transgender persons (which, by its definition, includes individuals with intersex variations) in various spheres, including education, employment, healthcare, access to public facilities, and the right to movement and residence.²³ However, the Act has faced

²¹ National Legal Services Authority (NALSA) v. Union of India (2014)

²² Prashant Singh, “Visible in Law, Invisible in Data: Inclusion of Intersex People in Official Statistics”, University of Gothenburg 2023

²³ *Intersex Legal Mapping Report (2023)*, ILGA World, <https://ilga.org/resources/intersex-legal-mapping-report-2023/> (last visited May 27, 2025).

criticism from activists and scholars for not adequately addressing the specific forms of discrimination encountered by intersex individuals. This includes discrimination stemming directly from their physical sex characteristics or the pathologizing terminology often used in medical contexts.

While anti-discrimination provisions exist, their efficacy for intersex people is inherently limited because the discrimination they face often originates from their physical bodily variations, not necessarily their gender identity – a crucial distinction that the current law blurs. For example, an intersex person who identifies and is legally recognized as male might still face discrimination if their intersex variation becomes known, or if they require medical care related to it. The Act's focus on "transgender" status may not offer robust protection in such scenarios. The call for non-pathologizing language is vital because medical pathologization itself constitutes a form of discrimination and a barrier to accessing rights.²⁴ In a positive step, the Ministry of Social Justice and Empowerment has issued an 'Equal Opportunities Policy for Transgender Persons,' which would ostensibly cover intersex individuals under the Act's definition.²⁵

○ *Laws and Policies Regarding Medical Interventions on Intersex Minors:*

A significant development in protecting the bodily integrity of intersex children has come from the judiciary. The Madras High Court, in the 2019 case of Arunkumar and Anr. v The Inspector General of Registration and Ors., delivered a landmark judgment calling for a ban on medically unnecessary sex "reassignment" surgeries on intersex infants and children. The court emphasized the lack of informed consent from the child and the potential for lifelong harm.²⁶ This ruling prompted the Government of Tamil Nadu to issue a Government Order prohibiting such surgeries except in life-threatening situations, with decisions to be made by an expert committee.²⁷

Following this precedent, the Delhi Commission for Protection of Child Rights (DCPCR) recommended a similar ban on "normalizing" surgeries in Delhi²⁸, and the Kerala High Court instructed the Kerala state government to regulate "sex-selective surgeries" on intersex children, mandating approval by a state-level multidisciplinary committee only for life-saving interventions.²⁹

Despite these progressive judicial pronouncements, the Transgender Persons Act, 2019, critically fails to provide any protection to intersex children from such non-consensual interventions.³⁰ More recently, the Ministry of Health and Family Welfare has framed guidelines concerning medical interventions for infants and children with what it terms "disorders of sexual differentiation (intersex)," with the stated aim of enabling them to have a "medically normal life without complications".³¹ There is a palpable tension between these judicial efforts to protect bodily integrity and the absence of a comprehensive national legislative ban on IGM. Furthermore, the continued use of pathologizing language like "disorders of sexual differentiation" in official government guidelines risks

²⁴ *Id.*

²⁵ Press Info. Bureau, *Parliament Question: Measures for Care of LGBTQ Community*, <https://www.pib.gov.in/PressReleaseDetailm.aspx?PRID=2099650> (last visited May 27, 2025).

²⁶ *Intersex Legal Mapping Report* (2023), ILGA World, <https://ilga.org/resources/intersex-legal-mapping-report-2023/> (last visited May 27, 2025).

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Intersex Legal Mapping Report* (2023), ILGA World, <https://ilga.org/resources/intersex-legal-mapping-report-2023/> (last visited May 27, 2025).

³⁰ Prashant Singh, "Visible in Law, Invisible in Data: Inclusion of Intersex People in Official Statistics", University of Gothenburg 2023

³¹ Press Info. Bureau, *Parliament Question: Measures for Care of LGBTQ Community*, <https://www.pib.gov.in/PressReleaseDetailm.aspx?PRID=2099650> (last visited May 27, 2025).

undermining efforts to depathologize intersex variations and may inadvertently provide justification for non-consensual interventions if “normal” is defined strictly along binary lines. This contradicts the spirit of the court rulings and international calls to defer interventions until the individual can provide informed consent.³²

○ *Key Judicial Decisions and Government Initiatives:*

Besides the NALSA and Arunkumar judgments, other notable legal and governmental actions include:

- The early case of **Faizan Siddique v. Sashastra Seema Bal (2011)**, where the Delhi High Court addressed employment discrimination against an intersex person.
- Several High Court rulings upholding the right of intersex persons to self-identify their gender in employment contexts (e.g., *Nangai v The Superintendent of Police, T. Thanusu v Secretary to Government of Tamil Nadu, G. Nagalakshmi v Director General of Police*).
- The establishment of the National Council for Transgender Persons (NCTP), which includes intersex representation through activists like Gopi Shankar Madurai.
- The operationalization of the National Portal for Transgender Persons, which allows individuals to apply for a certificate of identity as “transgender”.³³ This certificate can then be used to change gender markers in other official documents. However, the process often requires application to a District Magistrate, which can act as a barrier and runs contrary to the principle of self-identification upheld in NALSA.³⁴
- The setting up of Transgender Protection Cells in 13 states to monitor and ensure timely action on offenses against transgender persons.³⁵
- Advisories issued by the Ministry of Home Affairs regarding prison visitation rights for the queer community and measures to protect them from violence, harassment, or coercion.³⁶
- Advisories from the Department of Food and Public Distribution concerning ration cards for partners in queer relationships and from the Department of Financial Services regarding joint bank accounts and nominee rights.³⁷
- The Global Health Advocacy Incubator (GHAi) has utilized its “Equal Access to LGBTI Individuals” toolkit chapter to conduct a legal review in India, highlighting gaps in current practices.³⁸

2. Inclusion in CRVS Mechanisms

○ *Birth Registration:*

Historically, India’s Registration of Births and Deaths Act, 1969 (RBD Act) operated

³² Intersex People, OHCHR, <https://www.ohchr.org/en/sexual-orientation-and-gender-identity/in-tersex-people> (last visited May 27, 2025).

³³ Press Info. Bureau, *Parliament Question: Measures for Care of LGBTQ Community*, <https://www.pib.gov.in/PressReleaseDetailm.aspx?PRID=2099650> (last visited May 27, 2025).

³⁴ *Id.*

³⁵ Press Info. Bureau, *Parliament Question: Measures for Care of LGBTQ Community*, <https://www.pib.gov.in/PressReleaseDetailm.aspx?PRID=2099650> (last visited May 27, 2025).

³⁶ Press Info. Bureau, *Parliament Question: Measures for Care of LGBTQ Community*, <https://www.pib.gov.in/PressReleaseDetailm.aspx?PRID=2099650> (last visited May 27, 2025).

³⁷ Press Info. Bureau, *Parliament Question: Measures for Care of LGBTQ Community*, <https://www.pib.gov.in/PressReleaseDetailm.aspx?PRID=2099650> (last visited May 27, 2025).

³⁸ ESCAP, *Session 3.2 (Paper): Integrating Gender-Equity in CRVS Legal Review and Reform Processes*, https://crvs.unescap.org/sites/default/files/resources/3.2_Paper_research_forum_3-4Apr2023.pdf (last visited May 27, 2025).

on a strictly binary understanding of sex. A significant recent development is the 2023 amendment to the RBD Act, which aims to recognize transgender identities in civil records. However, challenges persist in the registration of intersex infants with appropriate sex markers. Often, they are forced into a male or female binary at birth. There is no clear national policy mandating an “intersex” or “X” marker as an option at birth, although the Transgender Persons Act allows for obtaining a transgender certificate later in life.³⁹

The 2023 amendment to the RBD Act, while a step towards recognizing gender diversity, may still not adequately address the specific birth registration needs of intersex infants. Intersex individuals are not “transgender” at birth; their variations relate to innate sex characteristics. The core issue at birth registration is the sex assigned, not the gender identity which develops later. A specific provision for intersex variations, allowing for markers like “intersex,” “X,” or a mechanism to defer sex assignment with simple administrative processes for later amendment based on self-identity, is crucial. The current amendment’s focus appears to be more on facilitating later identity changes for transgender individuals rather than addressing the immediate registration challenges for intersex newborns.⁴⁰

The “other” category in the 2011 Census, which included approximately 55,000 children aged 0-6, many of whom were likely intersex, were inaccurately referred to as “transgender children,” highlighting the confusion and lack of appropriate categories.

- *National Identity Documents (Aadhaar, etc.):*

The Aadhaar Act, 2016, which governs India’s unique identification system, includes gender fields that can accommodate transgender persons.⁴¹ The Transgender Persons Act, 2019, provides a pathway for individuals, including those with intersex variations, to obtain a certificate of identity as “transgender.” This certificate can then be used to amend gender markers in other official documents, such as Aadhaar, passports, and bank accounts.⁴² However, this process typically requires an application to a District Magistrate for the issuance of the transgender certificate, which can be a significant bureaucratic hurdle and contradicts the principle of self-identification affirmed by the Supreme Court in the NALSA judgment.⁴³ While mechanisms exist for “transgender” identity recognition on national IDs, intersex individuals who do not identify as transgender but wish for a non-binary or “intersex” marker, or simply want to correct a misassigned binary marker to another binary marker that aligns with their identity, may face difficulties if they are compelled to go through a “transgender” certification process. An intersex person might identify as male or female, but their birth-assigned sex might be incorrect, or they might prefer an ‘X’ marker reflecting their intersex status without identifying as transgender. The current system, by channeling changes through a “transgender” identity certificate, may not cater to this diversity and could force intersex individuals into an identity category that does not accurately reflect their reality. Recent CSO consultations have recommended integrating CRVS with Aadhaar and simplifying documentation requirements for transgender persons.⁴⁴

39 Bera, Om & Shah, Vandana & Chandge, Mokshada & Singh, Ranjit & Singh, Arshdeep & Kumari, Lalita & Shrama, Shuchi. (2025). Civil Registration, Legal Reforms, Public Health, and SDG 16.9: Catalyzing Social Inclusion for Transgender Persons in India. *Indian Journal of Community Health*. 37. 15-21. 10.47203/IJCH.2025.v37i01.004.

40 Asian Intersex Statement 2023, Intersex Asia, https://intersexasia.org/wp-content/uploads/2024/09/Asian_statement_2023_Official_27Dec.pdf (last visited May 27, 2025).

41 *Id.*

42 *Id.*

43 *Id.*

44 *Report on CSO Consultations in India*, ESCAP, <https://crvs.unescap.org/system/files/sites/default/files/India%20-%20Report%20on%20CSO%20Consultations.pdf> (last visited May 27, 2025).

- *Death Registration:*

Specific information regarding the inclusion of intersex individuals in death registration processes was not prominently found in the provided materials, though general CRVS strengthening efforts, which would encompass death registration, are underway.⁴⁵ The challenges related to inaccurate or inappropriate sex/gender markers on identity documents throughout life would likely extend to death registration, potentially causing distress to bereaved families and inaccuracies in mortality statistics.

3. Inclusion in Official Statistics

- *National Census:*

The Census 2011 was the first in India to introduce an “Other” sex category, in addition to male and female. A total of 4,87,803 individuals were recorded under this category. This figure was widely and often inaccurately conflated with the transgender population, and by default, it included intersex individuals without any possibility of disaggregation.⁴⁶ The government later clarified that no official data specifically on the transgender population was collected in the 2011 Census.⁴⁷

For the upcoming Census (originally scheduled for 2021 but delayed), the government announced that “transgender” would be provided as an option for the “sex of the head of the household” and, it is anticipated, for individual enumeration as well, likely replacing the “other” category.⁴⁸ This planned shift from “Other” to “Transgender” in the census, while potentially appearing progressive for transgender inclusion, is set to further invisibilize intersex people. By subsuming them under a gender identity category (“transgender”), it will remain impossible to gather specific data on the prevalence of variations in sex characteristics or the distinct socio-economic conditions of intersex people.⁴⁹ “Transgender” is a gender identity, whereas “intersex” relates to innate sex characteristics. An intersex person may identify as male, female, transgender, or non-binary. Using “Transgender” as the sole non-binary sex/gender option in the census will inevitably lead to gross miscounting and misrepresentation of both transgender and intersex populations, preventing an accurate understanding of either group.

- *Other National Surveys (health, socio-economic):*

There is a general and systemic lack of SOGIESC variables, and specifically intersex variables, in most national surveys in India, including those related to health and socio-economic indicators.⁵⁰ For example, the National Crime Records Bureau (NCRB) does not maintain segregated data on crimes committed against intersex and transgender persons, grouping them, if at all, under broader categories.⁵ Current data collection methodologies remain predominantly sex-focused (binary male/female) and not adequately gender-focused, leading to the misrepresentation or complete absence of transgender and intersex persons in vital datasets.⁵¹

This systemic exclusion of intersex (and often SOGIESC communities more broadly) from

⁴⁵ Report on CSO Consultations in India, ESCAP, <https://crvs.unescap.org/system/files/sites/default/files/India%20-%20Report%20on%20CSO%20Consultations.pdf> (last visited May 27, 2025).

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ Non-binary genders need more visibility in India's Census 2021, Down To Earth (Sept. 8, 2021), <https://www.downtoearth.org.in/governance/non-binary-genders-need-more-visibility-in-india-s-census-2021-78844> (last visited May 27, 2025).

routine national surveys prevents the formulation of evidence-based policies for health, education, employment, and safety. This directly contravenes the spirit and directives of the NALSA judgment, which called for comprehensive welfare measures for gender minorities. Without data on literacy rates, employment status, specific health conditions, experiences of violence, and access to services for intersex people, the government cannot design effective welfare schemes or monitor the impact of anti-discrimination laws. The current approach amounts to governance by assumption rather than governance by evidence.

4. Challenges, Advocacy, and Ways Forward

- *Specific Challenges:*

Intersex individuals in India face a multitude of challenges, including pervasive medical pathologization of their bodies⁵²; non-consensual and medically unnecessary genital surgeries and hormonal interventions, particularly in infancy and childhood (IGM)⁵³; significant discrimination in accessing healthcare, education, and employment⁵⁴; a widespread lack of awareness about intersex issues among the general public, officials, and medical professionals⁵⁵; alarming reports of intersex infanticide and selective abortion of intersex fetuses, driven by son preference and stigma⁵⁶; and a lack of safe and supportive shelter options for intersex individuals, especially children and youth who may face family rejection.⁵⁷

- *Advocacy Efforts:*

A growing number of intersex activists and organizations are working to address these challenges. Notable efforts include the work of Srishti Madurai, led by Gopi Shankar, which has been instrumental in raising intersex issues at national and state levels, including submissions related to the Transgender Persons Act and advocacy for banning IGM. The Association of Transgender Health in India (ATHI) and Doctors with Disabilities: Agents of Change (DwDAoC) have also advocated for bans on IGM. Intersex Asia's research and country report on India provide crucial documentation and analysis.⁵⁸ Civil society organizations have actively participated in consultations on CRVS reforms, advocating for greater inclusion⁵⁹, and international organizations like GHAI have supported legal reviews to identify gaps.⁶⁰

- *Identified Gaps and Opportunities:*

There is an urgent need for a comprehensive national law dedicated to intersex rights, distinct from the existing transgender law, that specifically addresses issues like IGM, discrimination based on sex characteristics, and access to appropriate healthcare. Accurate and disaggregated data collection is paramount. Extensive sensitization

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Gender identities in Thailand*, Wikipedia, https://en.wikipedia.org/wiki/Gender_identities_in_Thailand (last visited May 27, 2025).

⁵⁷ Vitit Muntarbhorn, *Sex and gender rights in a plural world*, Korea Herald (Oct. 25, 2024), <https://m.koreaherald.com/article/10495953> (last visited May 27, 2025).

⁵⁸ Intersex Asia, <https://intersexasia.org/wp-content/uploads/2024/09/India.pdf> (last visited May 27, 2025).

⁵⁹ *Report on CSO Consultations in India*, ESCAP, <https://crvs.unescap.org/system/files/sites/default/files/India%20-%20Report%20on%20CSO%20Consultations.pdf> (last visited May 27, 2025).

⁶⁰ ESCAP, *Session 3.2 (Paper): Integrating Gender-Equity in CRVS Legal Review and Reform Processes*, https://crvs.unescap.org/sites/default/files/resources/3.2_Paper_research_forum_3-4Apr2023.pdf (last visited May 27, 2025).

programs are required for government officials, medical professionals, law enforcement, and the judiciary. Effective implementation of existing court directives, particularly concerning IGM, is also crucial.

- *Recent Policy Updates (2024-2025):*

Recent governmental actions include the Ministry of Health and Family Welfare framing guidelines for medical intervention in infants/children with “disorders of sexual differentiation (intersex)”.⁶¹ Advisories have been issued to enhance access for the queer community to ration cards, joint bank accounts, and prison visitation rights.⁶² Efforts are also being made to include transgender individuals under the Ayushman Bharat Pradhan Mantri Jan Arogya Yojana (AB-PMJAY) health insurance scheme, though its specific applicability to intersex individuals, especially if they do not identify as transgender, needs clarification.⁶³ There’s also a broader governmental focus on strengthening CRVS systems, simplifying procedures, and integrating them with the Aadhaar digital identity program.⁶⁴ These recent government advisories and guidelines, while potentially beneficial for the broader “queer” or “transgender” community, may still fall short of specifically addressing intersex needs if they continue to rely on the flawed conflation embedded within the Transgender Persons Act. For instance, health guidelines framed around “disorders of sexual differentiation”⁶⁵ risk perpetuating the pathologization of intersex variations unless they are carefully reframed from a human rights perspective that emphasizes natural bodily diversity and informed consent.⁶⁶ The efficacy of these new measures for intersex people will critically depend on whether they are implemented with a nuanced understanding of intersex realities, distinct from transgender identities, and whether they ensure that intersex individuals are not forced to identify as “transgender” to access benefits or protections.

B. Nepal

1. Legal and Policy Landscape for Intersex People

- *Legal Recognition and Definition:*

The Constitution of Nepal (2015) acknowledges “gender and sexual minorities” and Article 39(1) grants every child the right to an identity, including a family name and birth registration.⁶⁷ However, there is no specific legal definition or comprehensive legal framework that explicitly recognizes or protects intersex individuals as a distinct group. Intersex people are frequently grouped with transgender individuals or categorized under the ambiguous “third gender” label.⁶⁸ The term “intersex” itself is not

⁶¹ Intersex Asia, <https://intersexasia.org/wp-content/uploads/2024/09/India.pdf> (last visited May 27, 2025).

⁶² Press Info. Bureau, *Parliament Question: Measures for Care of LGBTQ Community*, <https://www.pib.gov.in/PressReleaseDetailm.aspx?PRID=2099650> (last visited May 27, 2025).

⁶³ *Ayushman Bharat’s Broken Promise to India’s Transgender Community*, News Minute (Mar. 4, 2024), <https://www.thenewsminute.com/news/ayushman-bharats-broken-promise-to-indias-transgender-community> (last visited May 27, 2025).

⁶⁴ *Report on CSO Consultations in India*, ESCAP, <https://crvs.unescap.org/system/files/sites/default/files/India%20-%20Report%20on%20CSO%20Consultations.pdf> (last visited May 27, 2025).

⁶⁵ Press Info. Bureau, *Parliament Question: Measures for Care of LGBTQ Community*, <https://www.pib.gov.in/PressReleaseDetailm.aspx?PRID=2099650> (last visited May 27, 2025).

⁶⁶ Intersex People, OHCHR, <https://www.ohchr.org/en/sexual-orientation-and-gender-identity/intersex-people> (last visited May 27, 2025).

⁶⁷ Intersex Asia, <https://intersexasia.org/wp-content/uploads/2024/09/Nepal.pdf> (last visited May 27, 2025).

⁶⁸ *Id.*

widely understood in Nepal, with “third gender” being the term used in the national census, often encompassing a diverse range of identities including intersex people.⁶⁹ Despite the constitutional nod towards “gender and sexual minorities,” the absence of a precise legal definition and distinct recognition for intersex people results in their continued marginalization. This conflation with other groups, particularly transgender or “third gender” communities, hinders the development and implementation of targeted legal protections that address the unique challenges faced by intersex individuals, such as non-consensual medical interventions or discrimination based on bodily diversity rather than gender identity.⁷⁰

○ *Anti-Discrimination Laws and Protections:*

While Nepal’s Constitution contains general guarantees of equality, there is no explicit anti-discrimination law that protects intersex people on the grounds of their sex characteristics. Existing legislation often uses binary language such as “boys” and “girls,” which can inadvertently exclude intersex individuals from the scope of these protections.⁷¹ International human rights bodies have noted this gap. For example, the UN Committee on the Elimination of Discrimination against Women (CEDAW) in 2018 recommended that Nepal adopt legislation explicitly prohibiting unnecessary surgical or other medical procedures on intersex children before they reach the legal age of consent and ensure that victims of such treatments have effective access to justice.⁷² The absence of such explicit anti-discrimination laws based on sex characteristics leaves intersex individuals vulnerable, as general equality provisions may not be consistently interpreted to cover their specific experiences of discrimination, which often stem from their physical variations rather than their gender identity.

○ *Laws and Policies Regarding Medical Interventions on Intersex Minors:*

Currently, there are no specific laws in Nepal that prohibit non-consensual Intersex Genital Mutilation (IGM). Intersex infants and children are subjected to medically unnecessary surgeries and treatments without their informed consent, often driven by societal pressure to conform to binary sex norms.⁷³ The UN Committee on the Rights of the Child (CRC) in 2016 recommended that Nepal ensure no child is subjected to unnecessary medical or surgical treatment during infancy or childhood and that adequate counselling and support are provided to intersex children and their families.⁷⁴ The lack of clear legal prohibitions against IGM, coupled with insufficient awareness among medical professionals and the general public, means that these harmful practices continue, violating the bodily autonomy and integrity of intersex children. The recommendations from international treaty bodies like the CRC and CEDAW have yet to be translated into robust domestic legal safeguards, leaving intersex children at continued risk.⁷⁵

⁶⁹ *Surveying Nepal’s Sexual and Gender Minorities*, Williams Inst. - UCLA, <https://williamsinstitute.law.ucla.edu/publications/survey-sgm-nepal/> (last visited May 27, 2025).

⁷⁰ Intersex Asia, <https://intersexasia.org/wp-content/uploads/2024/09/Nepal.pdf> (last visited May 27, 2025).

⁷¹ *Visible in Law, Invisible in Data: Constructing a Social Legal Framework to Include Intersex People in Official Statistics*, Intersex Asia, <https://intersexasia.org/visible-in-law-invisible-in-data-constructing-a-social-legal-framework-to-include-intersex-people-in-official-statistics/> (last visited May 27, 2025).

⁷² *Intersex Legal Mapping Report* (2023), ILGA World, <https://ilga.org/resources/intersex-legal-mapping-report-2023/> (last visited May 27, 2025).

⁷³ Campaign for Change, *Inputs for Study on Universal Birth Registration and the use of Digital Technologies*, OHCHR, <https://www.ohchr.org/sites/default/files/documents/issues/digitalage/cfis/birth-registration/subm-universal-birth-registration-cso-campaign-change.pdf> (last visited May 27, 2025).

⁷⁴ *Intersex Legal Mapping Report* (2023), ILGA World, <https://ilga.org/resources/intersex-legal-mapping-report-2023/> (last visited May 27, 2025).

⁷⁵ *Intersex Legal Mapping Report* (2023), ILGA World, <https://ilga.org/resources/intersex-legal-mapping-report-2023/> (last visited May 27, 2025).

- *Key Judicial Decisions and Government Initiatives:*

Nepal's Supreme Court has issued several progressive rulings concerning the rights of LGBT individuals generally.⁷⁶ A significant ruling in July 2024 affirmed that a person should be allowed to change their legal gender based on self-identification, without requiring medical documentation. This decision specifically stated that a transgender woman is a woman and should be legally recognized as such.⁷⁷ This built upon previous legal avenues that were more focused on non-binary recognition. Additionally, a 2023 Supreme Court order mandated the government to register same-sex marriages, although its full implementation has faced delays.⁷⁸

These recent progressive Supreme Court rulings on gender self-identification present a considerable opportunity for intersex advocacy. The principles established in these judgments could be leveraged to argue for the right of intersex individuals to have their self-determined gender (which may be male, female, or another identity) legally recognized without coercive medical prerequisites. Furthermore, these rulings can bolster arguments for the right to correct misassigned sex markers on birth certificates and other documents based on an individual's intersex status and lived reality. However, the practical impact of these rulings on the intersex community, particularly concerning changes to *sex markers* as distinct from gender identity, and the broader application beyond the specific circumstances of the cases, remains to be seen and will likely require targeted advocacy.⁷⁹

2. Inclusion in CRVS Mechanisms

- *Birth Registration:*

The Act relating to Children, 2018, grants every child the right to a name, identity, and birth registration.⁸⁰ However, Nepal lacks a proper system or specific mechanism for the birth registration of intersex children that acknowledges their intersex variation.⁸¹ While the birth information form reportedly includes an "other" gender option alongside male and female, there is no legislative mandate for this inclusion, leading to inconsistencies and confusion.⁸² Consequently, parents of intersex children are often forced to select one of the binary options (male or female) or the ambiguous "other" category at birth.⁸³ Activists have pointed out that the "true identity of an intersex child is intersex, not 'other,' 'undetermined,' or 'third gender'".⁸⁴ Digital birth registration systems also often lack the mechanisms to accurately capture data on intersex individuals.⁸⁵

The use of an "Other" category in birth registration, while perhaps intended as an inclusive measure, often functions as a form of misclassification for intersex infants. It serves as a placeholder due to a lack of understanding and appropriate options, failing to affirm the child's intersex status and preventing the collection of accurate data on the prevalence of intersex births. This practice can become a catch-all for various identities, obscuring the specific demographic reality of intersex individuals and not addressing the underlying societal and medical pressures to assign a binary sex.

⁷⁶ *World Report 2025: Nepal*, Hum. Rts. Watch, <https://www.hrw.org/world-report/2025/country-chapters/nepal> (last visited May 27, 2025).

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ Campaign for Change, *Inputs for Study on Universal Birth Registration and the use of Digital Technologies*, OHCHR, <https://www.ohchr.org/sites/default/files/documents/issues/digitalage/cfs/birth-registration/subm-universal-birth-registration-cso-campaign-change.pdf> (last visited May 27, 2025).

⁸¹ *Id.*

⁸² *Id.*

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ *Id.*

- *National Identity Documents (Citizenship Card, etc.):*

Intersex individuals in Nepal face significant challenges in acquiring citizenship cards and other national identity documents that reflect their preferred gender identity; they are often forced into the “other” category.⁸⁶ A critical issue is the lack of a clear policy provision to amend birth certificates if an individual’s intersex traits become apparent later (e.g., at puberty) and do not align with the sex assigned at birth. The current system only allows for correction of errors at age 5, a provision wholly inappropriate for the lived experiences of many intersex people.⁸⁷

The inability to easily correct sex markers on foundational documents like birth certificates creates a cascade of problems. Since the birth certificate is often the primary document required for obtaining citizenship cards, passports, school enrollment, and other essential services and documents, any inaccuracies or inappropriate markers will be replicated, leading to lifelong discrimination, administrative hurdles, and denial of rights.⁸⁸ The recent July 2024 Supreme Court ruling on self-identification for gender change⁸⁹ is a positive development, but its practical application to allow intersex individuals to correct their *sex markers* (distinct from gender identity) based on their intersex status needs to be closely monitored and actively pursued through advocacy.

- *Death Registration:*

Specific information regarding the inclusion of intersex individuals in death registration processes in Nepal was not found in the provided materials. However, the systemic issues related to inaccurate or inappropriate sex/gender markers on identity documents throughout an intersex person’s life would likely carry over to death registration, potentially causing distress for bereaved families and leading to inaccuracies in mortality statistics.

3. Inclusion in Official Statistics

- *National Census:*

Nepal’s 2011 national census was notable for being the first in the world to include a “third gender” category.⁹⁰ However, reports indicate that this initiative largely failed to accurately capture the population of those who identify as third gender due to various administrative and logistical challenges.⁹¹ The “third gender” category, as used on the Nepali census, functions as an umbrella term and does not allow for the disaggregation of data specifically for intersex people.⁹² Research by Intersex Asia confirms that inadequate data collection methods in the national census result in an unidentified number of intersex individuals in the country.⁹³

While Nepal’s early inclusion of a “third gender” category in its census was a pioneering step towards recognizing non-binary identities, it has inadvertently contributed to the statistical invisibility of intersex people. By not providing a distinct option to identify variations in sex characteristics, the census groups intersex individuals under a broad gender identity

⁸⁶ Intersex Asia, <https://intersexasia.org/wp-content/uploads/2024/09/Nepal.pdf> (last visited May 27, 2025).

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ *World Report 2025: Nepal*, Hum. Rts. Watch, <https://www.hrw.org/world-report/2025/country-chapters/nepal> (last visited May 27, 2025).

⁹⁰ *Surveying Nepal’s Sexual and Gender Minorities*, Williams Inst. - UCLA, <https://williamsinstitute.law.ucla.edu/publications/survey-sgm-nepal/> (last visited May 27, 2025).

⁹¹ *Id.*

⁹² *Id.*

⁹³ Intersex Asia, <https://intersexasia.org/wp-content/uploads/2024/09/Nepal.pdf> (last visited May 27, 2025).

category, preventing the collection of specific data on the prevalence of intersex traits and the socio-economic conditions of intersex people as a distinct demographic group. This lack of disaggregated data was specifically highlighted by Esan Regmi of Campaign for Change.⁹⁴

- *Other National Surveys:*

There is a significant and acknowledged lack of data specifically concerning intersex individuals in Nepal. Available official statistics are generally not disaggregated by intersex status, nor are they tailored to reflect the specific needs and experiences of this population.⁹⁵ The government does not currently maintain disaggregated data for intersex people.

This absence of official disaggregated data on intersex people directly contributes to societal misunderstandings, perpetuates stigma, and leads to differential treatment. Furthermore, it severely hampers the government's ability to formulate targeted and effective programs and policies to address the specific health, social, and economic needs of intersex individuals.⁹⁶ This situation aligns with broader arguments about the necessity of data for achieving equity and human rights.

4. Challenges, Advocacy, and Ways Forward

- *Specific Challenges:*

Intersex individuals in Nepal confront numerous challenges, including: a lack of specific legal recognition and protection⁹⁷; the ongoing risk of non-consensual medical interventions (IGM)⁹⁸; pervasive discrimination, stigma, harassment, and bullying, particularly in educational settings⁹⁹; exclusion from legal protections framed in binary terms of “boys” and “girls”¹⁰⁰; a lack of government programs specifically designed to address their needs¹⁰¹; grossly inadequate and often misrepresentative data collection in official statistics¹⁰²; and insufficient training and sensitization of government officials, medical personnel, and educators on intersex issues.¹⁰³

- *Advocacy Efforts:*

The intersex movement in Nepal began to gain traction around 2016.¹⁰⁴ Organizations like

⁹⁴ *Visible in Law, Invisible in Data: Constructing a Social Legal Framework to Include Intersex People in Official Statistics*, Intersex Asia, <https://intersexasia.org/visible-in-law-invisible-in-data-constructing-a-social-legal-framework-to-include-intersex-people-in-official-statistics/> (last visited May 27, 2025).

⁹⁵ *Id.*

⁹⁶ *Id.*

⁹⁷ Campaign for Change, *Inputs for Study on Universal Birth Registration and the use of Digital Technologies*, OHCHR, <https://www.ohchr.org/sites/default/files/documents/issues/digitalage/cfs/birth-registration/subm-universal-birth-registration-cso-campaign-change.pdf> (last visited May 27, 2025)

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

¹⁰² *Visible in Law, Invisible in Data: Constructing a Social Legal Framework to Include Intersex People in Official Statistics*, Intersex Asia, <https://intersexasia.org/visible-in-law-invisible-in-data-constructing-a-social-legal-framework-to-include-intersex-people-in-official-statistics/> (last visited May 27, 2025).

¹⁰³ Campaign for Change, *Inputs for Study on Universal Birth Registration and the use of Digital Technologies*, OHCHR, <https://www.ohchr.org/sites/default/files/documents/issues/digitalage/cfs/birth-registration/subm-universal-birth-registration-cso-campaign-change.pdf> (last visited May 27, 2025).

¹⁰⁴ Intersex Asia, <https://intersexasia.org/wp-content/uploads/2024/09/Nepal.pdf> (last visited May 27, 2025).

Campaign for Change, with activists such as Esan Regmi, have been actively highlighting the critical data gaps and advocating for better inclusion.¹⁰⁵ Nepalese intersex advocates have also engaged with international human rights mechanisms, contributing to joint submissions to UN bodies, which have resulted in recognitions such as the CEDAW historic recognition for Intersex Nepal.¹⁰⁶ Intersex Asia's country report on Nepal provides detailed insights and recommendations.¹⁰⁷

- *Identified Gaps and Opportunities:*

There is an urgent need for significant improvements in census methodology and national data collection practices to ensure the collection of accurate, disaggregated data on intersex people.¹⁰⁸ Specific legal protections against discrimination based on sex characteristics and a legal ban on IGM are critical. Advocacy efforts can strategically leverage the recent progressive Supreme Court rulings on self-identification of gender to push for reforms beneficial to intersex individuals.

- *Recent Policy Updates (2024-2025):*

The most significant recent development is the July 2024 Supreme Court ruling affirming the right to change legal gender based on self-identification without medical requirements.¹⁰⁹ While primarily framed in the context of transgender rights, this ruling has potential positive implications for intersex individuals seeking accurate legal recognition. However, challenges remain in the full implementation of the 2023 Supreme Court order regarding the registration of same-sex marriages.¹¹⁰

While Nepal has some progressive legal precedents and constitutional references to “gender and sexual minorities,” the specific and effective translation of these into tangible rights, protections, and inclusive CRVS and statistical systems for intersex people remains a formidable challenge. This is largely due to the deep-seated conflation of intersex issues with gender identity issues and a persistent lack of specific state focus on variations in sex characteristics. The Intersex Asia report underscores that the government has largely remained “indifferent to many intersex issues” and has not made sufficient strides to protect them.¹¹¹ The continued grouping of intersex people with transgender or third-gender categories means that even when broader “LGBT” rights advance, intersex-specific needs related to bodily integrity, non-pathologization, and discrimination based on physical characteristics may be overlooked. The new Supreme Court ruling on self-ID is promising, but its impact on intersex individuals’ ability to correct sex markers based on their intersex status (distinct from gender identity) and to obtain birth certificates that accurately reflect “intersex” as a category will require dedicated and strategic advocacy.

¹⁰⁵ *Visible in Law, Invisible in Data: Constructing a Social Legal Framework to Include Intersex People in Official Statistics*, Intersex Asia, <https://intersexasia.org/visible-in-law-invisible-in-data-constructing-a-social-legal-framework-to-include-intersex-people-in-official-statistics/> (last visited May 27, 2025).

¹⁰⁶ *Visible in Law, Invisible in Data: Constructing a Social Legal Framework to Include Intersex People in Official Statistics*, Intersex Asia, <https://intersexasia.org/visible-in-law-invisible-in-data-constructing-a-social-legal-framework-to-include-intersex-people-in-official-statistics/> (last visited May 27, 2025).

¹⁰⁷ Intersex Asia, <https://intersexasia.org/wp-content/uploads/2024/09/Nepal.pdf> (last visited May 27, 2025).

¹⁰⁸ *Visible in Law, Invisible in Data: Constructing a Social Legal Framework to Include Intersex People in Official Statistics*, Intersex Asia, <https://intersexasia.org/visible-in-law-invisible-in-data-constructing-a-social-legal-framework-to-include-intersex-people-in-official-statistics/> (last visited May 27, 2025).

¹⁰⁹ *World Report 2025: Nepal*, Hum. Rts. Watch, <https://www.hrw.org/world-report/2025/country-chapters/nepal> (last visited May 27, 2025).

¹¹⁰ *Id.*

¹¹¹ Intersex Asia, <https://intersexasia.org/wp-content/uploads/2024/09/Nepal.pdf> (last visited May 27, 2025).

C. Pakistan

1. Legal and Policy Landscape for Intersex People

○ *Legal Recognition and Definition:*

The legal status of intersex individuals in Pakistan is complex, marked by initial progressive legislation followed by significant challenges and proposed regressions. The Transgender Persons (Protection of Rights) Act, 2018, was initially seen as a landmark law, as Section 2(n) defined a “Transgender Person” to include “Intersex (Khunsa) means a person with a mixture of male and female genital features or congenital ambiguities”.¹¹² This Act allowed for self-perceived gender identity.

However, the **Transgender Persons (Protection of Rights) Rules, 2020**, significantly curtailed this by limiting legal gender recognition for both intersex and transgender persons to only an “X” gender marker on national identity documents if changing from the sex assigned at birth.¹¹³ This pushed intersex individuals into a “third-gender” category, aligning with earlier Supreme Court rulings that recognized “eunuchs” as such. Further complicating the situation, the term “intersex” has been politicized by conservative and gender-critical movements, often pitted against transgender rights to undermine self-determination of gender identity.¹¹⁴ A highly controversial amendment, the **Intersex (Khunsa) Act 2022** (also referred to as the Khunsa Persons (Protection of Rights) Bill, 2023), has been proposed in the Senate. This bill seeks to outlaw gender-affirming care, remove self-determination of gender identity, and mandate a 5-person clinical panel to determine the gender marker (male or female only) for intersex persons after examination, effectively forcing intersex individuals into a binary classification.¹¹⁵ In May 2023, the **Federal Shariat Court** delivered a verdict declaring certain sections of the 2018 Act “repugnant to Islam.” This verdict endorsed transphobic arguments, defined intersex people as having “sexual disabilities,” and suggested they should undergo “corrective surgeries”.¹¹⁶ This ruling, if upheld by the Supreme Court where appeals are pending, would severely undermine intersex rights. There is also significant terminological confusion, with the cultural term *khwajasira* (a distinct third gender identity) often being misreported or conflated with “intersex”.¹¹⁷ This volatile legal landscape, characterized by shifts from self-identification towards medicalized and binary definitions, creates immense uncertainty for intersex people. The politicization and conflation of intersex with transgender identities or specific cultural roles like *khwajasira* further obscure the unique issues faced by intersex individuals and hinder targeted advocacy efforts.¹¹⁸

○ *Anti-Discrimination Laws and Protections:*

The Transgender Persons (Protection of Rights) Act, 2018, prohibits discrimination against transgender persons, which includes intersex individuals under its definition.¹¹⁹ However, the ILGA World report notes that the “improper definition of intersex people makes

¹¹² *Intersex Legal Mapping Report* (2023), ILGA World, <https://ilga.org/resources/intersex-legal-mapping-report-2023/> (last visited May 27, 2025).

¹¹³ *Intersex Asia*, <https://intersexasia.org/wp-content/uploads/2024/09/Pakistan.pdf> (last visited May 27, 2025).

¹¹⁴ *Id.*

¹¹⁵ *Id.*

¹¹⁶ *Id.*

¹¹⁷ *Id.*

¹¹⁸ *Id.*

¹¹⁹ *Intersex Legal Mapping Report* (2023), ILGA World, <https://ilga.org/resources/intersex-legal-mapping-report-2023/> (last visited May 27, 2025).

guarantees of this law insufficient”.¹²⁰ Systemic discrimination and neglect persist.¹²¹ The UN Human Rights Committee in 2017 expressed regret over Pakistan’s lack of information on effective measures to prevent and punish all forms of discrimination against intersex people.¹²²

The effectiveness of anti-discrimination provisions under the 2018 Act is fundamentally undermined for intersex people due to the ongoing legal and social conflation of identities, the push towards medicalized definitions, and a lack of state capacity or willingness to address intersex-specific discrimination. Discrimination against an intersex person often stems from their perceived bodily “ambiguity” rather than their gender identity, a nuance the current legal framework struggles to address distinctly.

- Laws and Policies Regarding Medical Interventions on Intersex Minors: Non-consensual medical interventions, including genital surgeries and hormone treatments, on intersex children to “normalize” them into a gender binary are reported to be the norm in Pakistan.¹²³ Parental consent is often presumed to be the child’s consent, and there is a lack of specific protection for intersex children from these procedures in the 2018 Act.

The UN CEDAW Committee in 2020 expressed concern about “the performance of gender reassignment surgery on intersex persons for the purpose of legal gender recognition” and recommended that Pakistan “prevent unnecessary gender reassignment surgery in law and in practice”.⁷ The proposed Khunsa Bill, 2023, is particularly alarming as it may provide legal cover for medically unnecessary surgeries on intersex infants, as it does not specify age restrictions or the child’s consent for “gender corrective treatment”.³³ This legal and religious discourse framing intersex variations as “disabilities” requiring “correction” poses an extreme threat to the bodily integrity of intersex children, potentially legitimizing IGM under the guise of medical treatment, directly contravening international human rights norms.¹²⁴

2. Inclusion in CRVS Mechanisms

- *Birth Registration:*

The National Database and Registration Authority (NADRA) allows parents to obtain Children Registration Certificates (CRCs), which include gender. While NADRA has options beyond male/female for CRC registration due to the Transgender Persons Act 2018, existing literature indicates no specific cases where a gender marker other than male or female was used for a child at birth.¹²⁵ Medical literature confirms that intersex births are typically assigned either a male or female gender marker at birth, which is then carried onto the Birth Certificate and subsequently the Computerised National Identity Card (CNIC).¹²⁶

This mandatory binary assignment at birth, with no clear pathway for an “intersex” or “X” marker from the outset, forces intersex children into a legal identity that may not align with their lived reality. This can also trigger or reinforce pressures for non-consensual medical interventions to make the child’s body conform to the assigned binary sex, inherently denying the existence of intersex variations from a legal standpoint at birth.

¹²⁰ *Id.*

¹²¹ *The Unfulfilled Promise Of Equality: Intersex Rights In Pakistan*, Friday Times (Feb. 12, 2025), <https://thefridaytimes.com/12-Feb-2025/the-unfulfilled-promise-of-equality-intersex-rights-in-pakistan> (last visited May 27, 2025).

¹²² *Intersex Legal Mapping Report* (2023), ILGA World, <https://ilga.org/resources/intersex-legal-mapping-report-2023/> (last visited May 27, 2025).

¹²³ Intersex Asia, <https://intersexasia.org/wp-content/uploads/2024/09/Pakistan.pdf> (last visited May 27, 2025).

¹²⁴ Intersex People, OHCHR, <https://www.ohchr.org/en/sexual-orientation-and-gender-identity/intersex-people> (last visited May 27, 2025).

¹²⁵ Intersex Asia, <https://intersexasia.org/wp-content/uploads/2024/09/Pakistan.pdf> (last visited May 27, 2025).

¹²⁶ *Id.*

- *National Identity Documents (CNIC):*

As per Section 3(2) of the Transgender Persons (Protection of Rights) Rules, 2020, transgender and intersex persons can only obtain the “X” gender marker on their national IDs if they change their gender marker from the sex assigned at birth.¹²⁷ This limits choice, as an intersex person may identify as male or female and wish to correct a misassigned binary marker to another binary one, or may prefer an “X” marker reflecting their intersex status without identifying as transgender. The proposed Khunsa Bill aims to eliminate the “X” gender category entirely and establish a medical board to determine an intersex person’s gender as either male or female, disregarding their self-perceived gender identity.¹²⁸ Historically, some transgender individuals have successfully petitioned High Courts to obtain gender markers reflecting their self-determined gender identity.¹²⁹ The limitation to an “X” marker for intersex individuals wishing to change their legal gender is restrictive and may not align with the self-determined gender identity of all intersex people. The proposed medical board determination represents a further regression towards pathologization and removal of individual agency.

- *Death Registration:*

Specific information on the inclusion of intersex people in death registration was not found in the provided documents. Issues with identity documents during life would likely persist at death.

3. Inclusion in Official Statistics

- *National Census:*

Pakistan’s sixth Population and Housing Census in 2017 counted “transgender” people for the first time, reporting a figure of 10,418 individuals.¹³⁰ This number was widely rejected by community-based organizations and activists as a significant undercount.¹⁹ Intersex persons are grouped with transgender persons under this count and are effectively categorized as the third gender, with no disaggregated data available for intersex individuals specifically.¹³¹ Census enumerators often assume a person’s gender based on appearance or other factors, leading to many khwajasira and transgender people being counted as men or women, rather than under the designated third gender category.¹³² This census methodology, by grouping intersex individuals under the “transgender” label or relying on enumerator assumptions, makes it impossible to ascertain the actual number and socio-economic conditions of intersex people in Pakistan. This renders them statistically invisible for policy and planning purposes, meaning their specific demographic profile and needs are lost.

- *Other National Surveys:*

Most research and data that ostensibly report on “intersex” individuals in Pakistan are often, upon closer examination, actually referring to *khwajasira* and transgender persons, unless qualitatively elaborated.¹³³ This terminological confusion and potential miscoding mean that the data requires careful and critical analysis. There is a non-existent inclusion of intersex persons in any policymaking, including emergency policies.¹⁹ For example, the COVID-19 pandemic reportedly fueled intrusive examinations of intersex bodies under the guise of medical readiness.¹³⁴ This active obscuring of intersex realities makes evidence-based advocacy and policy development exceptionally challenging.

¹²⁷ *Id.*

¹²⁸ *Id.*

¹²⁹ *Id.*

¹³⁰ *Id.*

¹³¹ *Id.*

¹³² *Id.*

¹³³ *Id.*

¹³⁴ *Id.*

4. Challenges, Advocacy, and Ways Forward

- *Specific Challenges:*

Intersex people in Pakistan face severe challenges, including IGM, widespread discrimination, lack of access to affirmative and appropriate healthcare, significant mental health issues, social ostracization, and bullying.¹³⁵ Legal gender recognition is currently limited and under threat from regressive legislative proposals that promote medical gatekeeping.¹³⁶ The pervasive conflation of intersex with other identities and the rise of transphobic hate speech (which also impacts intersex individuals due to these confluences) create a hostile environment.¹³⁷

- *Advocacy Efforts:*

Intersex Asia's country report on Pakistan provides crucial analysis and recommendations. Activists are engaged in efforts to counter regressive legislation and protect the rights established under the 2018 Act.¹³⁸

- *Identified Gaps and Opportunities:*

There is an urgent need to amend the Transgender Persons Act, 2018, and its 2020 Rules to allow for self-determined male, female, or X markers and to clearly delink intersex status from transgender identity. Comprehensive training for medical professionals on intersex health and human rights is essential. Advocacy must actively counter the disease-disability framework being imposed on intersex variations.

- *Recent Policy Updates (2024-2025):*

The legal and political climate remains highly contested, with ongoing debates and legal challenges surrounding the Transgender Persons Act, 2018, and the proposed Khunsa Bill. The Sindh Human Rights Commission (SHRC) has shown some focus on CRVS, including birth and marriage registration for marginalized communities, which could present an advocacy opportunity.¹³⁹ NADRA celebrated its Silver Jubilee in March 2025 and announced the launch of a dematerialized digital ID card, with a pilot for a fully digital ID scheduled for August 14, 2025.¹⁴⁰

The current political and legal climate, marked by increasing religious conservatism and transphobic rhetoric, creates a particularly hostile environment for advancing intersex rights. Any progress on CRVS digitalization, such as NADRA's new digital ID initiatives¹⁴¹, must be carefully monitored by advocates. There is a risk that such systems, if not designed with explicit inclusivity for intersex people from the outset (e.g., allowing for self-determined gender markers beyond a binary or a medically determined one), could further entrench discriminatory practices rather than alleviate them. The SHRC's focus on CRVS for marginalized communities¹⁴² is a potential avenue for engagement, but specific and targeted advocacy for intersex inclusion within these broader efforts will be vital.

¹³⁵ *Id.*

¹³⁶ *Id.*

¹³⁷ *Id.*

¹³⁸ Amnesty Int'l, *Pakistan: Reject Proposed Rollbacks on the Transgender Persons Act*, <https://www.amnesty.org/en/wp-content/uploads/2024/01/ASA3367872023ENGLISH.pdf> (last visited May 27, 2025).

¹³⁹ Sindh Hum. Rts. Comm'n, *SHRC*, <https://www.shrc.org.pk/downloads/reports/NL-SHRC-OCT-MAR-2025.pdf> (last visited May 27, 2025).

¹⁴⁰ NADRA marks 25 years of transforming legal identity, *Get Every One in the Picture*, <https://crvs.unescap.org/news/nadra-marks-25-years-transforming-legal-identity?page=15> (last visited May 27, 2025).

¹⁴¹ *Id.*

¹⁴² Sindh Hum. Rts. Comm'n, *SHRC*, <https://www.shrc.org.pk/downloads/reports/NL-SHRC-OCT-MAR-2025.pdf> (last visited May 27, 2025).

D. Bangladesh

1. Legal and Policy Landscape for Intersex People

- *Legal Recognition and Definition:*

Bangladesh does not have any intersex-specific laws or policies.¹⁴³ The Constitution of the People's Republic of Bangladesh guarantees fundamental rights and prohibits discrimination based on religion, race, sex, and caste, and the country has ratified several international human rights conventions.¹⁴⁴ However, in practice, these general provisions offer little specific protection for intersex people against social and medical violence. A central issue is the deep cultural and governmental conflation of intersex people with *hijras*, a recognized third gender community in South Asia. In 2013, the government legally recognized *hijras* as a distinct sex ("hijra lingo"), understanding them primarily as individuals born with "missing and/or ambiguous genitals".¹⁴⁵ Although the term "intersex" was not explicitly used, the implication was that the state understood *hijras* to be people with intersex traits.¹⁴⁶ This conflation means that while policies and interventions have emerged for the *hijra* community, intersex people who do not identify as *hijra* are often unable to participate in or benefit from them. The Ministry of Social Welfare has used disrespectful and pathologizing language to describe people with atypical sex characteristics, such as "sexually, genetically and genitally disabled" or "congenitally sexually handicapped people".

This fundamental misunderstanding by the government – equating the socio-cultural *hijra* identity with biological intersex variations – effectively erases intersex people as a distinct group with unique needs. Consequently, policies intended for "hijras" may not be appropriate for, or accessible to, intersex individuals who do not identify as *hijra*, and the pathologizing language used by state institutions further entrenches stigma.

- *Anti-Discrimination Laws and Protections:*

While constitutional guarantees of equality exist, there is no specific anti-discrimination legislation in Bangladesh that protects intersex individuals on the grounds of their sex characteristics.¹⁴⁷ The lack of such specific legal protection leaves intersex individuals vulnerable to forms of discrimination that are not adequately covered by general prohibitions on "sex" discrimination, especially given the prevailing societal and medical views that pathologize intersex variations. If "sex" discrimination is interpreted solely within a binary male/female framework, discrimination against someone because their body does not conform to these norms may not be effectively addressed.

- *Laws and Policies Regarding Medical Interventions on Intersex Minors:*

Widespread medical and social abuse, including medically unnecessary surgeries on intersex children, are reported to be common in Bangladesh. These interventions are often driven by cultural acceptance of sex and gender dimorphism and parents' desires to align intersex bodies with binary norms, frequently without the child's informed consent.¹⁴⁸ There is a lack of public or medical discourse challenging these unnecessary surgeries, and the issue of informed consent is often not perceived as problematic by practitioners or families; indeed, delaying surgery until a child can decide may be viewed by some

¹⁴³ Intersex Asia, <https://intersexasia.org/wp-content/uploads/2024/09/Bangladesh.pdf> (last visited May 27, 2025).

¹⁴⁴ *Id.*

¹⁴⁵ *Id.*

¹⁴⁶ *Id.*

¹⁴⁷ *Id.*

¹⁴⁸ *Id.*

doctors as a “missed opportunity”. The medical community commonly frames intersex variations using pathologizing terms such as “Disorder of Sex Development (DSD),” “birth defect,” or “disease” that can be “cured” or “fixed”. This strong cultural and medical impetus for early “normalizing” surgeries, combined with an absence of legal safeguards and a limited understanding of informed consent principles, results in systemic violations of intersex children’s right to bodily integrity.

2. Inclusion in CRVS Mechanisms

○ *Birth Registration:*

Birth registration is mandatory in Bangladesh, but intersex babies are not registered as intersex. Anecdotal evidence suggests that a few individuals identifying with the hijra community have birth certificates that mark their sex/gender as “third gender”.¹⁴⁹ The birth registration system’s failure to allow for an “intersex” category, and its potential use of “third gender” (which is linked to the hijra identity), means that intersex births are not accurately recorded, forcing a misidentification from infancy. This practice perpetuates the conflation of intersex status with a specific gender identity and prevents the collection of accurate data on intersex prevalence.

○ *National Identity Documents (NID):*

The National ID application form in Bangladesh includes “male,” “female,” and “hijra” as options.¹⁵⁰ Some activists have reported being marked as *tritiyo lingo* (third sex/gender) on their birth certificates and subsequently as “hijra” on their NIDs.¹⁵¹ The “hijra” option on NIDs, while intended to be inclusive for that community, is inappropriate for intersex individuals who do not identify as hijra. It forces them into a socio-cultural identity category rather than recognizing their biological sex characteristics, thereby denying their right to self-determination if they identify as male or female.

○ *Passports and Bank Accounts:*

An important recent change is the availability of a gender-neutral “X” marker on passports issued by the Bangladesh government.¹⁵² However, this can lead to confusion and invasive verification procedures if the individual does not conform to the passport authority’s perception of a “hijra” person, especially if other documents carry different markers. Similarly, some banks offer a *tritiyo lingo* (third gender/sex) option on account opening forms, though this is not standardized across all financial institutions.¹⁵³

3. Inclusion in Official Statistics

○ *National Census:*

The 2021 national census in Bangladesh included “hijra” as a separate category alongside “man” and “woman.” This “hijra” category reportedly had several sub-categories, including transgender women, transgender men, and a “sex/gender-neutral population” (*lingo nirophekkho jonogosthi*), the latter being the expression used to refer to intersex people.¹⁵⁴ This complex and arguably confusing terminology, particularly the inclusion of intersex as a sub-category of hijra, has sparked controversy within the broader LGBTQ community and is unlikely to yield accurate data on intersex individuals. The census system also more broadly includes an “Other” gender category.

¹⁴⁹ *Id.*

¹⁵⁰ *Id.*

¹⁵¹ *Id.*

¹⁵² *Id.*

¹⁵³ *Id.*

¹⁵⁴ *Id.*

This attempt to include intersex people under a “sex/gender neutral population” label within a wider “hijra” category is problematic. “Sex/gender neutral” is a term related to gender identity, not a descriptor of innate sex characteristics. Placing it under the umbrella of “hijra” further conflates distinct concepts. Many intersex people may not identify as gender-neutral. This approach makes it virtually impossible to obtain accurate, disaggregated data specifically on the intersex population. Generally, systems for collecting gender data in Bangladesh are reported as weak or non-existent, with surveys and censuses not conducted regularly.¹⁵⁵

- *Other National Surveys:*

Despite the legal recognition of a “third gender” in 2014, no dedicated data collection systems or surveys are available for this group, which would include intersex individuals by default under current classifications.¹⁵⁶ The Bangladesh Bureau of Statistics (BBS) has limited technical and financial capacity for comprehensive data collection and often depends on donor funding. The availability of any gender-disaggregated data is uneven across sectors and often lacks regularity and timeliness.¹⁵⁷

4. Challenges, Advocacy, and Ways Forward

- *Specific Challenges:*

The primary challenge for intersex individuals in Bangladesh is the deep-rooted societal and governmental conflation with the hijra identity. This leads to a cascade of other issues, including medical abuse and IGM, the use of pathologizing language by medical and state institutions, intense social stigma often leading to concealment of intersex births, a lack of intersex-specific policies and protections, tokenistic inclusion in broader rights discussions without genuine engagement, and exclusion from government initiatives ostensibly designed for “third gender” populations but tailored to hijra community needs. There is also a lack of awareness about intersex issues even among broader SOGI (Sexual Orientation and Gender Identity) advocacy groups, creating barriers to coalition building.

- *Advocacy Efforts:*

Nascent intersex activist groups are beginning to emerge in Bangladesh, seeking to establish a distinct voice outside the hijra framework. Intersex Asia’s country report on Bangladesh provides foundational research and recommendations for advocacy. Organizations like the Global Health Advocacy Incubator (GHAi) are also involved in CRVS legal review work in the region, which may touch upon these issues.¹⁵⁸

- *Identified Gaps and Opportunities:*

A critical first step is to clearly distinguish intersex status (based on sex characteristics) from hijra identity (a socio-cultural gender identity). Advocacy for legislation against IGM is paramount. Public awareness campaigns and sensitization of medical practitioners are urgently needed. There is a need to build the capacity of the nascent intersex movement.

¹⁵⁵ A Gender Equity Report, Gender Health Data, <https://genderhealthdata.org/wp-content/uploads/2025/02/Bangladesh-Gender-Report-website.pdf> (last visited May 27, 2025).

¹⁵⁶ *Id.*

¹⁵⁷ *Id.*

¹⁵⁸ Towards Inclusivity: Development of Civil Registration in Indonesia 2019-2023, Get Every One in the Picture - ESCAP, <https://crvs.unescap.org/news/towards-inclusivity-development-civil-registration-indonesia-2019-2023?page=22> (last visited May 27, 2025).

- *Recent Policy Updates (2024-2025):*

No specific policy updates directly concerning intersex individuals and CRVS in Bangladesh for the 2024-2025 period were found in the provided materials. General statements affirm ongoing efforts to strengthen CRVS and promote gender equity in public health data, but the specific application to intersex people remains unaddressed.¹⁵⁹ The overarching barrier to advancing intersex rights and ensuring their proper inclusion in CRVS and official statistics in Bangladesh is the profound and persistent societal and governmental conflation of intersex individuals with the *hijra* community. Until intersex is understood and legally recognized as a distinct category related to innate variations in sex characteristics, rather than a subset of a particular gender identity, targeted policies and accurate data collection will remain unattainable. This means that the specific needs of intersex individuals who do not identify as *hijra* (for example, an intersex woman or an intersex man) are systematically overlooked. Future advocacy must prioritize disentangling these concepts at all levels of policy and public discourse.

E. Cambodia

1. Legal and Policy Landscape for Intersex People

Intersex issues in Cambodia are rarely discussed publicly, and the intersex community remains largely invisible in many aspects of society. There is a significant information gap regarding intersex rights and experiences. The term “intersex” is not included in legal documents, and intersex individuals are often conflated with the broader LGBT+ community.¹⁶⁰ While progress has been noted in terms of rights for people with diverse SOGIESC generally, specific legal protections for intersex individuals are lacking.¹⁶¹ The Cambodian government has shown some willingness to engage in dialogues with CSOs on SOGIESC issues.¹⁶² However, Cambodia has not yet enacted laws guaranteeing non-discrimination based on SOGIESC or legislation for legal gender recognition.¹⁶³

The primary challenge is the profound lack of visibility and understanding of intersex as distinct from LGBT+ identities. This invisibility means that specific legal needs, such as protection from IGM or discrimination based on sex characteristics, are not addressed in existing or proposed SOGIESC frameworks.

2. Inclusion in CRVS Mechanisms

The 2023 Law on Civil Registration, Vital Statistics, and Identification (CRVSID) aims to modernize Cambodia’s digital identity system and integrate civil registration with digital

¹⁵⁹ *Strengthening Civil Registration and Vital Statistics (CRVS) Systems in India: An Investment Case for Governance, Public Health, and Socio-economic Development*, ResearchGate, https://www.researchgate.net/publication/387660915_Strengthening_Civil_Registration_and_Vital_Statistics_CRVS_Systems_in_India_An_Investment_Case_for_Governance_Public_Health_and_Socio-economic_Development (last visited May 27, 2025).

¹⁶⁰ *Country Report on Intersex Rights Cambodia*, Intersex Asia, https://intersexasia.org/wp-content/uploads/2024/10/Cambodia_English_print.pdf (last visited May 27, 2025).

¹⁶¹ *Id.*

¹⁶² *Id.*

¹⁶³ *Joint Statement: Protect the rights of LGBTIQ people in Cambodia, in line with the UPR recommendations accepted by Cambodia*, ILGA Asia, <https://ilgaasia.org/news/joint-statement-protect-the-rights-of-lgbtqi-people-in-cambodia-in-line-with-the-upr-recommendations-accepted-by-cambodia/> (last visited May 27, 2025).

public infrastructure.¹⁶⁴ This law is a cornerstone for rebuilding the CRVS system, which was severely damaged during the Khmer Rouge regime.¹⁶⁵ While the law aims for inclusivity and providing legal identity for all, specific provisions or considerations for intersex individuals, such as non-binary sex markers at birth or procedures for correcting sex markers for intersex persons, are not detailed in the provided snippets. The focus appears to be on universal registration and digitalization.¹⁶⁶ Intersex people may face privacy violations in the process of civil registration.¹⁶⁷

The new CRVSID law¹⁶⁸, while a positive step for universal registration, may entrench binary sex registration if intersex-specific needs are not proactively addressed during its implementation. Without clear guidelines for registering intersex infants or amending sex markers, the system risks perpetuating the invisibility and misidentification of intersex individuals.

3. Inclusion in Official Statistics

There is a significant lack of evidence and official data on intersex people in Cambodia.¹⁶⁹ The conflation with the LGBT+ community means that any data collected on SOGIESC populations would not provide disaggregated information on intersex individuals.¹⁷⁰ This data vacuum makes it impossible to understand the prevalence of intersex variations, the socio-economic situation of intersex Cambodians, or their specific needs for healthcare, education, and protection from discrimination.

4. Challenges, Advocacy, and Ways Forward

Challenges include lack of legal protection, potential for non-consensual medical interventions (one documented instance of a private clinic proposing surgery for cancer prevention in 2016)¹⁷¹, family acceptance issues, bullying, difficulties accessing health services, and discrimination.¹⁵ CSOs and NGOs are working to raise awareness about intersex identities and needs.¹⁷² Recommendations from Intersex Asia's report include building evidence, education, ensuring legal gender recognition, and addressing health service gaps. The Cambodian government has accepted UPR recommendations related to SOGIESC rights, focusing on non-discrimination and potential marriage equality, but concrete actions on legal reforms have been slow.¹⁷³

Recent Policy Updates (2024-2025): The primary recent development is the enactment of the

¹⁶⁴ *CRVS law reshapes governance and social protection in Cambodia*, Biometric Update (Mar. 27, 2025), <https://www.biometricupdate.com/202503/crvs-law-reshapes-governance-and-social-protection-in-cambodia> (last visited May 27, 2025).

¹⁶⁵ *Id.*

¹⁶⁶ *CRVS law reshapes governance and social protection in Cambodia*, Biometric Update (Mar. 27, 2025), <https://www.biometricupdate.com/202503/crvs-law-reshapes-governance-and-social-protection-in-cambodia> (last visited May 27, 2025).

¹⁶⁷ *Country Report on Intersex Rights Cambodia*, Intersex Asia, https://intersexasia.org/wp-content/uploads/2024/10/Cambodia_English_print.pdf (last visited May 27, 2025).

¹⁶⁸ *CRVS law reshapes governance and social protection in Cambodia*, Biometric Update (Mar. 27, 2025), <https://www.biometricupdate.com/202503/crvs-law-reshapes-governance-and-social-protection-in-cambodia> (last visited May 27, 2025).

¹⁶⁹ *Id.*

¹⁷⁰ *Country Report on Intersex Rights Cambodia*, Intersex Asia, https://intersexasia.org/wp-content/uploads/2024/10/Cambodia_English_print.pdf (last visited May 27, 2025).

¹⁷¹ *Id.*

¹⁷² *Id.*

¹⁷³ *Joint Statement: Protect the rights of LGBTIQ people in Cambodia, in line with the UPR recommendations accepted by Cambodia*, ILGA Asia, <https://ilgaasia.org/news/joint-statement-protect-the-rights-of-lgbtqi-people-in-cambodia-in-line-with-the-upr-recommendations-accepted-by-cambodia/> (last visited May 27, 2025).

CRVSID law in July 2023, with ongoing efforts towards its digitalization and implementation.¹⁷⁴ The focus is on universal registration and linking CRVS with social protection programs like IDPoor.

The key imperative for Cambodia is to move beyond conflating intersex with broader LGBT+ categories and to initiate specific research and dialogue on intersex rights and needs. The new CRVSID framework¹⁷⁵ presents an opportunity to build in intersex-inclusive registration practices from the ground up, but this requires dedicated advocacy and engagement with intersex communities and experts.

F. Indonesia

1. Legal and Policy Landscape for Intersex People

The Indonesian legal system offers limited protection for intersex individuals, operating primarily on a binary model for legal gender recognition.¹⁷⁶ There is no comprehensive anti-discrimination law including sex characteristics as a protected ground. Existing laws on gender marker changes do not challenge the fundamental injustice faced by intersex people, whose bodies are often perceived as “not normal” or “disorders” requiring medical “fixing”.¹⁷⁷ The National Commission on Human Rights (Komnas HAM) has reportedly not received cases from intersex people, indicating underreporting likely due to binary legal norms and religious edicts.¹⁷⁸

The legal system’s insistence on a binary sex/gender framework is a root cause of the erasure and human rights violations experienced by intersex Indonesians. This framework underpins the medical pathologization of intersex bodies.

2. Inclusion in CRVS Mechanisms

Birth registration (Regulation of Minister of Home Affairs No. 109/2019) mandates only “man” or “woman” options for sex on birth certificates.¹⁷⁹ Law No. 23/2006 on Population Administration allows for gender marker changes based on court approval after medical interventions, but this does not address the power imbalance with medical institutions or challenge the binary model.¹⁸⁰ Changed gender markers are recorded as an “additional note” on birth certificates, which can lead to stigma. The Directorate General of Population Administration and Civil Registry confirms the system only accommodates binary sex markers. The state imposes a “rhetoric of secrecy” around gender marker changes, classing them as “ignominy” (Article 58EE, Law of Population Administration 2013 revision), which suppresses discussion and perpetuates stigma.

The CRVS system actively reinforces a strict gender binary from birth. The process for changing sex markers is not based on self-determination but on medical intervention and court approval, and even then, the method of recording changes can be stigmatizing. The “rhetoric of secrecy” further marginalizes intersex individuals.

3. Inclusion in Official Statistics

¹⁷⁴ *Id.*

¹⁷⁵ *CRVS law reshapes governance and social protection in Cambodia*, Biometric Update (Mar. 27, 2025), <https://www.biometricupdate.com/202503/crvs-law-reshapes-governance-and-social-protection-in-cambodia> (last visited May 27, 2025).

¹⁷⁶ Intersex Asia, https://intersexasia.org/wp-content/uploads/2024/10/Indonesia_English.pdf (last visited May 27, 2025).

¹⁷⁷ *Id.*

¹⁷⁸ *Id.*

¹⁷⁹ *Id.*

¹⁸⁰ *Id.*

There is a significant data gap concerning intersex individuals in Indonesia. The lack of reported cases to Komnas HAM underscores their invisibility. Advocacy for data collection emphasizes using “intersex” to refer to innate sex characteristics, avoiding “DSD,” and separating questions on sex characteristics from gender identity or sex markers in surveys.¹⁸¹ The complete absence of official data collection specifically on intersex people means their prevalence, needs, and experiences of discrimination remain undocumented, hindering any targeted policy responses.

4. Challenges, Advocacy, and Ways Forward

Challenges include the binary legal system, lack of specific legal protection, medical pathologization leading to forced interventions, state-enforced secrecy and stigma, limited access to justice for IGM, uneven and costly healthcare access (few specialized hospitals), lack of health insurance coverage for intersex-specific needs, medical authority overriding consent, social discrimination in employment/education, and conflation with transgender issues. Advocacy efforts are emerging, with Intersex Asia launching a country report.¹⁸² Recommendations include developing anti-discrimination laws including sex characteristics, reviewing Health Ministry regulations on “sexual adjustment surgery,” adopting Yogyakarta Principles +10, monitoring violence, public awareness, healthcare guidelines prioritizing bodily autonomy, and capacity strengthening for intersex communities.

Recent Policy Updates (2024-2025): Indonesia is focusing on digitalizing identity documents and strengthening its CRVS system, with a new report “Towards Inclusivity: Development of Civil Registration in Indonesia 2019-2023” launched in January 2025.¹⁸³

The government aims to digitalize all identity documents by June 2024 and has onboarded 12.3 million citizens to its Digital Population Identity (IKD).¹⁸⁴ A World Bank loan of US\$250 million supports strengthening population and civil registration, including for vulnerable populations.¹⁸⁵ GHAI is also undertaking legal reviews of CRVS in Indonesia.¹⁸⁶ While Indonesia is making strides in CRVS modernization and digitalization¹⁸⁷, these efforts must explicitly address the needs of intersex individuals. Without proactive measures to include non-binary sex marker options based on self-determination and to reform laws that mandate a strict binary, digitalization risks further cementing the exclusion of intersex people. Advocacy should focus on integrating intersex rights into these ongoing CRVS reforms.

¹⁸¹ *Id.*

¹⁸² *Advancing Intersex Rights in Southeast Asia: Insights from the Launch of Intersex Asia’s Research Publications*, Intersexasia, <https://intersexasia.org/advancing-intersex-rights-in-southeast-asia-insights-from-the-launch-of-intersex-asias-research-publications/> (last visited May 27, 2025).

¹⁸³ *Towards Inclusivity: Development of Civil Registration in Indonesia 2019-2023*, Get Every One in the Picture - ESCAP, <https://crvs.unescap.org/news/towards-inclusivity-development-civil-registration-indonesia-2019-2023?page=22> (last visited May 27, 2025).

¹⁸⁴ *USD 250 Million to Support Civil Registration in Indonesia*, Get Every One in the Picture, https://crvs.unescap.org/news/usd-250-million-support-civil-registration-indonesia?_exception_status-code=404&destination=/&page=6 (last visited May 27, 2025).

¹⁸⁵ *USD 250 Million to Support Civil Registration in Indonesia*, Get Every One in the Picture, https://crvs.unescap.org/news/usd-250-million-support-civil-registration-indonesia?_exception_status-code=404&destination=/&page=6 (last visited May 27, 2025).

¹⁸⁶ *Towards Inclusivity: Development of Civil Registration in Indonesia 2019-2023*, Get Every One in the Picture - ESCAP, <https://crvs.unescap.org/news/towards-inclusivity-development-civil-registration-indonesia-2019-2023?page=22> (last visited May 27, 2025).

¹⁸⁷ *Id.*

G. Malaysia

1. Legal and Policy Landscape for Intersex People

Malaysia's legal framework does not specifically protect against discrimination based on SOGIESC, and intersex individuals are not explicitly recognized or protected.¹⁸⁸ The Constitution prohibits discrimination based on "gender" (Article 8), but this has not been clearly interpreted to include intersex status or sex characteristics.¹⁸⁹ There is no legal procedure expressly allowing intersex (or transgender) people to change their gender markers on identity cards unless there was a clerical error at birth.¹⁹⁰ The National Registration Department (NRD) has rejected applications for gender marker changes even after gender-affirming surgery for transgender individuals, and successfully appealed court decisions that had allowed such changes.¹⁹¹ A 1983 National Fatwa Council ruling prohibits sex reassignment surgery for Muslims, except for intersex individuals (khunsa), but this exception is framed within a medicalized, corrective paradigm.¹⁹²

The legal environment is highly restrictive regarding gender recognition for anyone outside cisnormative binaries. For intersex people, while a religious ruling permits "corrective" surgery, this is not grounded in a rights-based approach to bodily autonomy or self-determination, and legal change of documents remains extremely difficult, if not impossible.

2. Inclusion in CRVS Mechanisms

Birth registration in Malaysia, under the Births and Deaths Registration Act 1957, and national identity cards (MyKad) under the National Registration Act 1959, operate on a binary male/female sex classification.¹⁹³ There are no provisions for an "intersex" or "X" marker at birth or on identity documents. Attempts to change the gender marker on MyKad by transgender individuals have generally been unsuccessful through administrative or judicial means, with the NRD arguing there is no legal provision for such changes.¹⁹⁴ While a fatwa allows medical interventions for intersex (khunsa) individuals, this does not automatically translate into a right to a corresponding or non-binary legal sex marker.¹⁹⁵ Procedures for registering births of Malaysian children born overseas also require binary sex designation.¹⁹⁶ The CRVS system in Malaysia rigidly enforces a sex binary. For intersex infants, this means a binary sex is assigned at birth, often leading to pressure for "normalizing" medical interventions. There is no established pathway for legal recognition of intersex status or non-binary gender on official documents.

¹⁸⁸ Country policy and information note: sexual orientation and gender identity or expression, Malaysia, July 2024 (accessible), GOV.UK, <https://www.gov.uk/government/publications/malaysia-country-policy-and-information-notes/country-policy-and-information-note-sexual-orientation-and-gender-identity-or-expression-malaysia-june-2020-accessible> (last visited May 27, 2025).

¹⁸⁹ UNDP, *Legal Gender Recognition in Malaysia*, https://www.undp.org/sites/g/files/zskgke326/files/migration/asia_pacific_rbap/Malaysia-APTN_Publication_OnlineViewing.pdf (last visited May 27, 2025).

¹⁹⁰ Malaysia, Out Leadership, https://outleadership.com/wp-content/uploads/2022/11/CEO_CountryBriefs_Malaysia_Dec18-1.pdf (last visited May 27, 2025).

¹⁹¹ *The Phenomena Of Transsexualism In Malaysia – A Socio-Legal Perspective*, Eur. Proc. Soc. & Behav. Sci., <https://www.europeanproceedings.com/article/10.15405/epsbs.2018.12.03.22> (last visited May 27, 2025).

¹⁹² Malaysia, Out Leadership, https://outleadership.com/wp-content/uploads/2022/11/CEO_CountryBriefs_Malaysia_Dec18-1.pdf (last visited May 27, 2025).

¹⁹³ *The Phenomena Of Transsexualism In Malaysia – A Socio-Legal Perspective*, Eur. Proc. Soc. & Behav. Sci., <https://www.europeanproceedings.com/article/10.15405/epsbs.2018.12.03.22> (last visited May 27, 2025).

¹⁹⁴ *Id.*

¹⁹⁵ Malaysia, Out Leadership, https://outleadership.com/wp-content/uploads/2022/11/CEO_CountryBriefs_Malaysia_Dec18-1.pdf (last visited May 27, 2025).

¹⁹⁶ Birth/Marriage Registration, High Comm'n of Malaysia, Windhoek, https://www.kln.gov.my/web/nam_windhoek/birth_marriage_cert (last visited May 27, 2025).

3. Inclusion in Official Statistics

There is no available data on the number of intersex (or LGBTI) persons prosecuted for offences, though such prosecutions are considered rare.¹⁹⁷ No official surveys or census data specifically counting intersex individuals or collecting SOGIESC data were mentioned in the snippets.¹⁹⁸ The focus of available studies (e.g., SUHAKAM's 2019 study) is on transgender discrimination, and while intersex people might be anecdotally included in the broader "LGBT" umbrella, they are not distinctly identified or analyzed.¹⁹⁹

Intersex people are statistically invisible in Malaysia. The lack of data collection by the Department of Statistics Malaysia or other official bodies on SOGIESC, and particularly on intersex variations, means there is no official understanding of the size or circumstances of this population.

4. Challenges, Advocacy, and Ways Forward

Challenges include lack of legal gender recognition, discrimination in employment, education, housing, and healthcare due to identity documents not matching appearance/identity²⁰⁰, state-sponsored conversion therapy narratives²⁰¹, and social stigma.²⁰² SUHAKAM (Human Rights Commission of Malaysia) conducted a study in 2019 on discrimination against transgender persons and in 2021 proposed a feasibility study for recognizing a third gender, which faced backlash.²⁰³ Intersex Asia launched a country report on Malaysia, authored by Nicole Fong, as part of its Southeast Asia research initiative.

Advocacy focuses on legal gender recognition based on self-determination without medical requirements, and anti-discrimination measures.

Recent Policy Updates (2024-2025): No specific policy updates directly concerning intersex CRVS or statistical inclusion for 2024-2025 were found. The general climate remains challenging for SOGIESC rights.

The pathologizing exception for intersex individuals (*khunsa*) within Islamic law⁵², allowing "corrective" surgeries, contrasts sharply with the lack of rights-based legal recognition or support. Advocacy for intersex rights must navigate this complex intersection of civil law, religious law, and deeply conservative societal norms, while clearly distinguishing intersex needs from those of transgender individuals, for whom legal recognition is also severely restricted.

¹⁹⁷ Country policy and information note: sexual orientation and gender identity or expression, Malaysia, July 2024 (accessible), GOV.UK, <https://www.gov.uk/government/publications/malaysia-country-policy-and-information-notes/country-policy-and-information-note-sexual-orientation-and-gender-identity-or-expression-malaysia-june-2020-accessible> (last visited May 27, 2025).

¹⁹⁸ Challenges to Mental Health Access among LGBT People, Galen Centre, https://galencentre.org/wp-content/uploads/2019/04/PFA02_2019_Challenges-to-Mental-Health-Access-Among-LGBT-People.pdf (last visited May 27, 2025).

¹⁹⁹ Leave No One Behind: Malaysian Transgender at Risk, We Are APTN, <https://www.weareaptn.org/wp-content/uploads/2021/03/Leave-No-One-Behind-Malaysian-Transgender-at-Risk-A-Spot-light-Report-on-SDGs-Implementation-in-Malaysia.pdf> (last visited May 27, 2025).

²⁰⁰ UNDP, Legal Gender Recognition in Malaysia, https://www.undp.org/sites/g/files/zskgke326/files/migration/asia_pacific_rbap/Malaysia-APTN_Publication_OnlineViewing.pdf (last visited May 27, 2025).

²⁰¹ Challenges to Mental Health Access among LGBT People, Galen Centre, https://galencentre.org/wp-content/uploads/2019/04/PFA02_2019_Challenges-to-Mental-Health-Access-Among-LGBT-People.pdf (last visited May 27, 2025).

²⁰² Challenges to Mental Health Access among LGBT People, Galen Centre, https://galencentre.org/wp-content/uploads/2019/04/PFA02_2019_Challenges-to-Mental-Health-Access-Among-LGBT-People.pdf (last visited May 27, 2025).

²⁰³ Leave No One Behind: Malaysian Transgender at Risk, We Are APTN, <https://www.weareaptn.org/wp-content/uploads/2021/03/Leave-No-One-Behind-Malaysian-Transgender-at-Risk-A-Spot-light-Report-on-SDGs-Implementation-in-Malaysia.pdf> (last visited May 27, 2025).

H. Philippines

1. Legal and Policy Landscape for Intersex People

The Philippines has no laws that directly discriminate against intersex persons, but equally, there are very few laws that explicitly recognize and protect their rights. The Constitution guarantees dignity and equal protection, which advocates use as a basis for LGBTQI+ rights. The Magna Carta of Women (RA 9710), while binary in language, has in practice led to some government gender mainstreaming programs that include LGBTQI Filipinos. A landmark Supreme Court case, *Republic v. Cagandahan* (2008), allowed an intersex individual (Jeff Cagandahan, with Congenital Adrenal Hyperplasia) to change their name and sex marker from female to male, reasoning that the individual “has simply let nature take its course”. This case is pivotal but is often distinguished from transgender cases where courts have been less favorable (e.g., *Silverio v. Republic*). The SOGIE Equality Bill, which now includes “sex characteristics” and “intersex” definitions, has been pending in Congress for over 23 years.²⁰⁴ Several local ordinances offer some anti-discrimination protections based on SOGIE, but most do not explicitly include sex characteristics.²⁰⁵

The Cagandahan ruling²⁰⁶ provides a crucial, albeit narrow, legal precedent for intersex individuals to change legal sex markers based on their innate biological characteristics. However, its reliance on a specific medical condition (CAH) and the distinction from transgender identity means it doesn’t establish a broad right to self-determination for all intersex people or a simple administrative process. The prolonged failure to pass a national SOGIESC Equality Bill with intersex inclusion leaves significant protection gaps.

2. Inclusion in CRVS Mechanisms

○ *Birth Registration and Legal Gender Recognition:*

The Clerical Error Law (RA 9048, amended by RA 10172 in 2011) allows administrative changes to sex entries on birth certificates only for clear typographical errors or if the petitioner has not undergone “sex change or sex transplant” (a setback for transgender people but potentially usable by some intersex individuals if framed carefully).²⁰⁷ The Cagandahan case established a judicial route for intersex individuals to change sex markers. However, the process remains inaccessible for most due to cost, extensive documentation (including medical certificates), and potential denial by local civil registrars.²⁰⁸ There is no option for an “intersex” or “X” marker at birth; a binary M/F is assigned. A significant recent development is Senate Bill No. 2626 (The Cagandahan Law), filed in October 2024 by Senator Risa Hontiveros. This bill aims to simplify the legal process for intersex individuals to change their sex and first name in the civil register without a court order, promoting inclusivity and aligning with UN calls for intersex rights. This bill explicitly addresses the barriers faced by intersex people due to costly and tedious court proceedings despite the Cagandahan precedent.²⁰⁹

The current CRVS system forces a binary assignment at birth. While RA 10172 and the

²⁰⁴ Intersex Asia, https://intersexasia.org/wp-content/uploads/2024/10/Philippines_English_print.pdf (last visited May 27, 2025).

²⁰⁵ *Id.*

²⁰⁶ Intersex Asia, https://intersexasia.org/wp-content/uploads/2024/10/Philippines_English_print.pdf (last visited May 27, 2025).

²⁰⁷ Intersex Asia, https://intersexasia.org/wp-content/uploads/2024/10/Philippines_English_print.pdf (last visited May 27, 2025).

²⁰⁸ *Id.*

²⁰⁹ Comm’n on Hum. Rts., *Statement of the Commission on Human Rights commending SB No. 2626 that seeks to improve accessibility of civil register changes for intersex people*, <https://chr.gov.ph/statement-of-the-commission-on-human-rights-commending-sb-no-2626-that-seeks-to-improve-accessibility-of-civil-register-changes-for-intersex-people/> (last visited May 27, 2025).

Cagandahan precedent offer pathways for correction, they are fraught with practical and legal difficulties. The proposed Cagandahan Law²¹⁰ represents a vital legislative effort to create a simplified, administrative process specifically for intersex individuals, which would be a major step forward if passed.

3. Inclusion in Official Statistics

There is a significant data gap regarding the intersex population in the Philippines.²¹¹ Sexual and gender minorities are generally not included in government-generated health data, rendering them invisible in policymaking.²¹² The Philippine Statistics Authority (PSA) does not specifically collect data on intersex individuals in the census or other national surveys. Intersex Asia's report recommends that the PSA work with intersex advocates to generate data on the intersex population, without necessarily registering infants with a different sex category, to inform policy and healthcare.²¹³

The lack of official data collection by the PSA means the government has no reliable information on the size, distribution, or socio-economic status of the intersex population, hindering the development of targeted support and services.

4. Challenges, Advocacy, and Ways Forward

Challenges include inaccessible legal gender recognition, non-consensual medical interventions on intersex children (IGM), harassment, lack of a national anti-discrimination law including sex characteristics, limited medical infrastructure for intersex healthcare needs (misdiagnosis, expensive/rare medicines, lack of sensitive mental health support), privacy violations, and limited public education on intersex issues. The Rare Disease Act includes CAH but pathologizes it.²¹⁴

Advocacy is led by organizations like Intersex Philippines (founded 2017)²¹⁵, which engage in research, awareness, and lobbying.¹⁴ Intersex Asia's country report details these issues and provides recommendations. The Philippines Commission on Human Rights (CHR) has welcomed UN resolutions on intersex rights and supports SB 2626.²¹⁶

Recent Policy Updates (2024-2025):

- **Senate Bill No. 2626 (The Cagandahan Law)** filed in October 2024 aims to simplify legal gender and name changes for intersex people.²¹⁷

²¹⁰ Comm'n on Hum. Rts., *Statement of the Commission on Human Rights commending SB No. 2626 that seeks to improve accessibility of civil register changes for intersex people*, <https://chr.gov.ph/statement-of-the-commission-on-human-rights-commending-sb-no-2626-that-seeks-to-improve-accessibility-of-civil-register-changes-for-intersex-people/> (last visited May 27, 2025).

²¹¹ Intersex Asia, https://intersexasia.org/wp-content/uploads/2024/10/Philippines_English_print.pdf (last visited May 27, 2025).

²¹² *Philippines - A Gender Equity Report*, Gender Health Data, <https://genderhealthdata.org/wp-content/uploads/2024/04/Philippines-Gender-Report-website.pdf> (last visited May 27, 2025).

²¹³ Intersex Asia, https://intersexasia.org/wp-content/uploads/2024/10/Philippines_English_print.pdf (last visited May 27, 2025).

²¹⁴ Intersex Asia, https://intersexasia.org/wp-content/uploads/2024/10/Philippines_English_print.pdf (last visited May 27, 2025).

²¹⁵ *Intersex Human Rights and Movement in the Philippines*, <https://gec.ey.gov.tw/File/D156251BA8852954?A=C> (last visited May 27, 2025).

²¹⁶ Comm'n on Hum. Rts., *Statement of the Commission on Human Rights commending SB No. 2626 that seeks to improve accessibility of civil register changes for intersex people*, <https://chr.gov.ph/statement-of-the-commission-on-human-rights-commending-sb-no-2626-that-seeks-to-improve-accessibility-of-civil-register-changes-for-intersex-people/> (last visited May 27, 2025).

²¹⁷ *Id.*

- Publication of the first Filipino children's book on intersexuality, "Ang Aking Espesyal na Regalo" by Jeff Cagandahan (Intersex Philippines) in September 2024.²¹⁸
- Continued advocacy for the SOGIESC Equality Bill.
- The CRVS Decade (2015-2024) involves efforts to improve birth and death registration completeness, with a focus on marginalized sectors, though specific intersex inclusion isn't highlighted.²¹⁹

The proposed Cagandahan Law (SB 2626)²²⁰ is a critical opportunity. Its passage would significantly improve access to accurate legal identity for intersex Filipinos. Continued advocacy for the SOGIESC Equality Bill with robust intersex provisions, alongside targeted efforts to improve healthcare access and public awareness, remains essential.

I. Thailand

1. Legal and Policy Landscape for Intersex People

Thailand has no specific laws that explicitly recognize or protect intersex individuals or their rights based on sex characteristics. The Gender Equality Act B.E. 2558 (2015) prohibits discrimination based on gender identity and sexual orientation, and while it mentions persons of "a different appearance from his/her own sex by birth," its direct applicability and enforcement for intersex-specific discrimination are unclear.²²¹ The term "intersex" is not widely understood, often conflated with transgender identities or subject to public curiosity about genitals rather than human rights concerns.²²² Historically, the term kathoey was used for intersex people but now broadly refers to transgender women or gay men.²²³ A Gender Recognition Bill has been proposed (multiple versions exist as of January 2025) to allow individuals to choose their gender title and provide a gender-neutral option, potentially benefiting intersex people seeking non-binary recognition.²²⁴ Some drafts reportedly include provisions concerning intersex people, such as prohibiting coerced surgery on intersex infants and allowing "intersex" as a birth certificate marker.²²⁵ The first draft was rejected by Parliament in February 2024.²²⁶ The Marriage Equality Act (effective January 2025) legalizes same-sex marriage but highlights the need for gender recognition reform, as married individuals may have gender titles on documents not matching their identity.²²⁷ The legal landscape is evolving, but specific rights and recognition for intersex people remain

²¹⁸ A year of Philippine LGBTIQ+ milestones, Daily Tribune (Mar. 2, 2025), <https://tribune.net.ph/2025/03/02/a-year-of-philippine-lgbtiq-milestones-2> (last visited May 27, 2025).

²¹⁹ Philippines' Civil Registration and Vital Statistics (CRVS) Decade 2015-2024, Philippine Stat. Auth., https://psa.gov.ph/system/files/nccrvs/PM_Session%201-Marizza%20Grande_CRVS%20Mid%20Decade%20Report_FINAL_01Sept2021.pdf (last visited May 27, 2025).

²²⁰ Comm'n on Hum. Rts., *Statement of the Commission on Human Rights commending SB No. 2626 that seeks to improve accessibility of civil register changes for intersex people*, <https://chr.gov.ph/statement-of-the-commission-on-human-rights-commending-sb-no-2626-that-seeks-to-improve-accessibility-of-civil-register-changes-for-intersex-people/> (last visited May 27, 2025).

²²¹ UNDP, *Legal Gender Recognition in Thailand*, <https://www.undp.org/sites/g/files/zskgke326/files/migration/th/legal-gender-recognition-in-thailand-2018.pdf> (last visited May 27, 2025).

²²² *Advancing Intersex Rights in Southeast Asia: Insights from the Launch of Intersex Asia's Research Publications*, Intersexasia, <https://intersexasia.org/advancing-intersex-rights-in-southeast-asia-insights-from-the-launch-of-intersex-asias-research-publications/> (last visited May 27, 2025).

²²³ *Gender identities in Thailand*, Wikipedia, https://en.wikipedia.org/wiki/Gender_identities_in_Thailand

²²⁴ Vitit Muntarbhorn, *Sex and gender rights in a plural world*, Korea Herald (Oct. 25, 2024), <https://m.koreaherald.com/article/10495953> (last visited May 27, 2025).

²²⁵ *Id.*

²²⁶ *Gender Recognition Bill (Thailand)*, Wikipedia, [https://en.wikipedia.org/wiki/Gender_Recognition_Bill_\(Thailand\)](https://en.wikipedia.org/wiki/Gender_Recognition_Bill_(Thailand)) (last visited May 27, 2025).

²²⁷ *Id.*

largely unaddressed. The proposed Gender Recognition Bill²²⁸, if passed with strong intersex-inclusive provisions (like banning IGM and allowing appropriate sex markers), could be transformative. However, its passage and content are uncertain.

2. Inclusion in CRVS Mechanisms

- **Birth Registration:** Currently, birth certificates in Thailand only offer male or female options.²²⁹ Doctors may find it challenging to identify a newborn as intersex on official forms due to stigma.²³⁰ Some versions of the proposed Gender Recognition Bill suggest allowing “intersex” as a sex marker on birth certificates.²³¹
- **National Identity Documents and Legal Gender/Title Change:** The Person Name Act, 1962, prohibits changes to legal title and sex for transgender people but allows it for intersex people under strict conditions (medical proof of intersexuality at birth and gender confirmation surgery).⁷⁵ In 2012, Sirilada Khotphat, an intersex person, successfully changed her title from ‘Mr’ to ‘Miss’ with medical certificates.²³² However, this process is framed within a medicalized, binary-corrective model rather than self-determination.²³³ The proposed Gender Recognition Bill aims to allow individuals to choose gender titles based on self-determination, without medical certification, and offer gender-neutral options.²³⁴

The current CRVS system forces intersex infants into a binary at birth and requires medical intervention and proof for intersex adults to change titles, often to align with a binary anyway. The proposed Gender Recognition Bill²³⁵ offers hope for a self-determined, potentially non-binary, approach to legal identity.

3. Inclusion in Official Statistics

There are no official statistics or census data that specifically count intersex individuals in Thailand. The National Statistical Office (NSO) acknowledged in May 2024 that Thailand lacks a proper census system for LGBTQ+ data and that collected data is often inaccurate.²³⁶ The NSO, with ThaiHealth Promotion and Mahidol University, planned a population- and setting-based survey in Ratchaburi (June-September 2024) to determine gender identities, marking a first attempt at more accurate LGBTQ+ data collection, though specific intersex inclusion methodology is not detailed. The new census system aims to provide correct data on the LGBTQ+ community.²³⁷

The historical lack of SOGIESC data, including intersex-specific data, has hindered policy development.²³⁸ The NSO’s new initiative is a positive step, but its success for intersex inclusion will depend on whether it uses appropriate questions to distinguish sex characteristics from gender identity and sexual orientation.

²²⁸ Vitit Muntarbhorn, *Sex and gender rights in a plural world*, Korea Herald (Oct. 25, 2024), <https://m.koreaherald.com/article/10495953> (last visited May 27, 2025).

²²⁹ Natakamon Siwasilp: *intersex activist paving the way to greater awareness*, Prachatai Eng. (Oct. 12, 2022), <https://prachataienglish.com/node/10445> (last visited May 27, 2025).

²³⁰ *Id.*

²³¹ Vitit Muntarbhorn, *Sex and gender rights in a plural world*, Korea Herald (Oct. 25, 2024), <https://m.koreaherald.com/article/10495953> (last visited May 27, 2025).

²³² Natakamon Siwasilp: *intersex activist paving the way to greater awareness*, Prachatai Eng. (Oct. 12, 2022), <https://prachataienglish.com/node/10445> (last visited May 27, 2025).

²³³ *Id.*

²³⁴ Vitit Muntarbhorn, *Sex and gender rights in a plural world*, Korea Herald (Oct. 25, 2024), <https://m.koreaherald.com/article/10495953> (last visited May 27, 2025).

²³⁵ *Id.*

²³⁶ *New census system will provide correct data on LGBTQ+ community*: NSO, Nation Thailand (Oct. 30, 2024), <https://www.nationthailand.com/news/general/40038070> (last visited May 27, 2025).

²³⁷ *Gender Recognition Bill (Thailand)*, Wikipedia, [https://en.wikipedia.org/wiki/Gender_Recognition_Bill_\(Thailand\)](https://en.wikipedia.org/wiki/Gender_Recognition_Bill_(Thailand)) (last visited May 27, 2025).

²³⁸ *New census system will provide correct data on LGBTQ+ community*: NSO, Nation Thailand (Oct. 30, 2024), <https://www.nationthailand.com/news/general/40038070> (last visited May 27, 2025).

4. Challenges, Advocacy, and Ways Forward

Challenges include lack of legal recognition, risk of non-consensual medical interventions on children, discrimination, social stigma, and conflation with transgender issues. Intersex Thailand, co-founded by Nada Chaiyajit, is a key advocacy group working on research, awareness, and legal reform, including drafting legislation inspired by Malta's model to protect bodily integrity and allow self-determination. Advocacy emphasizes ending "interphobia" and ensuring the "I" in LGBTIQAN+ is practically included.²³⁹ The Asian Intersex Forum has been a platform for regional collaboration.²⁴⁰

Recent Policy Updates (2024-2025):

- Marriage Equality Act effective January 2025.²⁴¹
- Ongoing debates and multiple drafts of the Gender Recognition Bill in Parliament.²⁴²
- Proposed amendments to the Surrogacy Act to align with marriage equality, expanding access to all legally married couples.²⁴³
- NSO initiative for improved LGBTQ+ data collection starting June 2024.²⁴⁴

The passage of the Marriage Equality Act²⁴⁵ creates momentum for further SOGIESC reforms. The critical next step for intersex rights is the passage of a strong Gender Recognition Bill that explicitly protects intersex bodily integrity, allows for self-determined and potentially non-binary legal gender/sex markers, and facilitates accurate data collection. The NSO's survey²⁴⁶ is an opportunity to pilot intersex-inclusive data collection methods.

J. Singapore

1. Legal and Policy Landscape for Intersex People

Singapore's legal framework does not explicitly recognize intersex individuals or protect against discrimination based on sex characteristics. While gender-affirming surgery has been legal since 1973, and individuals can change their legal sex on most identity documents (NRIC, passport) post-surgery, this is based on a medicalized, binary model.²⁴⁷ Birth certificates cannot be changed.²⁴⁸ There are no comprehensive anti-discrimination laws specifically safeguarding LGBTIQ individuals, though the Education Minister stated in 2018 that discrimination in

²³⁹ *My Journey: Founding Intersex Thailand, Forging a Path for Intersex Rights*, Outright Int'l, <https://out-rightinternational.org/insights/my-journey-founding-intersex-thailand-forging-path-intersex-rights> (last visited May 27, 2025).

²⁴⁰ Asian Intersex Statement 2023, Intersex Asia, https://intersexasia.org/wp-content/uploads/2024/09/Asian_statement_2023_Official_27Dec.pdf (last visited May 27, 2025).

²⁴¹ *Gender Recognition Bill (Thailand)*, Wikipedia, [https://en.wikipedia.org/wiki/Gender_Recognition_Bill_\(Thailand\)](https://en.wikipedia.org/wiki/Gender_Recognition_Bill_(Thailand)) (last visited May 27, 2025).

²⁴² Vitit Muntarbhorn, *Sex and gender rights in a plural world*, Korea Herald (Oct. 25, 2024), <https://m.koreaherald.com/article/10495953> (last visited May 27, 2025).

²⁴³ *DHSS backs surrogacy law reform to unlock Thailand's potential*, Nation Thailand (Jan. 29, 2025), <https://www.nationthailand.com/health-wellness/40050097> (last visited May 27, 2025).

²⁴⁴ *New census system will provide correct data on LGBTQ+ community*: NSO, Nation Thailand (Oct. 30, 2024), <https://www.nationthailand.com/news/general/40038070> (last visited May 27, 2025).

²⁴⁵ *Thai LGBTQ+ couples register marriages as law gives them equal status*, AP News (Mar. 26, 2025), <https://apnews.com/article/thailand-lgbtq-marriage-law-c2162f07cd103ea86631a137d6b6d193> (last visited May 27, 2025).

²⁴⁶ *New census system will provide correct data on LGBTQ+ community*: NSO, Nation Thailand (Oct. 30, 2024), <https://www.nationthailand.com/news/general/40038070> (last visited May 27, 2025).

²⁴⁷ *LGBTQ rights in Singapore*, Wikipedia, https://en.wikipedia.org/wiki/LGBTQ_rights_in_Singapore (last visited May 27, 2025).

²⁴⁸ *Changing documents*, TransgenderSG, <https://transendersg.com/docs/> (last visited May 27, 2025).

employment, housing, and education would not be tolerated.²⁴⁹ OutRight International's research indicates that the bodily autonomy of intersex people is not respected and protected in Singapore.²⁵⁰

The legal framework is strictly binary and medicalized for any gender marker changes. This offers no space for non-binary intersex identities and likely pressures intersex individuals into binary surgical pathways if they seek legal recognition aligning with a gender different from their birth assignment. The lack of explicit protection for sex characteristics leaves intersex people vulnerable.

2. Inclusion in CRVS Mechanisms

- **Birth Registration:** All births in Singapore must be registered within 42 days with the Immigration & Checkpoints Authority (ICA).²⁵¹ The system is binary (male/female) with no option for “intersex” or “X” markers at birth.²⁵² Birth certificates, once issued with a binary sex marker, cannot be changed.²⁵³
- **National Identity Documents (NRIC, Passport) and Legal Sex Change:** Individuals can change their legal sex on their NRIC and passport after undergoing “complete” gender-affirming surgery (genital change).²⁵⁴ This requires a Medical Examination Report form from ICA signed by a Singapore-licensed specialist.²⁵⁵ This process is primarily for transgender individuals and does not cater to intersex individuals who may not undergo or desire such surgeries, or who may not identify within the binary.

The CRVS system rigidly enforces a binary sex from birth with no possibility of amendment on the birth certificate. Subsequent changes to other identity documents are contingent on irreversible medical procedures, offering no pathway for non-binary recognition or for intersex individuals who do not undergo surgery. This system effectively erases intersex variations from legal identity documents from the outset.

3. Inclusion in Official Statistics

The Singapore Census of Population, conducted by the Singapore Department of Statistics, adopts a register-based approach with sample surveys.²⁵⁶ The available information from Census 2020 statistical releases focuses on demographic characteristics, education, language, and religion, disaggregated by “Sex” (implicitly binary male/female).²⁵⁷ There is no indication of data collection on SOGIESC identities, including intersex status, in the census. A study involving Asian trans and gender diverse individuals in New Zealand included a small number of participants born in Singapore, but this is not official Singaporean data. Intersex people are statistically invisible in Singapore's official data. The census and other official statistics appear to operate solely within a male/female binary, with no mechanisms to identify or count intersex individuals or those with other SOGIESC minority statuses.

²⁴⁹ Singapore, Outright Int'l, <https://outrightinternational.org/our-work/asia/singapore> (last visited May 27, 2025).

²⁵⁰ *Id.*

²⁵¹ *How To Report And Register A Birth In Singapore Today*, Tembusu L., <https://www.tembusulaw.com/insights/report-register-birth-singapore/> (last visited May 27, 2025).

²⁵² *Changing documents*, TransgenderSG, <https://transendersg.com/docs/> (last visited May 27, 2025).

²⁵³ *Id.*

²⁵⁴ *LGBTQ rights in Singapore*, Wikipedia, https://en.wikipedia.org/wiki/LGBTQ_rights_in_Singapore (last visited May 27, 2025).

²⁵⁵ *Changing documents*, TransgenderSG, <https://transendersg.com/docs/> (last visited May 27, 2025).

²⁵⁶ *Census of Population 2020 Statistical Release 1 - Demographic Characteristics, Education, L*, Parliament of Singapore, <https://www.parliament.gov.sg/docs/default-source/default-document-library/cop2020sr1.pdf> (last visited May 27, 2025).

²⁵⁷ *Id.*

4. Challenges, Advocacy, and Ways Forward

Challenges include the strict binary and medicalized legal gender recognition process, lack of non-binary options, inability to change birth certificates, absence of specific anti-discrimination protections for intersex people, and the pathologization inherent in requiring surgery for legal changes.²⁵⁸ Advocacy for intersex rights in Singapore is not well-documented in the provided snippets, though broader SOGIESC advocacy exists.²⁵⁹ Intersex Asia launched a country report on Singapore as part of its Southeast Asia research initiative.

Recent Policy Updates (2024-2025): There are no specific policy updates directly concerning intersex CRVS or statistical inclusion.

Advocacy in Singapore needs to focus on raising awareness about intersex realities distinct from transgender experiences, challenging the medicalized and binary-only approach to legal gender recognition, and pushing for the inclusion of sex characteristics as a protected ground in anti-discrimination policies. Introducing non-binary options in CRVS and census, and allowing changes to birth certificates, are crucial long-term goals.

K. Laos

1. Legal and Policy Landscape for Intersex People

The legal framework in Laos does not specifically recognize intersex individuals or offer explicit protections based on sex characteristics.²⁶⁰ While same-sex sexual activity is legal, and LGBTIQ CSOs can register, the civic space is generally restrictive.²⁶¹ The Constitution does not explicitly include SOGIESC as protected grounds against discrimination. OutRight International's research indicates that the bodily autonomy of intersex people is not respected or protected in Laos.²⁶² There is limited information and discourse on LGBTQI and human rights generally.²⁶³

The legal invisibility of intersex people, coupled with a generally restrictive environment for human rights discourse, means that intersex individuals likely face significant challenges without specific legal recourse or support.

2. Inclusion in CRVS Mechanisms

Laos has faced challenges with universal birth registration, with only 54.5% of children under five having a birth certificate that can be proven (as of a 2023 report). Efforts are underway to improve CRVS systems, including through digitalization (eCRVS) to ensure legal identity for all, supported by international partners like UNFPA and the UN.²⁶⁴ The focus is on universal registration and accurate data for planning services.²⁶⁵ However, the provided information

²⁵⁸ *LGBTQ rights in Singapore*, Wikipedia, https://en.wikipedia.org/wiki/LGBTQ_rights_in_Singapore (last visited May 27, 2025).

²⁵⁹ *Singapore*, Outright Int'l, <https://outrightinternational.org/our-work/asia/singapore> (last visited May 27, 2025).

²⁶⁰ *LGBTI Rights in Laos*, ILGA World Database, <https://database.ilga.org/laos-lgbti> (last visited May 27, 2025).

²⁶¹ *Laos*, Outright Int'l, <https://outrightinternational.org/our-work/asia/laos> (last visited May 27, 2025).

²⁶² *Id.*

²⁶³ *Economic Inclusion of LGBTQI People in Southeast Asia*, APCOM, https://www.apcom.org/wp-content/uploads/2020/10/Report_Economic-Inclusive_v5.pdf (last visited May 27, 2025).

²⁶⁴ *Regional declarations*, Thisisintersex.org, <https://thisisintersex.org/basis/regional-declarations/> (last visited May 27, 2025).

²⁶⁵ *Ensuring Every Child Counts: eCRVS and Universal Birth Registration in Laos*, WCC Group (Nov. 16, 2023), <https://www.wcc-group.com/company/post/2023/11/16/ensuring-every-child-counts-eocrvs-and-universal-birth-registration-in-laos/> (last visited May 27, 2025).

does not specify whether these CRVS improvements include provisions for intersex infants, such as non-binary sex marker options at birth or procedures for correcting sex markers for intersex individuals.²⁶⁶ The Law on Gender Equality exists, but its application to intersex individuals is not detailed.²⁶⁷ While efforts to achieve universal birth registration are crucial²⁶⁸, the current push for eCRVS in Laos must incorporate intersex-specific considerations from the outset. Failure to do so will mean that new digital systems will simply replicate the existing binary and exclusionary practices, further marginalizing intersex infants and individuals.

3. Inclusion in Official Statistics

There is a lack of information and official data on LGBTQI people in Laos generally, and presumably even more so for intersex individuals specifically.²⁶⁹ The Lao Statistics Bureau's census and survey methodologies regarding SOGIESC or intersex data collection are not detailed in the provided snippets.

The general scarcity of SOGIESC data indicates that intersex people are statistically invisible in Laos, preventing any targeted policy or understanding of their situation.

4. Challenges, Advocacy, and Ways Forward

Challenges include the lack of legal recognition and protection, potential for non-consensual medical interventions (indicated by OutRight's research on lack of bodily autonomy protection)²⁷⁰, limited public discourse on SOGIESC issues, and general human rights challenges in a restrictive civic space. Intersex Asia launched a country report on Laos as part of its Southeast Asia research initiative, aiming to build evidence. Advocacy needs to start with basic awareness-raising about intersex existence and rights among government officials, healthcare providers, and the public.

Recent Policy Updates (2024-2025): The main focus is on strengthening the CRVS system towards universal registration and digitalization.²⁷¹ The UN OHCHR UPR documentation (Oct 2024) noted recommendations for Laos to adopt comprehensive anti-discrimination legislation covering SOGIESC.²⁷²

For Laos, the immediate priority is to ensure that the ongoing CRVS strengthening and digitalization efforts¹⁰³ are designed to be inclusive of intersex infants from the beginning, allowing for appropriate registration options. This requires engagement with the Ministry of Home Affairs and other relevant bodies. Advocacy must also focus on raising basic awareness about intersex people to create space for future legal and policy reforms.

²⁶⁶ *Regional declarations*, Thisisintersex.org, <https://thisisintersex.org/basis/regional-declarations/> (last visited May 27, 2025).

²⁶⁷ *Lao PDR*, Women, Bus. & the Law, <https://wbl.worldbank.org/content/dam/documents/wbl/2024/pilot/WBL24-2-0-Lao-pdr.pdf> (last visited May 27, 2025).

²⁶⁸ *Ensuring Every Child Counts: eCRVS and Universal Birth Registration in Laos*, WCC Group (Nov. 16, 2023), <https://www.wcc-group.com/company/post/2023/11/16/ensuring-every-child-counts-ecrvs-and-universal-birth-registration-in-laos/> (last visited May 27, 2025).

²⁶⁹ *Economic Inclusion of LGBTQI People in Southeast Asia*, APCOM, https://www.apcom.org/wp-content/uploads/2020/10/Report_Economic-Inclusive_v5.pdf (last visited May 27, 2025).

²⁷⁰ *Laos*, Outright Int'l, <https://outrightinternational.org/our-work/asia/laos> (last visited May 27, 2025).

²⁷¹ *Cambodia advances toward Universal Civil Registration*, Get Every One in the Picture, <https://crvs.unescap.org/news/cambodia-advances-toward-universal-civil-registration?page=16> (last visited May 27, 2025).

²⁷² U.N. Gen. Assembly, *Review*, <https://docs.un.org/en/A/HRC/WG.6/49/LAO/2> (last visited May 27, 2025).

L. Vietnam

1. Legal and Policy Landscape for Intersex People

Vietnam has no specific legislation recognizing intersex rights, and intersex individuals are not explicitly protected under anti-discrimination laws. The term “intersex” (liên giới tính) is not widely used or recognized by government or healthcare practitioners; older, often pathologizing terms like “hermaphrodite” (lưỡng giới) or “congenital sex defect” (khuyết tật giới bẩm sinh) are more common. The Civil Code 2015 (Article 36) allows for “gender re-determination” in cases of “congenital defect or has not yet been accurately formed and requires medical intervention,” which primarily applies to some intersex individuals but frames it as a medical issue requiring intervention.²⁷³ Implementation of legal gender recognition for transgender people requires a specific Law on Gender Affirmation (expected 2024-2025), which may have implications for how intersex people are treated if conflated. The Law on Gender Equality 2006 is binary and lacks SOGIESC non-discrimination clauses.²⁷⁴ The legal framework pathologizes intersex variations as “defects” requiring medical intervention for legal recognition purposes. This directly contradicts a human rights-based approach emphasizing bodily autonomy and natural variation.

2. Inclusion in CRVS Mechanisms

- **Birth Registration:** Birth registration forms are mandatory and require a binary “male” or “female” selection.²⁷⁵ The Law on Civil Status 2014 does not address intersex registration and refers to the Civil Code’s binary gender recognition.²⁷⁶
- **National Identity Documents and Legal Gender Change:** Intersex individuals identified at birth as having “congenital sex defects or of unidentifiable sex” who undergo “sex normalizing” surgeries can change their gender marker on birth certificates and subsequently on IDs/passports.⁴ This requirement for invasive surgery violates bodily autonomy and self-determination.²⁷⁷ A married intersex person may need to divorce for their new gender to be legally recognized.

CRVS mechanisms in Vietnam are strictly binary and coercive for intersex individuals seeking legal recognition that aligns with their lived reality, mandating medical interventions. There is no provision for “intersex” or “X” markers based on self-determination.

3. Inclusion in Official Statistics

The Vietnamese government does not collect any data or statistics on intersex individuals or the broader LGBT+ population. There is a lack of research material on intersex status and rights in Vietnam. The invisibility of non-binary and gender non-conforming intersex people is an issue.²⁷⁸

Complete statistical invisibility means there is no official basis for understanding the needs or experiences of intersex people in Vietnam, precluding targeted policies or services.

4. Challenges, Advocacy, and Ways Forward

Challenges include invisibility, lack of awareness, medicalization and IGM, discrimination in education/employment/healthcare, lack of legal protection, pathologizing terminology,

²⁷³ Intersex Asia, https://intersexasia.org/wp-content/uploads/2024/10/Vietnam_English-1.pdf (last visited May 27, 2025).

²⁷⁴ *Id.*

²⁷⁵ *Id.*

²⁷⁶ *Id.*

²⁷⁷ *Id.*

²⁷⁸ *Id.*

and conflation with transgender issues. There are currently no intersex-led organizations in Vietnam, and advocacy is limited. Intersex Asia's country report aims to fill some knowledge gaps.²⁷⁹ Recommendations include awareness and education (especially medical), healthcare guidelines prioritizing bodily autonomy, legal frameworks prohibiting discrimination based on sex characteristics and removing surgical requirements for legal gender recognition, and allowing self-determined gender markers.

Recent Policy Updates (2024-2025):

- Vietnam's Law on Identification 2023 (effective July 2024) expands and integrates citizen information into the national population database but does not specify changes to gender markers.²⁸⁰
- Vietnam launched its first-ever National Civil Registration and Vital Statistics (CRVS) Report for 2021–2024 in April 2025, aiming for a comprehensive, transparent, people-centered data system.²⁸¹
- The government is working on a Law on Gender Affirmation (expected 2024-2025).²⁸²

The development of the Law on Gender Affirmation and the launch of the National CRVS Report²⁸³ present critical advocacy opportunities. It is vital to ensure that these initiatives do not further entrench binary systems or conflate intersex issues with transgender issues. Advocacy should push for the explicit inclusion of intersex rights, non-binary options, and protections against IGM within these evolving frameworks.

²⁷⁹ *Id.*

²⁸⁰ Vietnam's Law on Identification 2023 to take effect from July 2024, ESCAP, <https://crvs.unescap.org/news/vietnams-law-identification-2023-take-effect-july-2024> (last visited May 27, 2025).

²⁸¹ Civil Registration and Vital Statistics - Your Rights, Our Responsibilities (2), UNFPA Viet Nam, <https://vietnam.unfpa.org/en/news/civil-registration-and-vital-statistics-your-rights-our-responsibilities-2> (last visited May 27, 2025).

²⁸² Intersex Asia, https://intersexasia.org/wp-content/uploads/2024/10/Vietnam_English-1.pdf (last visited May 27, 2025).

²⁸³ Civil Registration and Vital Statistics - Your Rights, Our Responsibilities (2), UNFPA Viet Nam, <https://vietnam.unfpa.org/en/news/civil-registration-and-vital-statistics-your-rights-our-responsibilities-2> (last visited May 27, 2025).



04

Comparative Insights and Cross-Cutting Themes

The country-specific analyses reveal several cross-cutting themes and comparative insights regarding the inclusion of intersex people in CRVS and official statistics across the twelve Asian nations:

A. The Spectrum of Legal Recognition: From Utter Invisibility to Flawed Inclusion

No country, analysed in this report, has a comprehensive, rights-affirming legal framework specifically for intersex individuals that fully aligns with international best practices (e.g., Malta's model). Instead, there is a spectrum:

Near Total Invisibility: Countries like Laos and Cambodia appear to have minimal to no specific legal mention or policy consideration for intersex people, who are subsumed under a general lack of SOGIESC rights or discourse.

Conflated Inclusion under “Transgender” or “Third Gender”: India, Nepal, Pakistan, and Bangladesh demonstrate this approach, where intersex individuals are legally defined as a subset of “transgender” or are grouped under “third gender” or similar categories (hijra, khwajasira).²⁸⁴ This often results in policies that do not address specific intersex needs, particularly regarding IGM and discrimination based on sex characteristics.

Medicalized Recognition for Binary Correction: Countries like Vietnam, and to some extent Singapore and Malaysia (for khunsa under religious law, though civil law is restrictive), allow for changes to legal sex markers primarily after medical interventions aimed at binary “normalization” or “correction”.²⁸⁵ This pathologizes intersex variations and denies self-determination.

Emerging Specific Considerations: The Philippines, with the Cagandahan Supreme Court case and the proposed Cagandahan Law (SB 2626), shows nascent steps towards recognizing specific legal pathways for intersex individuals distinct from transgender frameworks, although still grappling with medical criteria versus self-determination.²⁸⁶ Thailand’s proposed Gender Recognition Bill also shows potential for intersex-specific provisions.²⁸⁷

This diversity highlights that there is no single “Asian approach,” but rather a collection of national contexts grappling differently (or not at all) with intersex rights. The common thread, however, is the overwhelming lack of understanding of intersex as distinct from gender identity.

B. CRVS Systems: Bastions of the Binary

Across all twelve countries, CRVS systems, particularly birth registration, remain staunchly binary, offering only “male” or “female” as initial sex markers.

No “Intersex” or “X” at Birth: None of the countries systematically offer an “intersex,” “X,” or “undetermined” option at birth registration that would allow for deferral of sex assignment or recognition of intersex

²⁸⁴ Prashant Singh, “Visible in Law, Invisible in Data: Inclusion of Intersex People in Official Statistics”, University of Gothenburg 2023

²⁸⁵ Intersex Asia, https://intersexasia.org/wp-content/uploads/2024/10/Vietnam_English-1.pdf (last visited May 27, 2025).

²⁸⁶ Intersex Asia, https://intersexasia.org/wp-content/uploads/2024/10/Philippines_English_print.pdf (last visited May 27, 2025).

²⁸⁷ Vitit Muntarbhorn, *Sex and gender rights in a plural world*, Korea Herald (Oct. 25, 2024), <https://m.koreaherald.com/article/10495953> (last visited May 27, 2025).

status from the outset. Nepal's inconsistent "other" option is not a functional equivalent.²⁸⁸

Barriers to Amending Sex Markers: Where changes to sex markers are permitted, they are almost universally tied to surgical or medical requirements (India, Pakistan (proposed regression), Philippines, Singapore, Thailand (conditional), Vietnam) and/or are channeled through transgender identity frameworks, not specific intersex recognition pathways. Simple administrative procedures based on self-determination for intersex people are virtually non-existent. The Philippines' proposed SB 2626 is a notable exception aiming for simplification for intersex individuals.²⁸⁹

The Foundational Harm of Binary Birth Registration: This rigid binary at birth is not a neutral administrative act. It directly contributes to the pressure for early IGM to make the child "fit" a box, as the legal system offers no other immediate option. It also lays the foundation for a lifetime of documentation that may not reflect an individual's bodily reality or identity.

C. Statistical Invisibility: The "Uncounted" and "Miscategorized"

A universal finding is the profound lack of accurate, disaggregated data on intersex populations in official statistics, including national censuses and health surveys.

Conflation in Census: Where non-binary options exist in censuses (e.g., "Other" in India 2011, "Third Gender" in Nepal, "Transgender" in Pakistan 2017, "Hijra" with subcategories in Bangladesh 2021), they invariably conflate intersex individuals with various gender identities, making specific data extraction impossible.

Lack of Specific Survey Questions: Standard national surveys on health, education, employment, and discrimination rarely, if ever, include questions about variations in sex characteristics that would allow for identification of the intersex population. Australia's development of a standard for collecting data on variations of sex characteristics (though facing challenges in census implementation) offers a model that is largely absent in the surveyed Asian countries.

Consequences of Data Gaps: This statistical invisibility directly translates into policy invisibility. Without data, governments lack the evidence base to understand the prevalence of intersex traits, the specific health needs (beyond pathologized "correction"), the socio-economic disparities, or the impact of discrimination. This severely hampers the ability to design targeted interventions, allocate resources, or monitor progress on human rights.

D. The Pervasiveness of IGM and the Struggle for Bodily Autonomy

Non-consensual medical interventions on intersex minors remain a critical human rights concern across the region, often performed with impunity due to:

Lack of Legal Prohibition: Most countries lack specific laws banning IGM. India has state-level court directives but no national ban.²⁹⁰

Medical Pathologization: Intersex variations are widely framed as "disorders" needing "correction," a view often shared by medical professionals and embedded in health policies.²⁹¹

Societal Pressure and Parental Consent: Strong societal pressure for conformity to binary sex norms often leads parents to consent to these surgeries, frequently without full information about long-term consequences or alternatives. The legal framework often gives unquestioned authority to parental consent in such medical decisions.

²⁸⁸ Campaign for Change, *Inputs for Study on Universal Birth Registration and the use of Digital Technologies*, OHCHR, <https://www.ohchr.org/sites/default/files/documents/issues/digitalage/cfis/birth-registration/subm-universal-birth-registration-cso-campaign-change.pdf> (last visited May 27, 2025).

²⁸⁹ Comm'n on Hum. Rts., *Statement of the Commission on Human Rights commending SB No. 2626 that seeks to improve accessibility of civil register changes for intersex people*, <https://chr.gov.ph/statement-of-the-commission-on-human-rights-commending-sb-no-2626-that-seeks-to-improve-accessibility-of-civil-register-changes-for-intersex-people/> (last visited May 27, 2025).

²⁹⁰ *Intersex Legal Mapping Report* (2023), ILGA World, <https://ilga.org/resources/intersex-legal-mapping-report-2023/> (last visited May 27, 2025).

²⁹¹ *Id.*

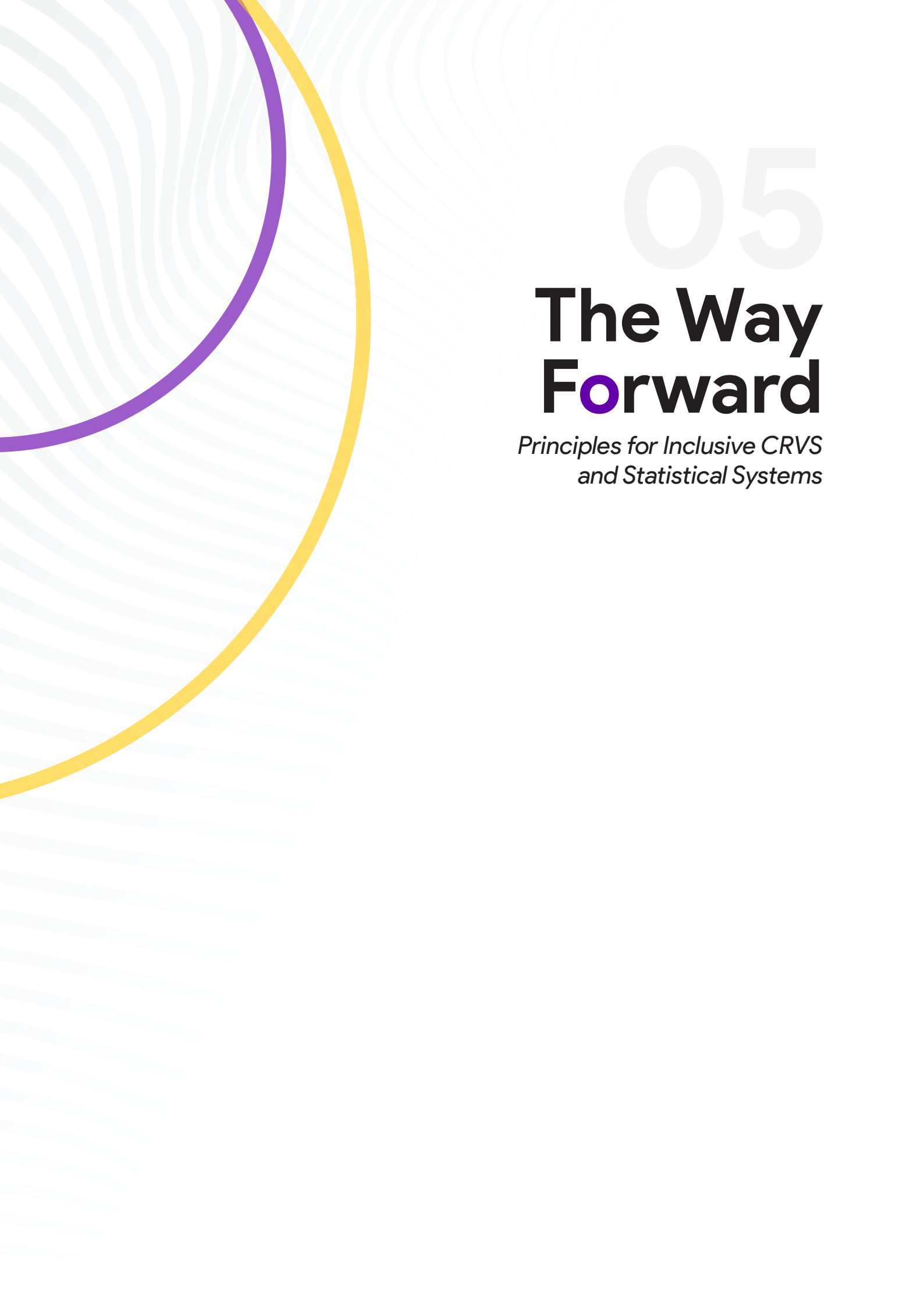
E. The Role of Activism and International Influence

Nascent but Growing Intersex Movements: In many of these countries, intersex-led advocacy is emerging, often with the support of regional networks like Intersex Asia.⁴ These movements are crucial for raising awareness, documenting experiences, and advocating for legal and policy reform.

Impact of International Human Rights Mechanisms: Recommendations from UN Treaty Bodies (CRC, CEDAW, HRC), UPR processes, and guidance from OHCHR are slowly influencing national discourse, although implementation remains a major challenge.²⁹²

The Challenge of Distinguishing Intersex from Broader LGBTIQ+ Agendas: A key task for intersex advocates is to articulate the specific rights and needs of intersex people as distinct from, though often allied with, broader LGBTIQ+ movements, particularly concerning issues of bodily integrity and medicalization versus gender identity recognition.

²⁹² Intersex People, OHCHR, <https://www.ohchr.org/en/sexual-orientation-and-gender-identity/intersex-people> (last visited May 27, 2025).



05

The Way Forward

*Principles for Inclusive CRVS
and Statistical Systems*

Achieving full inclusion and protection of human rights for intersex people in Asia requires a paradigm shift in how states approach legal recognition, CRVS mechanisms, and data collection. This shift must be grounded in international human rights principles, particularly self-determination, bodily integrity, non-discrimination, and the right to privacy. Drawing from the preceding analysis and global best practices, Intersex Asia proposes the following guiding principles for reform:

Foundational Principles for Reform

1. Consultation with Intersex Communities:

No policy or legal reform concerning intersex people should be developed without the direct, meaningful, and sustained consultation and participation of intersex individuals and their representative organizations.²⁹³ This principle of “nothing about us without us” is paramount. Experiences from countries like Scotland, New Zealand, and Canada, which undertook public consultations before LGBTQ+ census reforms, offer valuable lessons, though specific intersex consultation needs to be central. Such consultations must be accessible, transparent, culturally sensitive, and prioritize diverse intersex voices.

2. Self-Determination of Sex/Gender Identity:

Legal recognition of sex/gender should be based on an individual’s self-determination. For intersex individuals, this means the right to have their legal documents reflect their lived reality, which may be male, female, an intersex-specific marker, an “X” marker, or another non-binary option, without coercive medical or psychological requirements. India’s NALSA judgment affirming self-determination for transgender people provides a strong jurisprudential basis that should be extended robustly to intersex individuals. Recent Supreme Court rulings in Nepal (July 2024) also affirm self-identification for gender change.²⁹⁴

3. Privacy and Confidentiality:

Information regarding an individual’s intersex status or variations in sex characteristics is sensitive personal data and must be protected by robust privacy and confidentiality safeguards. Data collection systems must ensure that this information is not misused, involuntarily disclosed, or used to discriminate. India’s Puttaswamy judgment on the fundamental right to privacy provides key principles: data collection must be justified, fair, transparent, and protected from unauthorized access, with individuals having the right to access and correct their information.

4. Appropriate Categorization and Terminology:

It is critical to use accurate and respectful terminology and to avoid conflating distinct concepts. Distinguish Sex Characteristics from Gender Identity: Intersex status pertains to innate biological sex

²⁹³ OHCHR, Technical Note on the Human Rights of Intersex People: Human Rights Standards and Good Practices, <https://www.ohchr.org/sites/default/files/2023-11/ohchr-technical-note-rights-intersex-people.pdf> (last visited May 27, 2025).

²⁹⁴ Entry #15799: Right to change legal gender in Nepal, Equaldex, <https://www.equaldex.com/log/15799> (last visited May 27, 2025).

characteristics, while gender identity is an individual's internal sense of being male, female, both, neither, or somewhere else along the gender spectrum.²⁹⁵ CRVS and statistical systems must reflect this distinction.

Avoid Pathologizing Language: Terms like “Disorders of Sex Development (DSD),” “hermaphroditism,” or “congenital sex defect” should be replaced in all official and medical contexts with neutral, rights-affirming terms like “intersex variations” or “variations in sex characteristics.”²⁹⁶

²⁹⁵ JICA, *Guidance Note on Conducting Research on the Inclusion of Diverse SOGIESC*, https://www.jica.go.jp/english/activities/issues/gender/_icsFiles/afeldfile/2025/04/09/GuidanceNote_SOGIESC_Research_EN.pdf (last visited May 27, 2025).

²⁹⁶ *Advancing Intersex Rights in Southeast Asia: Insights from the Launch of Intersex Asia's Research Publications*, Intersexasia, <https://intersexasia.org/advancing-intersex-rights-in-southeast-asia-insights-from-the-launch-of-intersex-asias-research-publications/> (last visited May 27, 2025).

Bibliography

1. Intersex people | OHCHR, accessed May 27, 2025, <https://www.ohchr.org/en/sexual-orientation-and-gender-identity/intersex-people>
2. OHCHR TECHNICAL NOTE ON THE HUMAN RIGHTS OF INTERSEX PEOPLE: HUMAN RIGHTS STANDARDS AND GOOD PRACTICES, accessed May 27, 2025, <https://www.ohchr.org/sites/default/files/2023-11/ohchr-technical-note-rights-intersex-people.pdf>
3. Asian Intersex Statement 2023, accessed May 27, 2025, https://intersexasia.org/wp-content/uploads/2024/09/Asian_statement_2023_Official_27Dec.pdf
4. intersexasia.org, accessed May 27, 2025, https://intersexasia.org/wp-content/uploads/2024/10/Vietnam_English-1.pdf
5. United Nations addresses the human rights of intersex persons in ground-breaking resolution - OII Europe, accessed May 27, 2025, <https://www.oiiEurope.org/united-nations-addresses-the-human-rights-of-intersex-persons-in-ground-breaking-resolution/>
6. Intersex Legal Mapping Report (2023) - ILGA World, accessed May 27, 2025, <https://ilga.org/resources/intersex-legal-mapping-report-2023/>
7. Visible in Law, Invisible in Data: Constructing a Social Legal Framework to Include Intersex People in Official Statistics., accessed May 27, 2025, <https://intersexasia.org/visible-in-law-invisible-in-data-constructing-a-social-legal-framework-to-include-intersex-people-in-official-statistics/>
8. Intersex Rights in South Asia: Inspiring Actions through Research - Intersexasia, accessed May 27, 2025, <https://intersexasia.org/intersex-rights-in-south-asia-inspiring-actions-through-research/>
9. Intersex People - UN Free & Equal, accessed May 27, 2025, <https://www.unfe.org/en/know-the-facts/challenges-solutions/intersex>
10. Intersex Human Rights - Outright International, accessed May 27, 2025, https://outrightinternational.org/sites/default/files/2025-04/intersex_resolution_55_14_report.pdf
11. intersexasia.org, accessed May 27, 2025, <https://intersexasia.org/wp-content/uploads/2024/09/Nepal.pdf>
12. Campaign for Change's inputs for Study on Universal Birth Registration and the use of Digital Technologies - ohchr, accessed May 27, 2025, <https://www.ohchr.org/sites/default/files/documents/issues/digitalage/cfis/birth-registration/subm-universal-birth-registration-cso-campaign-change.pdf>
13. intersexasia.org, accessed May 27, 2025, https://intersexasia.org/wp-content/uploads/2024/10/Philippines_English_print.pdf
14. Country Report on Intersex Rights Cambodia, accessed May 27, 2025, https://intersexasia.org/wp-content/uploads/2024/10/Cambodia_English_print.pdf
15. Research in Asia into the rights of intersex people - Hivos, accessed May 27, 2025, <https://hivos.org/story/research-in-asia-into-the-rights-of-intersex-people/>
16. LGBTI Rights in Laos | ILGA World Database, accessed May 27, 2025, <https://database.ilga.org/laos-lgbti>
17. Advancing Intersex Rights in Southeast Asia: Insights from the Launch of Intersex Asia's Research Publications - Intersexasia, accessed May 27, 2025, <https://intersexasia.org/advancing-intersex-rights-in-southeast-asia-insights-from-the-launch-of-intersex-asias-research-publications/>
18. intersexasia.org, accessed May 27, 2025, <https://intersexasia.org/wp-content/uploads/2024/09/Pakistan.pdf>
19. intersexasia.org, accessed May 27, 2025, <https://intersexasia.org/wp-content/uploads/2024/09/Bangladesh.pdf>

20. Non-binary genders need more visibility in India's Census 2021 - Down To Earth, accessed May 27, 2025, <https://www.downtoearth.org.in/governance/non-binary-genders-need-more-visibility-in-india-s-census-2021-78844>
21. intersexasia.org, accessed May 27, 2025, https://intersexasia.org/wp-content/uploads/2024/10/Indonesia_English.pdf
22. intersexasia.org, accessed May 27, 2025, <https://intersexasia.org/wp-content/uploads/2024/09/India.pdf>
23. PARLIAMENT QUESTION: Measures for Care of LGBTQ Community - Press Release: Press Information Bureau, accessed May 27, 2025, <https://www.pib.gov.in/PressReleaseDetailm.aspx?PRID=2099650>
24. Session 3.2 (Paper): Integrating Gender-Equity in CRVS Legal Review and Reform Processes - ESCAP, accessed May 27, 2025, https://crvs.unescap.org/sites/default/files/resources/3.2_Paper_research_forum_3-4Apr2023.pdf
25. Regional declarations – Thisisintersex.org, accessed May 27, 2025, <https://thisisintersex.org/basis/regional-declarations/>
26. Report on CSO Consultations in India, accessed May 27, 2025, <https://crvs.unescap.org/system/files/sites/default/files/India%20-%20Report%20on%20CSO%20Consultations.pdf>
27. Ayushman Bharat's Broken Promise to India's Transgender Community - The News Minute, accessed May 27, 2025, <https://www.thenewsminute.com/news/ayushman-bharats-broken-promise-to-indias-transgender-community>
28. (PDF) Strengthening Civil Registration and Vital Statistics (CRVS) Systems in India: An Investment Case for Governance, Public Health, and Socio-economic Development - ResearchGate, accessed May 27, 2025, https://www.researchgate.net/publication/387660915_Strengthening_Civil_Registration_and_Vital_Statistics_CRVS_Systems_in_India_An_Investment_Case_for_Governance_Public_Health_and_Socio-economic_Development
29. Surveying Nepal's Sexual and Gender Minorities - Williams Institute - UCLA, accessed May 27, 2025, <https://williamsinstitute.law.ucla.edu/publications/survey-smg-nepal/>
30. World Report 2025: Nepal | Human Rights Watch, accessed May 27, 2025, <https://www.hrw.org/world-report/2025/country-chapters/nepal>
31. Entry #15799: Right to change legal gender in Nepal - Equaldex, accessed May 27, 2025, <https://www.equaldex.com/log/15799>
32. PAKISTAN: REJECT PROPOSED ROLLBACKS ON THE TRANSGENDER PERSONS ACT - Amnesty International, accessed May 27, 2025, <https://www.amnesty.org/en/wp-content/uploads/2024/01/ASA3367872023ENGLISH.pdf>
33. The Unfulfilled Promise Of Equality: Intersex Rights In Pakistan - The Friday Times, accessed May 27, 2025, <https://thefridaytimes.com/12-Feb-2025/the-unfulfilled-promise-of-equality-intersex-rights-in-pakistan>
34. The United Nations Legal Identity Agenda Fulfil the promise to Leave No One Behind, accessed May 27, 2025, <https://unstats.un.org/legal-identity-agenda/documents/M-presentation/webinar10-presentation1.pdf>
35. SHRC - Sindh Human Rights Commission, accessed May 27, 2025, <https://www.shrc.org.pk/downloads/reports/NL-SHRC-OCTMAR-2025.pdf>
36. NADRA marks 25 years of transforming legal identity | Get Every One in the Picture, accessed May 27, 2025, <https://crvs.unescap.org/news/nadra-marks-25-years-transforming-legal-identity?page=15>
37. A Gender Equity Report, accessed May 27, 2025, <https://genderhealthdata.org/wp-content/uploads/2025/02/Bangladesh-Gender-Report-website.pdf>

38. Statement of the Commission on Human Rights commending SB No. 2626 that seeks to improve accessibility of civil register changes for intersex people, accessed May 27, 2025, <https://chr.gov.ph/statement-of-the-commission-on-human-rights-commending-sb-no-2626-that-seeks-to-improve-accessibility-of-civil-register-changes-for-intersex-people/>
39. Towards Inclusivity: Development of Civil Registration in Indonesia 2019-2023 | Get Every One in the Picture - ESCAP, accessed May 27, 2025, <https://crvs.unescap.org/news/towards-inclusivity-development-civil-registration-indonesia-2019-2023?page=22>
40. GHAI's Data for Health Program Expands its Scope to Include the LGBTI, accessed May 27, 2025, <https://www.advocacyincubator.org/news/2022-01-06-ghais-data-for-health-program-expands-its-scope-to-include-the-lgbti-community>
41. Public Health Data - Gender Equity - Vital Strategies, accessed May 27, 2025, <https://www.vitalstrategies.org/gender-equity-public-health-data/>
42. Joint Statement: Protect the rights of LGBTIQ people in Cambodia, in line with the UPR recommendations accepted by Cambodia - ILGA Asia, accessed May 27, 2025, <https://ilgaasia.org/news/joint-statement-protect-the-rights-of-lgbtqi-people-in-cambodia-in-line-with-the-upr-recommendations-accepted-by-cambodia/>
43. CRVS law reshapes governance and social protection in Cambodia | Biometric Update, accessed May 27, 2025, <https://www.biometricupdate.com/202503/crvs-law-reshapes-governance-and-social-protection-in-cambodia>
44. Cambodia advances toward Universal Civil Registration | Get Every One in the Picture, accessed May 27, 2025, <https://crvs.unescap.org/news/cambodia-advances-toward-universal-civil-registration?page=16>
45. My Journey: Founding Intersex Thailand, Forging a Path for Intersex Rights, accessed May 27, 2025, <https://outrightinternational.org/insights/my-journey-founding-intersex-thailand-forging-path-intersex-rights>
46. Towards Inclusivity: Development of Civil Registration in Indonesia 2019-2023 | Get Every One in the Picture - ESCAP, accessed May 27, 2025, <https://crvs.unescap.org/news/towards-inclusivity-development-civil-registration-indonesia-2019-2023?page=44>
47. USD 250 Million to Support Civil Registration in Indonesia, accessed May 27, 2025, https://crvs.unescap.org/news/usd-250-million-support-civil-registration-indonesia?_exception_statuscode=404&destination=/&page=6
48. Indonesia's national digital population identity progress | Get Every One in the Picture, accessed May 27, 2025, <https://crvs.unescap.org/news/indonesias-national-digital-population-identity-progress?page=1>
49. Country policy and information note: sexual orientation and gender identity or expression, Malaysia, July 2024 (accessible) - GOV.UK, accessed May 27, 2025, <https://www.gov.uk/government/publications/malaysia-country-policy-and-information-notes/country-policy-and-information-note-sexual-orientation-and-gender-identity-or-expression-malaysia-june-2020-accessible>
50. LEGAL GENDER RECOGNITION IN MALAYSIA - United Nations Development Programme, accessed May 27, 2025, https://www.undp.org/sites/g/files/zskgke326/files/migration/asia_pacific_rbap/Malaysia-APT_N_Publication_OnlineViewing.pdf
51. MALAYSIA - Out Leadership, accessed May 27, 2025, https://outleadership.com/wp-content/uploads/2022/11/CEO_CountryBriefs_Malaysia_Dec18-1.pdf
52. Laws to stereotypes: Obstacles faced by transgender persons in Malaysia – justiceforsisters, accessed May 27, 2025, <https://justiceforsisters.wordpress.com/2015/06/12/laws-to-stereotypes-obstacles-faced-by-transgender-persons-in-malaysia/>
53. The Phenomena Of Transsexualism In Malaysia – A Socio-Legal Perspective, accessed May 27, 2025, <https://www.europeanproceedings.com/article/10.15405/epsbs.2018.12.03.22>
54. Legal Gender Recognition - Justice for Sisters, accessed May 27, 2025, <https://justiceforsisters.org/>

[org/en/topics/legal-gender-recognition/](https://www.kln.gov.my/web/nam_windhoek/birth_marriage_cert)

55. Birth/Marriage Registration - High Commission of Malaysia, Windhoek, accessed May 27, 2025, https://www.kln.gov.my/web/nam_windhoek/birth_marriage_cert
56. Challenges to Mental Health Access among LGBT People | Galen Centre, accessed May 27, 2025, https://galencentre.org/wp-content/uploads/2019/04/PFA02_2019_Challenges-to-Mental-Health-Access-Among-LGBT-People.pdf
57. Leave No One Behind: Malaysian Transgender at Risk, accessed May 27, 2025, <https://www.weareaptn.org/wp-content/uploads/2021/03/Leave-No-One-Behind-Malaysian-Transgender-at-Risk-A-Spotlight-Report-on-SDGs-Implementation-in-Malaysia.pdf>
58. Conversion Practices or Efforts to Change LGBTIQ+ People in Malaysia - Justice for Sisters, accessed May 27, 2025, <https://justiceforsisters.org/wp-content/uploads/2023/08/Conversion-Practice-Survey-Findings.pdf>
59. 13 | Gender Identity | WT 2021 Final Report - Malaysia | Womentribunalreport, accessed May 27, 2025, <https://www.womentribunalreport.com/genderidentity>
60. Assessment of the Legal Status of Sexual and Gender Minorities in 17 Countries in Asia and the Pacific - Asian Development Bank, accessed May 27, 2025, <https://www.adb.org/sites/default/files/publication/967091/legal-status-sexual-gender-minorities-asia-pacific.pdf>
61. Malaysia Should Legally Recognize Transgender People - Human Rights Watch, accessed May 27, 2025, <https://www.hrw.org/news/2021/06/22/malaysia-should-legally-recognize-transgender-people>
62. A response to criticism against SUHAKAM's study "Feasibility of having legislation of the recognition of a third gender in Malaysia" - Justice for Sisters, accessed May 27, 2025, <https://justiceforsisters.org/homepage-draft/resources/a-response-to-criticism-against-suhakams-study-feasibility-of-having-legislation-of-the-recognition-of-a-third-gender-in-malaysia/>
63. LGBTQ rights in Malaysia - Wikipedia, accessed May 27, 2025, https://en.wikipedia.org/wiki/LGBTQ_rights_in_Malaysia
64. Nicole FONG | Research Manager | Master of Science | Research profile - ResearchGate, accessed May 27, 2025, <https://www.researchgate.net/profile/Nicole-Fong-2>
65. Intersex Human Rights and Movement in the Philippines, accessed May 27, 2025, <https://gec.ey.gov.tw/File/D156251BA8852954?A=C>
66. Gender Transition from Female to Male in the Philippines - Respicio & Co., accessed May 27, 2025, <https://www.lawyer-philippines.com/articles/gender-transition-from-female-to-male-in-the-philippines>
67. Legal Procedures for Gender Transition from Female to Male - Respicio & Co. Law Firm, accessed May 27, 2025, <https://www.respicio.ph/commentaries/legal-procedures-for-gender-transition-from-female-to-male>
68. Philippines - A Gender Equity Report, accessed May 27, 2025, <https://genderhealthdata.org/wp-content/uploads/2024/04/Philippines-Gender-Report-website.pdf>
69. Statement of the Commission on Human Rights welcoming the landmark resolution of the UN Human Rights Council to protect rights of intersex people, accessed May 27, 2025, <https://chr.gov.ph/statement-of-the-commission-on-human-rights-welcoming-the-landmark-resolution-of-the-un-human-rights-council-to-protect-rights-of-intersex-people/>
70. A year of Philippine LGBTIQ+ milestones - Daily Tribune, accessed May 27, 2025, <https://tribune.net.ph/2025/03/02/a-year-of-philippine-lgbtqi-milestones-2>
71. Philippines' Civil Registration and Vital Statistics (CRVS) Decade 2015-2024, accessed May 27, 2025, https://psa.gov.ph/system/files/nccrvs/PM_Session%201-Marizza%20Grande_CRVS%20Mid%20Decade%20Report_FINAL_01Sept2021.pdf

72. 3rd Asian Intersex Forum: "The human rights of Intersex People" promoting intersex human rights in Asia - Voice.Global, accessed May 27, 2025, <https://voice.global/blog/3rd-asian-intersex-forum-the-human-rights-of-intersex-people-promoting-intersex-human-rights-in-asia/>
73. LEGAL GENDER RECOGNITION IN THAILAND - United Nations Development Programme, accessed May 27, 2025, <https://www.undp.org/sites/g/files/zskgke326/files/migration/th/legal-gender-recognition-in-thailand-2018.pdf>
74. The Rights of LGBTIQ+ Youth and Children in Thailand - UPR info, accessed May 27, 2025, https://upr-info.org/sites/default/files/documents/2021-10/js14_upr39_tha_e_main.pdf
75. THAILAND - Out Leadership, accessed May 27, 2025, https://outleadership.com/wp-content/uploads/2022/11/CEO_CountryBriefs_Thailand_Dec18.pdf
76. Gender identities in Thailand - Wikipedia, accessed May 27, 2025, https://en.wikipedia.org/wiki/Gender_identities_in_Thailand
77. [Vitit Muntarbhorn] Sex and gender rights in a plural world - The Korea Herald, accessed May 27, 2025, <https://m.koreaherald.com/article/10495953>
78. Gender Recognition Bill (Thailand) - Wikipedia, accessed May 27, 2025, [https://en.wikipedia.org/wiki/Gender_Recognition_Bill_\(Thailand\)](https://en.wikipedia.org/wiki/Gender_Recognition_Bill_(Thailand))
79. Natakamon Siwasilp: intersex activist paving the way to greater awareness | Prachatai English, accessed May 27, 2025, <https://prachataienglish.com/node/10445>
80. Thai LGBTQ+ couples register marriages as law gives them equal status - AP News, accessed May 27, 2025, <https://apnews.com/article/thailand-lgbtq-marriage-law-c2162f07cd103ea86631a137d6b6d193>
81. Thailand's Marriage Equality Act: what comes next? | International Bar Association, accessed May 27, 2025, <https://www.ibanet.org/Thailand-Marriage-Equality-Act-what-comes-next>
82. Gender titles emerge as new battleground - Bangkok Post, accessed May 27, 2025, <https://www.bangkokpost.com/thailand/general/2948182/gender-titles-emerge-as-new-battleground>
83. New census system will provide correct data on LGBTQ+ community: NSO - Nation Thailand, accessed May 27, 2025, <https://www.nationthailand.com/news/general/40038070>
84. DHSS backs surrogacy law reform to unlock Thailand's potential - Nation Thailand, accessed May 27, 2025, <https://www.nationthailand.com/health-wellness/40050097>
85. LGBTQ rights in Singapore - Wikipedia, accessed May 27, 2025, https://en.wikipedia.org/wiki/LGBTQ_rights_in_Singapore
86. Singapore | Outright International, accessed May 27, 2025, <https://outrightinternational.org/our-work/asia/singapore>
87. Transgender people in Singapore - Wikipedia, accessed May 27, 2025, https://en.wikipedia.org/wiki/Transgender_people_in_Singapore
88. Changing documents - TransgenderSG, accessed May 27, 2025, <https://transgendersg.com/docs/>
89. Transgender Laws and Rights in Singapore - SingaporeLegalAdvice.com, accessed May 27, 2025, <https://singaporelegaladvice.com/law-articles/transgender-laws-rights-singapore/>
90. How To Report And Register A Birth In Singapore Today | Tembusu Law, accessed May 27, 2025, <https://www.tembusulaw.com/insights/report-register-birth-singapore/>
91. Register your child's birth | LifeSG - Services, accessed May 27, 2025, <https://www.life.gov.sg/services/birth-registration>
92. This joint stakeholder report has been prepared by TransgenderSG and Sayoni in collaboration with the Asia Pacific TransgenderN - OHCHR UPR Submissions, accessed May 27, 2025, <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=8517&file=EnglishTranslation>

93. Census of Population 2020 Statistical Release 1 - Demographic Characteristics, Education, L - Parliament of Singapore, accessed May 27, 2025, <https://www.parliament.gov.sg/docs/default-source/default-document-library/cop2020sr1.pdf>
94. English Text (142.13 KB) - Open Knowledge Repository, accessed May 27, 2025, <https://openknowledge.worldbank.org/bitstreams/742e42c8-91fa-4e6d-8f16-bd1a9ddc0195/download>
95. Assessment of the Legal Status of Sexual and Gender Minorities in 17 Countries in Asia and the Pacific, accessed May 27, 2025, <https://www.asiapacificalliance.org/application/files/8417/1626/1896/legal-status-sexual-gender-minorities-asia-pacific.pdf>
96. MEASURING GENDER EQUITY IN CITIES - Sustainable Development Goals, accessed May 27, 2025, <https://sdg.lacity.gov/sites/g/files/wph1756/files/2021-08/Measuring%20Gender%20Equity%20in%20Cities%20-%20Occidental%20College%20Full%20Report.pdf>
97. "Being Trans Intersects with My Cultural Identity": Social Determinants of Mental Health Among Asian Transgender People, accessed May 27, 2025, <https://pmc.ncbi.nlm.nih.gov/articles/PMC9398473/>
98. Vietnam - Intersex Asia, accessed May 27, 2025, https://intersexasia.org/wp-content/uploads/2024/10/Singapore_English.pdf
99. Laos | Outright International, accessed May 27, 2025, <https://outrightinternational.org/our-work/asia/laos>
100. LGBTQ rights in Laos - Wikipedia, accessed May 27, 2025, https://en.wikipedia.org/wiki/LGBTQ_rights_in_Laos
101. Economic Inclusion of LGBTQI People in Southeast Asia - APCOM, accessed May 27, 2025, https://www.apcom.org/wp-content/uploads/2020/10/Report_Economic-Inclusive_v5.pdf
102. Ensuring Every Child Counts: eCRVS and Universal Birth Registration in Laos | WCC Group, accessed May 27, 2025, <https://www.wcc-group.com/company/post/2023/11/16/ensuring-every-child-counts-ecrvs-and-universal-birth-registration-in-laos/>
103. FINAL TECHNICAL REPORT_UNFPA-COE-FINAL-REPORT-TO-IDRC- DEC-2023 - IDRC Digital Library, accessed May 27, 2025, <https://idl-bnc-idrc.dspacedirect.org/bitstreams/8227e424-a484-4116-8e90-fd4f6e56504c/download>
104. 2023 Country Reports on Human Rights Practices: Laos - U.S. Department of State, accessed May 27, 2025, <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/laos/>
105. Legal bans on interventions on intersex minors - ILGA World Database, accessed May 27, 2025, <https://database.ilga.org/interventions-intersex-minors>
106. Legal recognition of intersex people - Wikipedia, accessed May 27, 2025, https://en.wikipedia.org/wiki/Legal_recognition_of_intersex_people
107. Lao PDR - Women, Business and the Law, accessed May 27, 2025, <https://wbl.worldbank.org/content/dam/documents/wbl/2024/pilot/WBL24-2-0-Lao-pdr.pdf>
108. Lao PDR - OECD, accessed May 27, 2025, https://webfs.oecd.org/devsigi/SIGI%202023%20Country%20Profiles/country_profile_LAO_Lao%20PDR.pdf
109. Revealing the Rainbow - The ASEAN SOGIE Caucus, accessed May 27, 2025, <https://aseansogiecaucus.org/images/resources/publications/20180531%20REVEALING%20THE%20RAINBOW%20Destination%20Justice.pdf>
110. Sexual Orientation, Gender Identity and Expression, and Sex Characteristics - Sithi.org, accessed May 27, 2025, <https://sithi.org/medias/files/others/sogiesc-modules/Sexual->

[Orientation-Gender-Identity-and-Expression-and-Sex-English.pdf](#)

111. Review - General Assembly - the United Nations, accessed May 27, 2025, <https://docs.un.org/en/A/HRC/WG.6/49/LAO/2>
112. SUBMISSION ON THE SITUATIONS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX ("LGBTI") PEOPLE IN VIET NAM FOR THE FOU, accessed May 27, 2025, <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=12740&file=EnglishTranslation>
113. Vietnam's Law on Identification 2023 to take effect from July 2024, accessed May 27, 2025, <https://crvs.unescap.org/news/vietnams-law-identification-2023-take-effect-july-2024>
114. Civil Registration and Vital Statistics - Your Rights, Our Responsibilities (2), accessed May 27, 2025, <https://vietnam.unfpa.org/en/news/civil-registration-and-vital-statistics-your-rights-our-responsibilities-2>
115. The OHCHR published a technical note on the "Human Rights of Intersex People", accessed May 27, 2025, <https://ihr.legal/the-ohchr-published-a-technical-note-on-the-human-rights-of-intersex-people/>
116. Guidance Note on Conducting Research on the Inclusion of Diverse SOGIESC | JICA, accessed May 27, 2025, https://www.jica.go.jp/english/activities/issues/gender/_icsFiles/afieldfile/2025/04/09/GuidanceNote_SOGIESC_Research_EN.pdf



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