

JOINT CIVIL SOCIETY CEDAW REPORT TO INFORM THE LIST OF ISSUES TO BE CONSIDERED BY THE UN COMMITTEE FOR THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN



during the Pre-sessional Working Group for its 85th Session
(31 October to 4 November 2022)

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#CEDAW

INTRODUCTION

Manushya Foundation, the Thai CSOs Coalition for the Universal Periodic Review (UPR), and the Thai Business and Human Rights (BHR) Network respectfully present this report and the Annex for your consideration for the adoption of List of Issues by the Committee for the Elimination of Discrimination against Women during the pre-sessional working group for its 85th session (31 October to 4 November 2022). This report relates to Articles 1 to 16 of the Convention and provides an inclusive and accurate overview of the most challenging issues faced by women and marginalized women in Thailand – including women with disabilities; older women; indigenous, ethnic and religious minority women; Malay Muslim women; migrant stateless, refugee and asylum-seeking women; women living with HIV; women sex workers; migrant workers; and LBTIQ+ women – with respect to gender-based discrimination in their daily life, but as well during the COVID-19 pandemic. In addition, a set of recommendations is provided in Annex 1.

This List of Issues is informed by communities on the ground facing and representing women who face gender-based discrimination, particularly by members of the Thai CSOs Coalition for the UPR and of the Thai BHR Network. The submission also includes information sourced from various authorities including UN human rights mechanisms and entities, government notifications, intergovernmental bodies, submissions by civil society, news articles, reports, studies, and other analysis.

About Manushya Foundation

Manushya Foundation was founded in 2017 with the vision to build a movement of Equal Human Beings #WeAreManushyan. Manushya is an intersectional feminist human rights organization reinforcing the power of humans, in particular women, human rights defenders, indigenous peoples, forest-dependent communities, environmental defenders, LGBTI groups, and Youth, to be at the heart of decision-making processes that concern them and to speak truth to power at the forefront of their fight for Human Rights, Equality, Social Justice and Peace. Through coalition building, capacity building, community-led research, advocacy and campaigning, and sub-granting, local communities become Agents of Change fighting for their rights and providing solutions to improve their lives and livelihoods, pushing back on authoritarian governments and harmful corporations. Manushya defends local communities and seeks justice with them before the United Nations, focusing on women's rights and gender equality, digital rights, climate & environmental justice, and corporate accountability across Asia. For further information on the work of Manushya Foundation, visit: <https://www.manushyafoundation.org/>

About the Thai CSOs Coalition for the UPR

Created in February 2016, the Thai CSOs Coalition for the UPR comprises local communities and national civil society organizations from all human rights sectors and across Thailand. The coalition is as of today the widest coalition of Thai CSOs ever brought together to contribute to the UPR process and other UN human rights monitoring mechanisms as well as development obligations. The formation of the Thai CSOs Coalition for the UPR has enabled local communities from different regions of Thailand, experiencing similar challenges (such as land evictions, land grabbing, abusive working conditions), to meet each other and build solidarity, creating momentum and commitment to work together as a strong national movement to hold the government accountable on its international human rights obligations.

About the Thai Business and Human Rights Network

The Thai Business and Human Rights Network is an informal, inclusive and intersectional coalition of human rights defenders, community leaders, researchers, academics, and non-governmental organizations from the local, national and regional spheres, who are joining hands to ensure local communities are central to the business and human rights response in Thailand. The Network engages in advocacy, dialogue, and monitoring of business and human rights commitments made by the Royal Thai Government, in particular in engaging in the development and monitoring of the National Action Plan on Business and Human Rights.

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I. ARTICLE 1: DEFINITION OF DISCRIMINATION

The **Gender Equality Act of 2015** defines direct and indirect discrimination and prohibits it. However, under section 17 (2), exceptions are allowed with regard to the prohibition of discrimination on the basis of gender, namely on grounds of religious principles and national security.¹ Cases have been reported on the use of this exception to justify discrimination of transgender women, such as barring them from using the female bathroom to protect the safety of others.² The Act fails to explicitly protect from discrimination based on sexual orientation,³ and permit discrimination of women with disabilities in specific cases.⁴ The prohibition of discrimination on the basis of gender does not apply in the Southern Border Provinces (SBPs), where special emergency laws are applied.

Discrimination as laid out in Section 27 of the **2017 Constitution of Thailand** is left undefined and is not inclusive of all grounds, leaving out discrimination based on color, descent, national and ethnic origin.⁵ A distinction is also made between “just” and “unjust” discrimination, with no restrictions placed on the type of “just” discrimination. Despite of Section 4 stipulating that everyone shall be treated equally before the law, the prohibition of discrimination on the basis of gender does not apply in the SPBs.⁶

II. ARTICLE 2: POLICY MEASURES TO BE UNDERTAKEN TO ELIMINATE DISCRIMINATION

CEDAW provisions have not been properly incorporated into Thailand’s domestic law. Community members in Northern Thailand pointed out the lack of awareness of CEDAW⁷ and its applicability in practice. Despite efforts by ethnic civil society organizations (CSOs) to improve the situation, there has been little to no tangible progress in the implementation of CEDAW at all levels of society. Training and awareness-raising initiatives launched by the Ministry of Social Development seldom involve ethnic or Indigenous groups and migrant women who are the least informed on the women’s rights discourse.⁸

The Gender Equality Act fails to provide comprehensive protection and genuine safeguards to ensure gender equality, especially when it is intersected with other factors. The exceptions under which gender-based discrimination is accepted pose a particular challenge for specific groups who face multi-layers of discrimination, such as marginalized women as the vulnerabilities they face as women are compounded by vulnerabilities which stem from their identity, race, ethnicity, disability etc. Under these realities, a stand-alone legislation is needed to tackle issues of discrimination in all cases, especially in order to prohibit multiple and intersectional discrimination.

There has been little attempt from the government to raise awareness about the existence of the Gender Equality Act, or to bring CEDAW into use to empower women human rights defenders (WHRDs) in the making of decisions, their political participation, or to protect them against harassment.⁹ The support given by the government was only surface-level and not sustainable.¹⁰ This is partly caused by the minimum understanding of CEDAW among government officials, and law enforcement authorities at the



State and regional levels.¹¹ Moreover, there were allegations that the government purposefully gate-keeps knowledge. The onus of spreading awareness and knowledge about gender equality and women’s rights fall upon women human rights activists instead. However, their scope of work is limited and the lack of active cooperation at the governmental level leads to generations of women not being aware of their rights and how to claim such.¹² Members of the SBP communities claim that the government has not been able to educate the public on gender equality and diversity given the many ways in which it contradicts religious teachings, which could exacerbate tension in the conflict-prone region. Religious leaders are equally passive on the subject.¹³

There were reports of no support being given to youth activists working on gender equality or LGBTIQ+ issues, and no incentive taken from the government to incorporate gender studies into school curriculums or to support gender studies programs at university level.¹⁴

The institutional level's ability to address gender-based violence and discrimination is severely constrained. Authorities working with such cases are not well prepared, as the training they receive is not effective and the curriculum is not regularly updated. A CSO representative providing seminars to address the insensitivity of police and investigators observed little improvement in this area compared to when they first started working on the issues many years ago.¹⁵

Since the military coup in 2014, drastic funding cuts in the government’s women protection programs resulted in insensitive and inactive responses to gender-based violence cases. The lack of comprehensive protection against gender discrimination coupled with law enforcement institutions discriminating against women highly undermine the efforts to achieve gender equality in the country.

III. ARTICLE 3: GUARANTEE OF BASIC HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

The legal framework in place to safeguard women’s rights is weak. Gender-based discrimination against women, including marginalized women, is still widespread and generally caused by gender-blind policies or programs.¹⁶ National machineries that address gender equality include the The National Commission on Women's Affairs (1989),¹⁷ and the Office of Women's Affairs and Family Development (2015).¹⁸

The 12th National Economic and Social Development Plan (2017-2021) contains provisions to create a just society and reduce inequalities.¹⁹ Throughout the document, women’s struggles are equated to those of the elderly and people with disabilities, groups which are tied together under the umbrella of the “disadvantaged group”, as a homogenous group, when it is far from being one. The Thai government takes a top-down approach which fails to address the needs of diverse heterogeneous groups²⁰ and completely omits to apply a much-needed gendered lens that could help better understand and address gendered discriminations that put women at a disadvantage. No specific women’s development plan is set and women, especially those from indigenous or ethnic backgrounds are excluded from key decision-making processes.²¹



The National Action Plan (NAP) on Business and Human Rights (BHR) fails to include an effective gender lens, and only sees women as victims of human rights violations, and not rights holders. Additionally, it does not properly address discrimination faced by marginalized groups and ignores the plight of WHRDs, failing to guarantee appropriate protections and remedies against the infringement of their rights.²²

Owing to the fact that gender-based discrimination is permitted if it serves religious principles, **Malay Muslim women** are negatively affected. The adoption of a multicultural jurisprudence and justice system, coupled with discriminatory practices, makes it difficult for women to access their rights and fundamental freedoms. The SPBs are governed by the Islamic Family and Inheritance Law of 1946,²³ a law that provides decision-making power to men and is applied in an inconsistent manner, often discriminating against women's rights, for example in cases of divorce, polygamy, and spousal violence. On the other hand, **Malay Muslim women with disabilities** are particularly vulnerable, owing to multiple and intersecting discrimination on the basis of gender, ethnicity, language, religion, and disability. Although Thailand has taken steps to address the situation of Malay women in the SBPs,²⁴ there is little evidence that Malay Muslim women with disabilities are included or considered as part of these initiatives. Sexual violence against them is pervasive, yet significantly under-reported. Barriers to protection and recourse to justice are furthered by inaccessibility of the justice system for women with disabilities and lack of government assistance. They are often treated as if they have no control or should have no control over their sexual and reproductive rights. Sterilization without informed consent is frequently employed by families as a tactic to ostensibly dissuade sexual abuse and potential pregnancies in women with disabilities.²⁵

Indigenous women are not better off than Malay Muslim women. Apart from not being afforded the same nationality rights as their male counterparts,²⁶ Indigenous women belonging to more than one category suffer from multiple layers and forms of discrimination on the grounds of indigeneity and gender. To illustrate, indigenous women living with HIV, experience discrimination in all areas of their lives.²⁷ Moreover, the COVID-19 pandemic has adversely affected Indigenous women's lives, as the government's response has been neither gender responsive nor gender sensitive.²⁸ The information provided by the government on COVID-19 preventative measures and treatment options is only available in Thai and neglectful of the circumstances of Indigenous women. Men alone have had access to it because of their higher level of education, leaving the women to turn to misleading news circulated in their communities.²⁹ Indigenous women's right to dignity is also breached, as hate speech against them is a widespread phenomenon. The government does little to stop it and, in fact, it encourages the spread of such stereotypes, putting Indigenous peoples at risk of losing their cultural identity. This has an extraordinary negative impact on the process of formulation of laws, programs, and policies that affect them.

LGBTIQ+ people experience discrimination, harassment and hostility in many parts of everyday life. For **LGBTIQ+ women** who are **refugees and migrants**, the vulnerabilities they face as LGBTIQ+ are compounded by vulnerabilities which stem from their legal status, or absence thereof.³⁰ When apprehended, they are likely to be subjected to inadequate vulnerability screenings, nongender-appropriate searches, forced nudity, verbal and psychological abuse, physical and sexual violence, and a general lack of medical treatment. They face harassment and discrimination in detention centers,³¹ being



frequently kept in wards that do not correspond to their self-identified gender.³² In addition, access to the medical treatment required by them is very limited and hormone replacement therapy and other treatment associated with gender affirming care are prohibited.³³

IV. ARTICLE 4: TEMPORARY SPECIAL MEASURES TO ACHIEVE EQUALITY

No temporary special measures have been adopted to achieve substantive equality of women and men in all areas where women are underrepresented or disadvantaged, in spite of the concluding observations received from the Committee in 2017.

V. ARTICLE 5: SEX ROLES AND STEREOTYPING

Women and girls are often represented in an inferior position to men in terms of roles, functions, duties, and activities. Men are depicted as having leadership and professional roles while women are confined to being wives and mothers, and assuming a minor role in society.³⁴ For this reason, whether or not they are employed, women are the primary caretakers, and there is generally no fair sharing of household duties.³⁵ Having to carry the burden of work both inside and outside the home, women are more likely to experience depression. In addition to their regular jobs, they have to take care of their children and occasionally the elderly. The social and legal systems continue to fail to adequately safeguard women.³⁶

Due to their vulnerabilities, marginalized women are exposed to further oppression and rights violations. Thailand is noted for being a male-dominated patriarchal society. **Indigenous women** are more vulnerable to gender-based violence due to patriarchal traditions and customs that encourage gender-based discrimination against them. They do not enjoy equal rights as men,³⁷ and are restricted from making decisions that affect their lives, including but not limited to education, work, marriage, and sexual and reproductive health, and from participating in dispute resolution mechanisms, even when the dispute concerns them.³⁸

The Thai government actively promotes prejudice and stereotyping against Indigenous and ethnic groups. **Isaan women** have been the target of widespread prejudice for decades, and people, including Thai authorities, refer to them as ‘mia farang’ (white foreigners’ wife).³⁹ In August 2018, the Ministry of Social Development and Human Security opened an education center for Isaan ‘mia farang’ in Khon Kaen, which “especially targets Isaan women and girls who do not value studying but like to work in bars and massage parlors instead.”⁴⁰

Gender-based violence (GBV) is perpetuated by patriarchy, harmful attitudes and assumptions, and reinforced and normalized by laws and institutions. **Survivors of GBV** frequently experience victim-blaming and stigmatization when they speak out or seek justice. Thailand replaced the Domestic Violence Victim Protection Act of 2007 with the Promotion of Development and Protection of Family Institution

Act (FDPA) of May 2019.⁴¹ However, the FDPA lacks gendered lens to understand domestic violence as disproportionately affecting women. It prioritizes family institutions over the rights of survivors of domestic violence, with focus given on mediation and reconciliation procedures without prioritizing the best interests of survivors. Such practices go against the human rights norms that safeguard women's legal protection rights and freedom from torture.⁴² Moreover, Thai law enforcement institutions discriminate against women. In addition to failing to register all allegations of GBV against women, police frequently mislabel occurrences of gender-based discrimination under other types of discrimination.⁴³ The matricide case at Bang Phrom demonstrates the inaction of the authorities to protect women.⁴⁴ The COVID-19 outbreak resulted in an upsurge of GBV against women;⁴⁵ yet, survivors of domestic violence and GBV had poor access to services, and survivors of GBV belonging to marginalized groups have been particularly affected.

In addition, GBV and hate speech against women, WHRDs, and gender non-conforming activists have increased and even become more commonplace in recent years. Due to their advocacy, they are subjected to very negative comments online and cyberbullying.⁴⁶ For instance, pro-democracy activist P.S. faced gendered backlash on social media for strongly criticizing a pro-military politician. Queer activist S.C. and transgender activist C.N. reported experiencing online attacks aimed at their identities and appearances.⁴⁷ Many other HRDs and activists who are vocal in their work, especially those who use the digital space to advocate and fight for their causes, have faced similar issues. N.C., LGBTIQ+ rights activist for more than 15 years, faced transphobic death threats in February 2021 for assisting a transgender woman seeking justice. Through messages and phone calls, N.C. was warned by the journalist (the man who harassed the woman) to 'stay out of his business.' Her mental health was severely affected, as a consequence.⁴⁸ Women belonging to marginalized groups are even more impacted, oftentimes due to lack of knowledge in digital literacy and ICT skills.⁴⁹ The government not only did nothing to prevent the proliferation of hate speech, but was even one of the offenders. The case of WHRDs A.N. and A.H. is emblematic. For exposing officials' wrongdoing and denouncing human rights violations, they became victims of Thai authorities' smear and disinformation online campaign. Thailand's Army Information Operation (IO) spread hatred against them, affecting their reputation, dignity and mental health. They submitted a complaint against the Office of the Prime Minister and the Royal Thai Army, involved in the campaign.⁵⁰ The trial is ongoing; the defense witness hearings are set to take place in October and November 2022.⁵¹

Lockdowns and border closures have trapped **migrant women** with perpetrators of gender-based violence, with little to no access to support services. There have also been reports of migrants being sexually harassed by their employers under the guise of "closeness" "familiarity" or "intimacy", with many female migrants not aware that they are facing gender-based violence.⁵² Migrant communities are still very much living in a patriarchal environment. Women who are abused are afraid to speak up because they fear being shamed by families and communities.⁵³ Shelters for survivors of domestic violence only welcome migrants with legal documents.⁵⁴ They generally have little, if any, possibilities to seek justice and receive fair compensation.⁵⁵

Malay Muslim women in the SPBs also face hardship to report domestic and gender-based violence to the police; when they do so, the police exclusively refer them to Islamic Provincial Council as an issue



under the Islamic Family law.⁵⁶ Women in the SBPs are generally unaware of the existence of the FDPA as well as the role of the Ministry of Social Development and Human Security in assisting survivors of domestic violence.⁵⁷ Neither are they informed of the presence of emergency shelters and where these are situated. Mediations conducted for married couples with domestic issues are overseen and facilitated by religious leaders in their community.⁵⁸

The media plays an important role in shaping and perpetuating the current climate towards women in Thailand. Indeed, it contributes to the spread of negative stereotypes on ethnic and marginalized groups, without facing any punishment for doing so.⁵⁹ Additionally, media misrepresentation or underrepresentation of women, including marginalized women, feed prejudice against them. News stories in the media often do not include the voices of LGBTIQ+ women and represent them in particular ways that harmfully distinguish them from non-LGBTIQ people,⁶⁰ whereas **women migrant workers** are stigmatized by xenophobic elements in the media.⁶¹

VI. ARTICLE 6: TRAFFICKING AND PROSTITUTION

Prostitution and trafficking are confused in Thailand and law conflates sex work with human trafficking. The Criminal Code⁶² and the Prevention and Suppression of Prostitution Act of 1996⁶³ (“the Prostitution Act”) proscribe sex work and impose hefty punishments: a fine of up to THB40,000 or imprisonment of up to two years, or both. When sex workers are persecuted under the Prostitution Act, some of them are also charged under human trafficking laws.⁶⁴ The NAP on BHR likewise fails to recognize sex work as work,⁶⁵ thereby dismissing the rights of sex workers who consequently face systemic discrimination and stigma. Sex workers who are migrants have to register as working for a different employer, as they cannot reveal their real job.⁶⁶

Citing human trafficking, the police raids on entertainment establishments to arrest and detain sex workers, either as criminals under the Criminal Code and the Prevention and Suppression of Prostitution Act, or as victims of trafficking under the Anti-Trafficking in Persons Act of 2008 (“the Anti-Trafficking Act”).⁶⁷ Widespread corruption and official complicity continue to hinder efforts in the fight against trafficking. Police officials accept bribes in exchange for protection from raids, inspections, and prosecutions, and even purposely compromise investigations and withhold evidence from prosecutors.⁶⁸

Marginalized women victims of human trafficking are disproportionately affected. **Migrant women workers** who are victims of human trafficking are only allowed to stay in Thailand during court hearings, and they are sent back immediately if they are found to be victims of trafficking. Because these workers do not want to be sent home, they do not want to come forward as victims of trafficking. Many migrants had to sell their house, cars, and everything they have in order to uproot and move to find jobs in Thailand, and upon coming back home they are heavily stigmatized, therefore going back to their home country is often not an option.⁶⁹ Moreover, language barriers bar them from avenues to access justice,⁷⁰ and if



convicted of prostitution, migrant workers are not permitted to return to their home countries because of the nature of the sex work charge.⁷¹

Indigenous women's statelessness and limited access to education exacerbate their vulnerability, being less likely to report the cases and seek assistance or remedy.⁷² Despite intense trafficking and voluntary sex work activities in the SBPs, there exist no data or statistics which show the precise number of identified victims and perpetrators, and the routes or areas where they operate.⁷³

CSOs working on labor rights do not cover sex worker issues and distance themselves from them. Moreover, CSOs working on women issues also do not consider or work on the issues of transgender or non-binary women and sex workers who are transgender or non-binary are often alienated.⁷⁴

VII. ARTICLE 7: POLITICAL AND PUBLIC LIFE

Insufficient representation in politics is a bold issue. Women have assumed positions of leadership in a variety of societal areas, including politics. However, the rise of the all-male military junta has widened gender inequality, with women being underrepresented at all levels of decision-making and still suffering from sexist stereotypes.⁷⁵ Although the Constitution stipulates that political parties shall include women on their candidate lists on an equal footing with men, **women** represent only 16% of parliamentarians at the National Assembly, thereby occupying only 77 seats out of 489.⁷⁶ Moreover, there is neither a quota for female officials dictated in the Thai law nor provisions requiring that there are seats reserved for women, or that women have to be involved.⁷⁷ On the other hand, due to patriarchy, gender bias against female leaders persists, and men frequently refuse to recognize and appreciate them in a team that is predominately male.⁷⁸

The representation of the **LGBTIQ+ community** in the Parliament remains insufficient compared to the vibrant and large LGBTIQ+ community in the country. There has been only one transgender woman in parliament, but she was dismissed.⁷⁹

Law enforcement is also considered a male dominated occupation resulting in the underrepresentation of women in police personnel positions. In 2018, the Royal Police Cadet Academy (RPCA) announced that the RCPA will accept only men from 2019 onwards.⁸⁰

Indigenous women are predisposed to a complexity of challenges and barriers in the realization of a life with dignity. One such challenge is the participation in the public and political life, which is not always guaranteed to them. Due to the difficulties associated with obtaining citizenship, or the lack thereof, their ability to vote is compromised. The roles they are expected to play provide them with little, if any, space for autonomy or decision-making regarding matters affecting them. Indigenous women were excluded from the consultation process to develop the Draft Protection and Promotion of the Way of Life of Ethnic Groups Act,⁸¹ and their concerns were not incorporated in amendments to the Draft Act.⁸² In general, the



government does not value the opinions of local communities and regard them as uneducated. Although certain law propositions are open for public consultation, ethnic and rural groups, due to lack of access to technology or internet, and insufficient knowledge surrounding human rights and international law cannot effectively take part.⁸³

In recent years, the government has imposed policies that have negatively impacted the well-being of Indigenous communities, such as zoning of national parks and world heritage sites over indigenous territories, overlooking the impact on Indigenous women⁸⁴ – the primary custodians of land and resources. They are also restricted from participating in dispute resolution mechanisms, even when the dispute concerns them. Illustrative is the case of land grabbing in Sireh Island in Phuket province, where the Urak Lawoi Indigenous women were excluded from the consultative process as well as court proceedings.⁸⁵

In the SPBs, **Malay Muslim women** bear the impact of the conflict, yet they are not meaningfully engaged in peace talks. Subsequently, they struggle to acquire information on the progress of the discussion that will enable them to develop and provide inputs to the peace process. Women are likewise not allowed to sit on Islamic committees established to partake in such peace talks, addressing many issues including the right to self-determination and land titles without a gender-sensitive approach.⁸⁶

Furthermore, **WHRDs** also face challenges in participating in public life and have increasingly become targets of violence, threats, and judicial harassment through SLAPP cases.⁸⁷ The majority of pro-democracy movement leaders are men, and women movement leaders are perceived negatively and their queries have often been brushed aside by the government.⁸⁸ Local human rights activists may be invited to small-scale events in their areas, but in national events, their voices are not amplified, and gender issues are treated separately from other political issues.⁸⁹

Moreover, there were reports alleging to the lack of credibility given to **transgender women activists**, who are only trusted to work on LGBTQ+ issues, and not given credibility on other issues, such as poverty or communities' livelihoods.⁹⁰ In the online space, they face online harassment, abuse, and hate speech. Transgender activists are also mocked by police officers for their appearance and gender, and when they seek help, they also experience verbal harassment from them.⁹¹ Similarly, there have been reports of WHRDs being mocked and even threatened. A pro-democracy female activist received threatening letters with pornographic pictures. After reporting these incidents to the police, they responded by saying "This is what you should expect."⁹²

VIII. ARTICLE 8: PARTICIPATION AT THE INTERNATIONAL LEVEL

No systematic efforts have been made to equalize the gender ratio in the Thai foreign service, and women are still highly underrepresented. Out of 65 Thai embassies abroad, there are 15 women sitting as ambassadors.⁹³ Nonetheless, two of the Deputy Permanent Secretaries (out of 4) at the Ministry of Foreign Affairs are women.⁹⁴



International mechanisms are not accessible by local communities, especially ethnic groups. If given opportunities to participate at the international levels, local human rights activists are not sponsored by the government, and their issues are not taken seriously, with no visible progress ahead.⁹⁵

IX. ARTICLE 9: NATIONALITY

Thailand is one of the countries with the highest number of stateless people in the world,⁹⁶ and gaps in the national law are considered to be the major cause. Although it is estimated that at least 50% of stateless people in Thailand have a legitimate claim for citizenship, the procedures to apply for nationality are complicated and lengthy, which is worsened by corruption among local officers, discrimination and stereotypes. In Omkoi district, Northern Thailand, local government officers were found to engage in corruption and wrongful subrogation of IDs. Indigenous peoples were asked to pay illegal fees in order to start procedures to obtain citizenship and even threatened with arrest. The Omkoi villagers have mobilized at the community level to address the challenges to access citizenship, assisting the stateless people in registering their names and gathering the necessary supporting documentation for the citizenship procedure. One of the villagers even informed the National Human Rights Commission of Thailand (NHRCT) and submitted a petition to the Provincial Administrative Department of the Ministry of Interior. NGOs likewise played an important role. The case was documented by Manushya Foundation and the Indigenous Women's Network of Thailand (IWNT). In addition to providing technical training on the citizenship law, IWNT helped to document the life stories of the stateless people and to collect supporting documents and evidence needed to apply for citizenship.⁹⁷ Thanks to the feminist community-led research conducted by IWNT and Manushya Foundation, 228 Indigenous people were granted Thai citizenship.⁹⁸ This marked a significant turning point in their lives, finally being granted the right that had been unfairly withheld from them for too long.

Disenfranchisement of citizenship is therefore one of the fundamental challenges for Indigenous groups.⁹⁹ Among them, men are reportedly given priority to register for nationality, leaving a disproportionate number of **Indigenous women** without nationality.¹⁰⁰ Barriers to citizenship are among the main reasons for violations of Indigenous women's fundamental human rights and freedoms since citizenship is a condition to be able to access healthcare, education, employment, to travel freely and obtain land titles, among others.¹⁰¹ For instance, women in Northern Thailand's hill tribes are not able to participate in capacity training programs without proof of citizenship.¹⁰²

Citizenship can be acquired also through marriage to a male Thai citizen; however, **women** and men do not enjoy equal rights to confer their nationality on foreign spouses, which is sex-discriminatory.¹⁰³ Moreover, the law is also racially biased. If a **migrant woman** gets married to a Thai man, acquiring a marriage certificate is expensive and more difficult than the process of acquiring a marriage certificate between Thai persons.¹⁰⁴ In the case of a Thai husband abandoning his migrant wife and their children, it can be very difficult for children to get identification documents, since the law currently requires that for children to get an ID for the first time, a Thai parent has to be present. As a result, if a migrant single mom



is taking care of her child(ren) born out of a Thai father, the child(ren) cannot get identification papers, and sometimes, cannot access legal documents, leaving them in a vicious cycle of being unable to claim their rights.¹⁰⁵

X. ARTICLE 10: EQUALITY IN EDUCATION

Gender segregation in higher education and gender bias in the school curriculum and textbooks are a reality in Thailand, reinforcing traditional gender stereotypes. Girls and women belonging to **ethnic groups** are further discriminated against, as they face barriers in accessing education, which is not provided in their mother tongue.¹⁰⁶ In the SPBs, languages other than Thai are not spoken in government schools.¹⁰⁷ Religious schools in the region also provide compulsory education; however, sex education is not included, considered to go against religious teachings and encourage non-marital sex.¹⁰⁸ Transgender women who go to these schools are also subjected to punitive measures.¹⁰⁹ Moreover, **Malay Muslim women** who wish to attend university do not have access to financial aid from the government or support by their communities.¹¹⁰ On the other hand, students with **disabilities** are often excluded from education, as some schools refuse to admit them. Pro-democracy activists are discriminated in the university settings, and one women activist declared to have been expelled from university on account of her political activism.¹¹¹

The education of women and girls who are **stateless, refugee or undocumented migrants** is also on the brink of collapse.¹¹² In shelters along the Thai-Myanmar border, residents depend largely on NGOs to provide education.¹¹³ However, The Thai government denies Migrant Learning Centers (MLCs) formal school recognition and withhold MLC teachers the ability to legally teach.¹¹⁴ Children of urban refugees are also unable to attend schools because parents do not have the financial means to pay tuition fees, and moreover, children risk being arrested or detained by authorities.¹¹⁵

Many children of informal workers do not have access to education as they are driven into work to help their families who face financial challenges. They work as street vendors or are involved in similar jobs. Child labor cuts children off from schooling, restricting their fundamental rights and threatening their futures.¹¹⁶

XI. ARTICLE 11: EMPLOYMENT

In 2020, **Thailand's gender pay-gap** is 10.94 percent. According to further data from 2020, women work an average of 3.2 unpaid hours per day, compared to 0.9 for men.¹¹⁷ **Thai women** also do not have enough access to financial services and other economic resources, and are less financially and digitally literate than men, which causes them to have less advanced technological abilities. Because of this, women are at a disadvantage while looking for work. They do not have equal access to marketplaces as men do.¹¹⁸

Despite intentions to improve support for working mothers by amending Minister Regulation No. 14 under the 1998 Labor Protection Act, the plan has been stalled.¹¹⁹

The government has set budgets to create job opportunities for women in Chiang Mai. However, it has not delivered proper training on how to approach markets or strengthen entrepreneurial skills.¹²⁰ In general, women have less prospects for professional growth, lower salaries and less job security.

In Thailand, the gendered division of labor between men and women particularly in relation to **unpaid care and domestic work** (UCDW) runs deep. Considered a "women's responsibility", women spend on average 2 hours and 53 minutes per day on care and domestic work, while men spend 56 minutes.¹²¹ The situation is worse for most women from rural and low-income communities, who end up spending several hours of the day doing unpaid care and domestic work due to not having access to time and labor-saving equipment, as well as not being able to hire paid domestic services. Girls are often the ones supporting and substituting for the UCDW done by their mothers. The pandemic has undoubtedly exacerbated this burden that women bear, with husbands and children spending most of their time at home.¹²² Community quarantines and lockdowns, school closures, reduced availability of care service and domestic help during the COVID-19 pandemic increased the burden of UCDW on women. Because of the lack of care infrastructures, including clean sources of fuel, water, and social care infrastructures, women in rural areas have been particularly affected. They had to increase their efforts to address the needs of their families and communities.¹²³ In turn, increases in UCDW have caused women to struggle with decreased paid work productivity. Because of gender norms, they were more likely than their male counterparts to give up their paid work for UCDW. Despite constituting a significant contribution to the economy, steadily growing beyond 5.5 percent of Thailand's GDP,¹²⁴ women's unpaid work has largely been undervalued and remains outside the scope of most Thai public welfare policies.

Women workers employed in the formal sector face severe hardship. Women struggle due to the gender pay gap, which affects 52% of them,¹²⁵ and, in addition, are employed in low-paid work, such as garment sewing. They are paid on a per-unit basis, compared to men who receive a daily salary.¹²⁶ Although workers employed in the informal sector account for more than 50% of the workforce,¹²⁷ they lack protection under the law which does not regulate work in the informal sector. The Draft Act on Promotion and Development of the Quality of Life of Informal Workers has yet to be enacted by the government. Furthermore, women home-based workers have the lowest level of security and earnings amongst the Thai workforce,¹²⁸ and frequently work in a hostile environment.¹²⁹ Due to the nature of their labor, working as street vendors, owners of food stalls, motorcycle taxi drivers and food delivery drivers, informal workers have been significantly impacted by the COVID-19 pandemic.¹³⁰

Sexual harassment in the workplace is also a bold issue;¹³¹ nonetheless, while the Thai Labor Protection Act prohibits discrimination, it gives no clear definition of sexual harassment. The Gender Equality Act has also not been effective in its enforcement or prevention of sexual harassment in the workplace,¹³² and the role of government departments related to gender-based violence is minimal,¹³³ with the measures in place being insufficient.¹³⁴ Cases of sexual harassment at work have been extensively documented in the past years,¹³⁵ and activists reported that judges regularly dismiss charges involving inappropriate



physical contact at work, unless it is rape, purportedly due to lack of evidence or because they do not take the cases seriously.¹³⁶ In 2021, a transgender woman was sexually harassed at work by a politician, and laid off without any justification. The transgender WHRD who supported the woman with submitting a complaint to the NHRCT and denounced the episodes of harassment on social media became a victim too. She was sued for defamation by the politician,¹³⁷ effectively being SLAPPED for purely exercising her right to freedom of expression online. Such cases hinder the fight for gender equality and fairness in the workplace.

Section 15 of the Labor Protection Act provides that employers shall treat equally men and women employees “unless the description or nature of work prevents such treatment.”¹³⁸ It fails to mention gender beyond binary or other population groups, including the marginalized. To illustrate, the application of T., a **transgender woman**, was denied on the ground that the position was only opened for cisgender women.¹³⁹ Unfortunately, her case is not isolated, but part of the long-standing discrimination of LGBTIQ+ women in Thai society.

Migrant workers have limited rights in Thailand, particularly undocumented migrants. There is an absence of sufficient labor rights protection in domestic legislations and policies regarding migrant workers. For instance, the Certification of Registration Records of Aliens Granted Residency in the Kingdom under Special Circumstances (Tor Ror 38/1) for migrant workers registered with the Ministry of Interior cannot be used for claiming social security rights from the Ministry of Labor. Under labor protection laws, they are not entitled to annual and traditional holidays; paid sick leave; sterilization leave; and education and training leave or paid maternity leave.¹⁴⁰ The Alien Working Act specifies jobs that migrant workers are not allowed to do, only allowing migrant workers to work in unskilled jobs, most generally low paid.¹⁴¹ The Act further requires migrants in Thailand to have a broker in order to gain work or change employment.¹⁴² Migrant workers in the agriculture field are only fully protected under the Labor Protection Act if they work full-time for at least one year, which only applies to a small segment of migrants, leading most to be instead covered by scarce protections outlined in the Ministerial Regulation concerning Labor Protection in Agricultural Work.¹⁴³ While 50 percent of men migrant employees in the agricultural sector were paid less than the minimum wage, this percentage climbs to 65.7 percent for **women migrant workers**, putting them at a stark disadvantage.¹⁴⁴ A similar pattern was established amongst migrant workers in the northern areas, with employers citing that women have caretaker duties and therefore are not as effective as men.¹⁴⁵ Although the law does not discriminate on wages, employers often do not respect gender equality in pay.¹⁴⁶ Many migrant workers and asylum seekers who are undocumented are therefore at risk of being deported if they draw attention to their condition to authorities.¹⁴⁷ As a result, they often have to put up with challenging conditions of work, with little to no bargaining power.¹⁴⁸ Women migrant workers find themselves at the intersection of inequalities and discrimination, since, as said prior, women do not have equal access to marketplaces as men do,¹⁴⁹ and their identity as migrants puts them at greater risk of racial profiling.¹⁵⁰ Moreover, due to the challenges they face to obtain work, women migrant workers are particularly vulnerable to abuse and exploitation.¹⁵¹

Women in the SBPs only have adequate access to employment or enjoy economic privileges when they



are related or married to community leaders. Opportunities in recruitment and training are passed through the bloodline or nepotism.¹⁵²

Women living with HIV are likewise highly affected, as myths and misconceptions about HIV/AIDS continue to fuel stigma and discrimination in the workplace, which may take the form of employment denial, obligation to undergo HIV screening during the application process and yearly HIV tests, or unjustified termination.¹⁵³ **LGBTIQ+ women** are also discriminated against because of their perceived HIV status.

Labor rights for **sex workers** is a pipe dream while criminalization exists. Owing to not being recognized as workers, they are not protected by the labor law and are subjected to unfair employment practices and exploitative working conditions.¹⁵⁴ If victim of a crime whilst working, a sex worker may be reluctant to report it. The law specifically targets and punishes sex workers, subjecting them to frequent police raids, random drug tests, arbitrary arrests, and police extortion to allow them to continue operating, threatening them with legal action if they do not comply and denying them access to fair trials.¹⁵⁵

Due to their marginalized position in society and resulting invisibility, as well as widespread prejudice, **people with disabilities** do not fully enjoy their human rights, including the right to work. The number of persons with disabilities has increased over the past years; yet, their rights have not been mainstreamed across all sectors to ensure equal employment opportunities. Apart from stereotyped, unskilled, low-paying, and unstable positions, they hardly have any employment opportunities.¹⁵⁶ Women and girls with disabilities are often confronted with intersectional discrimination, which in turn creates barriers to employment and development opportunities in the region. In the SPBs, where the right to employment is constrained, Malay Muslim women with disabilities are particularly affected, suffering from high rates of unemployment.¹⁵⁷

Maternity protection is significant in the realization of human rights and a premise of the achievement of the principle of equality of opportunities and treatment at work. In Thailand, maternity benefits are stipulated in the 1998 Labor Protection Act. The law provides that women are entitled to 98 days of maternity leave¹⁵⁸ and proscribes firing women on the grounds of their pregnancy.¹⁵⁹ However, employers fire pregnant women on “frequent sick/annual leaves” and “decreased efficiency” justifications.¹⁶⁰ Thailand does not have a mandatory parental leave in the private sector, which puts the onus of children’s care on women, further impacting their careers disproportionately.¹⁶¹

WHRDs and activists face many reprisals because of their activities. A woman reported to have been fired after she and her friend were arrested because of political activism regarding the junta regime or women’s rights.¹⁶²

XII. ARTICLE 12: HEALTHCARE AND FAMILY PLANNING

Access to **safe and legal abortions** is an essential healthcare and a human right central to women's empowerment.¹⁶³ In a positive advancement dating back from 27 September 2022, Thailand legalized abortion for women who are up to 20 weeks pregnant, granted they consult with their doctors.¹⁶⁴ Preceding this, abortion was legal up until the 12th week of pregnancy.¹⁶⁵ There are different channels to access legal abortions in Thailand, the main one being the 1663 hotline, which offers consultation and referral services on pregnancy alternatives every day from 9 am to 9 pm. There are other care providers such as, Government-run One Stop Crisis Centers and civil society organizations like Tamtang, RSA, and Choices Network Thailand, which provide support for safe abortions.¹⁶⁶

However, lack of dissemination of information to the general public impedes access to safe abortions.¹⁶⁷ Moreover, abortion remains a 'taboo' subject in Thailand due to strong social and religious stigma, coupled with the lack of availability, accessibility and affordability of abortion facilities.¹⁶⁸ **Women belonging to marginalized groups** still continue to lack access to health, safe and effective family planning methods, made worse by the pandemic.¹⁶⁹ Some RSA volunteer doctors have used up a remote online system to deliver abortion pills and provide advices for self-management and medication, with satisfactory results.¹⁷⁰

Indigenous peoples face geographic and socio-economic challenges in accessing healthcare services,¹⁷¹ linked, in part, to the lack of legal status.¹⁷² **Indigenous women** experience greater and more pervasive forms of discrimination, and access to healthcare is particularly challenging owing to their specific needs for sexual and reproductive healthcare services,¹⁷³ overlooked in the national health policies. Hospitals do not offer specialized services for indigenous women. Indigenous midwives are not permitted to enter the delivery rooms. Due to travel restrictions and viewing it as non-essential, indigenous women were deprived of access to sexual and reproductive healthcare services during the pandemic.¹⁷⁴ The difficulty is worse for **Indigenous women with HIV** because they frequently lack options and a support structure, should they decide to carry a pregnancy to term or terminate it. They are either not provided with information or the information provided is not tailored to their social and cultural context. The criminalization of abortion up until recently have deterred women from getting one, risking HIV transmission from mothers to unborn children.¹⁷⁵

Ethnic women in remote areas are struggling to access quality healthcare due to the distance between their residence and hospitals with adequate equipment. Where a transfer to a different province is needed, they have to bear the cost, which they are unable to afford. Ethnic women who refuse to be transferred also end up dying. Healthcare providers are generally not trained in the cultures or customs of ethnic and tribal women, which result in impediments in providing cervix cancer screenings and other invasive procedures.¹⁷⁶

Women living with HIV struggle to access healthcare services because they lack information and fear discrimination. Pregnant women are routinely counseled and tested for HIV as part of Thailand's national effort to prevent mother-to-child HIV transmission. They are often uninformed of their right to reject the testing and, in instances, HIV+ women are forced to sign a sterilization agreement form in exchange for medical care,¹⁷⁷ a practice considered an act of torture.¹⁷⁸ Women often contract HIV from their husbands, although precise statistics on this do not exist. In addition, young girls with the condition rarely report themselves due to fear of being shamed for engaging in nonmarital sex.¹⁷⁹ Sex workers, with a risk exposure to HIV, are not able to access healthcare and social services due to stigma, discrimination and fear of criminalization.

In the SPBs, **unwanted pregnancy and teenage pregnancy** are major issues, for reasons ranging from lack of information or services to religious code and lack of support from their partners or communities. In addition, despite the spread of HIV/AIDS in the region, women frequently decline to undergo a screening for sexually transmitted infections out of concern that it violates their religious beliefs since doctors are primarily men. Further endangering their health is the fact that **Malay Muslim** girls continue to undergo genital circumcision.¹⁸⁰

For **migrant, refugee and asylum-seeking women**, access to healthcare is minimal or non-existent, due to legal, social and financial barriers.¹⁸¹ Migrants only pay for a Health Insurance Card that allows them to register for or extend their work permit. Because of discrimination by hospital staff, they usually do not access healthcare services and choose to go to pharmacies instead. In hospitals, migrants are assigned to sit apart from Thai patients, and only after all the Thai patients have been served do migrants are attended. Moreover, migrant women have very poor access to reproductive health; oftentimes, abortion and birth control are viewed as a sin and birth control alone can even be considered murder.¹⁸² During the pandemic, migrant women in irregular status were less likely to get access to COVID-19 treatment due to fear of deportation along with the stigma and xenophobia among health professionals that may report them.¹⁸³

Informal women workers likewise experience difficulties accessing healthcare. Lacking social security, they are unable to receive maternity benefits. After giving birth, they have no choice but return to work, and, on many occasions, they take the children at work with them, being the primary caretakers. Informal women workers struggle to support their families because of their low pay and are unable to provide for their children; many of them work in the street selling flowers or performing similar jobs.¹⁸⁴

In **rural areas where mining projects are undergoing**, WHRDs reported being denied access to healthcare by local workers, who are worried that if they offer help or associate with anti-mine groups, they will be shunned or relocated. Local healthcare officials receive financial support from pro-mine groups or governments.¹⁸⁵

XIII. ARTICLE 13: ECONOMIC AND SOCIAL BENEFITS

Social security benefits are not provided equally to all women in Thailand. **Indigenous women** are reportedly disadvantaged to register for nationality, leaving a disproportionate number of the same stateless,¹⁸⁶ and unable to receive social security benefits struggling to access employment, own land, or move around freely. On the other hand, **refugee, asylum-seeking** and undocumented **migrant women**, due to their lack of legal status, enjoy no social security protection. During the COVID-19 pandemic, migrant workers did not receive any help from the Social Security Fund because of lacking Thai ID numbers.¹⁸⁷ **Sex workers** are also included in the vulnerable group that does not wholly benefit from social services. In addition, the COVID-19 pandemic and its related restrictions greatly affected their ability to work,¹⁸⁸ and, without access to economic and social benefits, they were left without incomes and struggled to find shelter.¹⁸⁹

Although there are several pension schemes allowing **people with disabilities** to obtain monetary compensation,¹⁹⁰ allowances remain extremely low.¹⁹¹ When it comes to obtaining social services, there are policy, physical, and mental hurdles for people with disabilities. Intersectionality further multiplies barriers when seeking access.¹⁹² The COVID-19 pandemic has elevated hazards, exacerbated unmet health requirements, and impacted disproportionately their socio-economic life. Because of the lack of human rights approach, COVID-19 revealed the authorities' incapacity to address their needs, and they were not included in any of the Government responses to the COVID-19 pandemic.¹⁹³

There are several pension schemes for elderly people.¹⁹⁴ Whereas Section 11(11) of the 2003 Elderly Person Act states that the elderly have the right to a comprehensive and equitable monthly old age pension,¹⁹⁵ Thailand's welfare system is inadequate. The old-age allowance is one of the lowest in the world and is insufficient to adequately safeguard older people from economic poverty.¹⁹⁶ **Elderly women** seem more affected than elderly men since there are higher levels of unemployment for women than for elderly men.¹⁹⁷ Moreover, approximately 31% of senior Thais, particularly women, lack a formal education, making it difficult for them to find means to sustain themselves financially.¹⁹⁸

Migrant workers are not entitled to all rights provided under the Social Security Fund.¹⁹⁹ The categorization of types of labor under the Social Security Act (1990) has resulted in the unequal protection of migrant workers and led to discrimination against them. For example, they cannot claim social security benefits for child allowance in the same way as Thai workers. A policy granting rights to the dependents of migrant workers is likewise absent.²⁰⁰

Women informal workers are vulnerable and face inequalities in accessing welfare.²⁰¹ There is no women's-specific program in place to support them and, due to socio-economic marginalization, they are ineligible for maternity benefits. Furthermore, the government has not designated a budget for child support in 2023.²⁰²



XIV. ARTICLE 14: RURAL WOMEN

Although the Thai government voted in favor of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), it only acknowledges the existence of ‘ethnic groups/minorities’ and ‘hill tribes’. The estimated Indigenous population in Thailand is around five million people,²⁰³ and the law only recognizes nine ‘hill tribes,’ which amount to 1.2 million people.²⁰⁴ Persons belonging to other Indigenous groups are automatically considered as illegal migrants, even though they have lived in Thailand for decades. Indeed, the government does not regard hill tribe members as citizens of the country, being invisible to the authorities. The government also does not respect the ways of life of tribal women and there are no comprehensive measures to support them.²⁰⁵

Hill tribe communities who fight for their land and community rights are oftentimes harassed and threatened.²⁰⁶ **Land rights defenders** and **women environmental HRDs** are most exposed to abuse and reprisals. For instance, N.M. prominent WHRDs, community leader and a member of the Sai Thong Rak Pah Network, who has been found guilty by the Supreme Court in relation to her legitimate human rights actions and along with 13 other villagers (eight of them women) of the Sab Wai Village, face imminent danger of forced evictions and a situation of extreme poverty. N.M. leads the community in their resistance against the Government’s push for eviction from their lands that is based on the misuse by the government of the ‘forest reclamation policy’ adopted in 2014, and unfair forest conservation laws. The criminalization of the 14 Sab Wai villagers in the Sai Thong National Park is a representative case of Thailand’s false climate solution which fails to recognize Indigenous peoples and forest-dependent communities as ‘Protectors of the Forest’, and instead casts them as criminals, destroyers of the forest.²⁰⁷ Importantly, all 14 villagers belong to the Khon Isaan ethnic group.

In another case, peaceful protests by the Chana community ended with the arrest of 37 people, the majority of them being women and children. They demonstrated in front of the Government House calling on the prime minister to keep the promise to revoke all cabinet resolutions involving the industrial mega-project in Songkhla, Southern Thailand, and conduct a community-led Strategic Environmental Assessment.²⁰⁸ After a week of protests and a violent crackdown on Chana community members, the Cabinet decided to defer the Chana Industrial project in Songkhla until the project's Strategic Environmental Assessment is resolved and assign a committee to evaluate the assessment and other related plans.²⁰⁹

Many Thai women still experience poverty, prejudice, and exploitation in rural regions. They are mostly employed in precarious and vulnerable employment in the informal sector, such as agricultural work.²¹⁰ **Indigenous women** in Northern rural Thailand suffer persistent inequities in health and access to healthcare services, primarily because of distance and transportation barriers.²¹¹ Fear of income loss also acts as a deterrent, since most people from indigenous rural communities are self-employed and cannot permit themselves to take time away from work.²¹² Inequities in healthcare lead to greater negative health



consequences for Indigenous women. Many women affected by preventable diseases, such as cervical cancer and HIV/AIDS, are Indigenous living in rural areas.²¹³ Women and girls seeking to undergo safe abortion also have to deal with the barrier of distance. For women living in rural areas, this can be an insurmountable challenge, as they may require traveling long distances, up to 400 kilometers. As of 2021, out of over 1,000 hospitals and clinics, there were only about 100 in the entire country that are considered pro-choice and offer safe abortion services. Those facilities are far from evenly dispersed, with most located in major cities.²¹⁴

XV. ARTICLE 15: EQUALITY BEFORE THE LAW

While the 2017 Constitution enshrines the principle of equality before the law,²¹⁵ many laws and policies still run counter to the spirit of the principle.

Since the Thai legislation is constructed in a way that conflates the concepts of sex work and human trafficking or illegal migration,²¹⁶ **sex workers** are disenfranchised of their rights. Local authorities conduct raids at their workplace, which are not complemented with an appeal or review mechanism and, indeed, are often carried out under false pretenses. Women who have been deprived of their means of subsistence therefore cannot take their cases up with relevant authorities. Where they are instead arrested on prostitution, immigration, and trafficking charges, the apprehended women are not provided with legal representation or even a translator to inform them of their rights.²¹⁷

Indigenous women likewise have limited access to justice, despite being most prone to various forms of violence rooted in economic, cultural and religious motives. The difficulties faced by indigenous women is fueled by Thailand’s refusal to recognize the term indigenous and apply it to the domestic law.²¹⁸ The refusal to recognize indigenous groups as having distinct characteristics effectively denies them of the heightened protection they are guaranteed under international law, including the UNDRIP. For instance, Indigenous women are often not consulted prior to the enactment of laws affecting them.²¹⁹ They are also prevented from accessing grievance mechanisms and the judiciary due to language barriers and gaps in their knowledge of the national legal system. There has been some tangible progress in this area and legislative instruments concerning the advancement of indigenous and ethnic groups’ livelihoods are currently in discussion at various government levels.²²⁰

Malay Muslim women face a distinct set of challenges in accessing justice due to the cultural overtones of their justice system. The Islamic Law holds primacy over State law in the SBPs.²²¹ Many Malay Muslim women are also not well-versed on the law, possessing minimal understanding of their rights and obligations in the regular course of a dispute or a situation that they face.²²² Outside of civil law, women who fall victim to marital rape or domestic violence are often not aware of their legal options as provided under the Thai Criminal Code and the FDPA, and these statutes are seldom used in the resolution of their cases.²²³ There is also a stigma around implicating law enforcement authorities in cases of this nature, as they are perceived to be private matters to be dealt with by “internal” or “family” members.²²⁴ They are

often unable to navigate the justice system due to being financially dependent on their husbands and language barriers, as many of them do not speak or understand Thai.²²⁵ The government has yet to address these issues, the urgency of which has only increased in light of demands made by Malay Muslim women,²²⁶ and local judges and academics,²²⁷ for a reform. Women along the southern border are regularly blacklisted by the government on suspicions of involvement in national security-related cases, thereby preventing them from relying on government services and main grievance channels.²²⁸

Migrant women workers face limitations accessing justice, seeking remedy or standing up for their rights. In Thailand, migrant workers are required to have a broker in order to work or change jobs. If migrants stand up to their employers or unionize to call for higher wages, they will likely be fired and may not be hired again, because brokers are likely to not refer them to new employers, knowing that they have the tendency to fight for their rights.²²⁹

Women with HIV are largely unable to enjoy equality due to heavy stigmatization of their condition. Thailand does not have legislation in place specifically to protect people living with HIV from discrimination.

XVI. ARTICLE 16: MARRIAGE AND FAMILY LIFE

Women subjected to male violence in intimate relationships is a prevalent issue in Thailand. A survey commissioned by the Women and Men Progressive Movement Foundation in 2021, reported that 75% of women over 20 years old have experienced several instances of domestic abuse.²³⁰ Domestic violence cases increased by 66% during the COVID-19 outbreak. The cases increased by 48% in the South and by 26% in Bangkok.²³¹ The COVID-19 outbreak has also resulted in poor access to services for survivors of domestic violence and gender-based violence, causing difficulties in visiting hospitals for physical and psychological treatment, as well as collection of evidence with respect to the abuse. Government and private shelters have limited the number of survivors that can be taken in or shut down their services entirely.

The recorded incidences of violence against women are only the tip of the iceberg. Many incidents of violence against women continue to go unreported for a variety of reasons;²³² it is estimated that roughly 87% of rape cases are not reported to the police.²³³ The first possible reason is the worry that the abusers, who are frequently those closest to the survivors, such as husbands and live-in partners, may take revenge. The second possibility are pervasive gender norms which place women in submissive roles following a patriarchal division of tasks placing emphasis on the subservient role of women as family caregivers, who, for the sake of their family's survival and reputation, should endure violence from the breadwinners. Such practices give way to victim-blaming discourses and stigmatization.²³⁴

On a legal protection level, although the female survivor of GBV is technically entitled to require a female inquiry officer, there is a limited number of female officers, which survivors of GBV feel unsafe.²³⁵ The



government fails to provide adequate and accessible funding and facilities for the health and social welfare of women affected by domestic violence. Furthermore, the existing judicial system is unfriendly to survivors.²³⁶ Unfair trials are common place with poor or inexistent legal representation,²³⁷ coupled with the accusatory approach utilized by courts, which requires them to prove that the harm was caused by the abusers, the latter of whom are innocent before proven guilty.²³⁸

Some categories of women suffer intersecting forms of discrimination, which lead to them being more vulnerable to domestic abuse. Such is the case with **Malay Muslim women**, who are denied decision-making power in their marriage.²³⁹ While the Thai Civil and Commercial Code provides for a minimum marriage age of 17 years, this does not apply to marriages among Malay Muslims which are governed by the Islamic Family and Inheritance Law or customary practices.²⁴⁰ Consequently, Malay Muslim girls can be forced to marry as soon as they reach puberty. Furthermore, under the Thai Civil and Commercial Code, polygamy is prohibited, while such marriages are allowed under the Islamic Family and Inheritance Law.²⁴¹ Malay Muslim women are also often subject to domestic violence; problematically, if they wish to divorce, they face challenges to file divorce applications.²⁴² A husband may file for a divorce without his wife's consent, and the request cannot be appealed.²⁴³ Husbands who wish to divorce their wives could also go "shopping" for a community leader that is willing to have their divorce certified.²⁴⁴ According to Islamic Law, between the time a married couple separates and has their divorce finalized, the husband is obligated to pay compensatory allowance to his wife. In reality, however, the Islamic committee may rule that such an allowance need not be paid in the absence of an agreement specifying so upon marriage.²⁴⁵ Malay Muslim women also face resistance from community religious leaders and Islamic committee members who often do not believe that domestic violence had occurred. Instead, they believe that only men should hold decision making power over marriage cases and dispute resolution.²⁴⁶

Thailand tops the global shame list of children rights offenders, ranking 19th among 193 UN States as having the highest number of girls married or in a union before the age of 18 years, with 4% of girls married before the age of 15 and 23% of girls married before their 18th birthday.²⁴⁷ The majority of child marriages occur in Thailand's North and Northeast, as well as in rural regions.²⁴⁸ The issue of child marriages is prevalent in migrant communities because of poor living conditions, with desperate parents trying to push children out of their homes to stay afloat financially.²⁴⁹ During the 2019 International Conference on Population and Development (ICPD25), the government of Thailand committed to reducing child marriage below age 18 by empowering female students to continue their education.²⁵⁰ Yet, under the current Thai Family Law, Section 1448, a marriage can take place when the man and woman have completed their seventeenth year of age. In addition, a glaring loophole in this law that leaves children and especially girls vulnerable, is a provision that states that the Court, "in case of having appropriate reason, [may] allow [children] to marry before attaining such age."²⁵¹

There is a long way to go for LGBTIQ+ equality with respect to marriage. Same-sex marriage is not legalized and **LGBTIQ+ women** are not guaranteed equal rights as a result.²⁵² On 17 November 2021, the Thai Court ruled that Section 1148 of the Civil and Commercial Code, which defines marriage as a union between a man and a woman, does not violate the Constitution. The verdict contains highly offensive, homophobic and obsolete language.²⁵³ The Court discouraged lawmakers from legalizing same-sex marriage by



comparing same-sex couples to animals and claimed members of the LGBTIQ+ community should not be included under the same law as heterosexual couples, but rather in a separate legislation.²⁵⁴



ANNEX 1: RECOMMENDATIONS

Article 1: Definition of discrimination

1. Adopt a comprehensive anti-discrimination law that prohibits discrimination on all grounds, including sexual orientation and gender identity, in line with the 2015 Concluding Observations of the Committee on Economic, Social and Cultural Rights to Thailand;
2. Amend the 2015 Gender Equality Act to eliminate any limitation on the protection against gender-based discrimination, including gender-harassment and gender-based hate speech and hate crimes, in line with the 2017 Concluding Observations of the Human Rights Committee to Thailand. Intensify measures to ensure LGBTIQ+ women do not suffer from discrimination and violence, can fully exercise their rights to freedom of expression, freedom of peaceful assembly and association and freedom from arbitrary arrests; and guarantee LGBTIQ+ women have access to effective remedy while perpetrators are held into account.

Article 2: Policy measures to be undertaken to eliminate discrimination

1. Revise Section 17(2) of the Gender Equality Act to ensure the elimination of exceptions to the prohibition of gender-based discrimination provided thereunder, in line with the 2017 Concluding Observations of the Committee on the Elimination of Discrimination against Women;
2. Create a comprehensive policy and action plan to abolish harmful practices against women and men from all socioeconomic and cultural backgrounds, especially those among traditional communities, to eliminate all forms of patriarchy and gender stereotype which facilitate the discriminatory distinction of roles and responsibilities between men and women;
3. Ensure the voices of different categories of women and the LGBTIQ+ community are included in the drafting of laws and policy processes;
4. Revise the Promotion of Development and Protection of Family Institution Act (FDPA) by integrating a survivor-centered approach to domestic violence law and eliminating family-centric policies;
5. Provide training and capacity building programs for media workers and outlets to enhance understanding in gender-sensitive reporting and refrain from engaging in practices that enable the harmful stereotyping of women;
6. Provide gender-sensitive training and training on CEDAW to government workers at all levels, including the police; Enforce penalties for government officials who discriminate against certain characteristics or do not offer equal services;
7. Improve the institutional and legal framework necessary to address gender-based violence cases, including by ensuring adequate access to crisis centers, shelters, and protective measures and grievance mechanisms. Strengthen the capacity of law enforcement authorities to implement existing guidelines applicable to the effective investigation and prosecution of such cases in line with international human rights standards;

8. Set up programs targeted at enhancing women’s access to education, employment and adequate healthcare. Remove barriers to access the same services and benefits for transgender women by developing a specific guideline on the proper identification of LGBTIQ+ persons and the rights they are entitled to, as well as disseminate such guideline to private entities and government agents, and caseworkers;
9. Prioritize the implementation of LGBTI-sensitive screening procedures that allow LGBTIQ+ persons to promptly disclose their gender identity in a safe, dignified and confidential manner;
10. End the immigration detention of LGBTIQ+ persons and explore, develop and implement LGBTI-sensitive alternatives to detention;
11. The National Human Rights Commission (NHRC) of Thailand should bear the duty and responsibility to educate marginalized or rural communities about their rights, and enact a proactive strategy to raise awareness of gender-based discrimination;
12. Enact mechanisms to properly monitor if CEDAW is being incorporated and install a system of checks and reports to monitor progress;
13. Explore collaboration opportunities with CSOS all over Thailand and Islamic committees to initiate discussions on gender equality and CEDAW application. Provide a safe space for CSOs to operate in these areas and conduct dialogue with religious organizations;

Article 3: Guarantee of basic human rights and fundamental freedoms

1. Clearly delineate women’s rights and the development measures guaranteed to women in the 13th National Economic and Social Development Plan for 2023-2027, in addition to setting up the necessary mechanisms at all government levels to effectively implement the terms of the Development Plan;
2. Adopt a gender-based approach in its development projects and establish participatory mechanisms to secure the free, prior and informed consent of affected communities, including women belonging to indigenous groups and the LGBTIQ+ spectrum;
3. Provide proper training for law enforcement officials on CEDAW implementation and enhance collaboration with civil society in identifying the specific needs of communities;
4. Review the Criminal and Civil Procedure Code, as well as create a standalone legislation, to address the issue of judicial harassment of women human rights defenders and members of marginalized groups in the course of defending themselves from harmful corporate activities and development projects;
5. Harmonize norms and practices of religious and traditional institutions with state legislation and the Convention, provide capacity building programs and information dissemination sessions with traditional and religious leaders on women’s empowerment and gender-progressive methods of reinforcing their values;
6. Simplify reporting procedure of gender-based violence cases for women from rural and indigenous backgrounds, as well as women with disabilities, and enhance access to ancillary apparatus including psychosocial support, health-testing and legal aid;
7. Take steps to improve its pandemic response with a gender lens. Set up sufficient healthcare facilities and safehouses for survivors of domestic abuse in rural and marginalized areas. Ensure the provision of educational materials on the pandemic and health protocols in an accessible

language and format for women residing in these areas and response communication centers to aid in the dissemination of accurate information to community members and leaders;

8. When LGBTIQ+ refugees and migrants are put into detention centers, provide access to LGBTI-sensitive medical and authorize treatments associated with gender affirming care, making sure that every transgender detainee can access them.

Article 4: Temporary special measures to achieve equality

1. Introduce temporary special measures to accelerate the realization of women's substantive equality with men in all areas, in particular with regard to women's participation in decision making bodies, targeting marginalized women.

Article 5: Sex roles and stereotyping

1. Adopt a comprehensive strategy with proactive and sustained measures that target women and men at all levels of society, including religious and traditional leaders, to eliminate stereotypes and patriarchal attitudes concerning the roles and responsibilities of women and men in the family and society and harmful practices that are discriminatory to women, in line with section 19 of the Concluding observation on the combined sixth and seventh periodic reports of Thailand of 24 July 2017;
2. Take all appropriate measures to modify the social and cultural patterns of conduct of men towards women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;
3. Take concrete measures to ensure the safety and protection of women survivors subjected to all forms of domestic violence and gender-based violence by increasing the effectiveness of restraining orders as well as criminal offenses against perpetrators. Ensure that survivors of domestic violence have adequate access to shelters, crisis centers, protection orders, as well as legal remedies, instead of reconciliation and mediation;
4. Ensure professionally trained and equipped female police officers deal with gender-based and domestic violence cases; Police response to violence against women and girls must be provided with due diligence and must not cause further harm or secondary victimization to survivors;
5. Establish help centers dedicated to women who face gender-based violence;
6. Support awareness-raising programs on gender-based violence for migrant workers so that they can name the violence they experience and report it;
7. Expand assistance to civil society organizations working in gender-based violence issues to enable their work;
8. Support the adoption of UN resolutions that denounce gender-based violence, and take active steps to ensure their dissemination among communities and effective implementation.

Article 6: Trafficking and Prostitution

1. Commit firmly to a policy of zero tolerance of trafficking-related corruption and complicity by government officials. Offenders should be prosecuted and adequately punished with a view to

- dissuade such practices, in accordance with the 2012 Report of the Special Rapporteur on Trafficking in Persons, Especially Women and Children;
2. Intensify efforts to raise awareness about the nature of trafficking. Mandatory training should be carried out to ensure that government officials are cognizant of the difference between “trafficking victims” and “illegal immigrants”;
 3. Ensure that awareness-raising activities appropriately target specific groups at higher risk of being trafficked, such as migrant workers and indigenous peoples;
 4. Take concrete steps and comprehensive measures to combat human trafficking and provide services to victims, ensuring that rights of Indigenous women and girls are respected, protected, and fulfilled;
 5. Decriminalize sex work by repealing the 1996 Prevention and Suppression of Prostitution Act and other legislation on the subject, in line with the 2017 Concluding Observations by the Committee on the Elimination of Discrimination against Women to Thailand and the 2019 Report of the Working Group on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises;
 6. Conduct consultations with sex workers on how exploitation within the industry is best addressed. The following forms of exploitation, as recognized by sex workers, should be urgently addressed: salary cuts; compulsory alcohol consumption; interference with their freedom to choose or refuse customer; and receipt of any less than 50% share of the earnings. For migrant sex workers, the additional elements of passport retention and/or movement restriction should be recognized as exploitative;
 7. Take steps to reform regulatory and legislative frameworks applicable to the sex work industry. Reforms must take into account labor standards including work hours, proper inspection aided by sex worker unions and law enforcement, and occupational safety and health;
 8. Ensure the availability of avenues for sex workers to challenge unfair labor practices which they are subjected to, including within labor tribunals and grievance mechanisms set up through the 2015 Gender Equality Act, the National Human Rights Commission (NHRCT);
 9. Investigate and prosecute individuals who engage in exploitative practices against women sex workers, including government officials;
 10. Immediately cease raids of entertainment venues, entrapment operations, and extortions. Hold responsible State agents and police officers involved in such activities.

Article 7: Political and Public Life and Article 8: Participation at the International Level

1. Guarantee representation and participation of indigenous women in the decision-making process for matters concerning them, in line with the 2017 Concluding Observations of the Committee on the Elimination of Discrimination against Women to Thailand;
2. Enact specific domestic legislation recognizing and protecting indigenous peoples’ rights in lieu of the Draft Protection and Promotion of the Way of Life of Ethnic Groups Act and ensure that every member of the Indigenous communities – women or men or gender nonconforming individuals – can all meaningfully participate in the drafting process. The legislation must be in accordance with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the ILO Convention 169;

3. Formulate measures, including affirmative action, to improve the participation of women in the public and political spheres, including the executive, legislative, and judicial branches, as well as law enforcement agencies, the diplomatic service and academic institutions;
4. Adopt all necessary measures to ensure that land title deeds include women's names;
5. Adopt all measures necessary to protect human rights defenders, from any and all acts of intimidation, harassment and killings and ensure that perpetrators of such acts are brought to justice. Effectively protect and define 'human rights defenders' under the Constitution, in line with the UN Declaration on HRDs;
6. Enact a standalone anti-SLAPP law to ensure legal protections against Strategic Lawsuits against Public Participation (SLAPP) aiming at silencing dissents, and protect individuals from judicial harassment by the state and corporations. In the meantime, enforce Sections 161/1 and 165/2 of the Criminal Procedure Code and publish statistics on its use to assess its effectiveness in addressing SLAPP cases;

Article 9: Nationality

1. Expedite the process of granting Thai citizenship to indigenous persons with necessary reforms in the laws, policies, and processes for registration of nationality in order to ensure their access to social services, access to justice, and legal protections;
2. In line with Articles 9 of CEDAW and Article 6 of UNDRIP, ensure indigenous women have equal access to nationality as men, taking into account the limitations which currently restrict them from doing so;
3. Take effective measures to address the obstacles encountered in the acquisition of citizenship by those who qualify for it, including with regard to obtaining the required documentation from local authorities;
4. Strengthen efforts to facilitate the registration of births, including by allowing late registration as well as registration through the healthcare system;
5. Facilitate access to citizenship including by reducing simplifying procedures, disseminating information and reducing waiting times, thus ensuring the hill tribe people can exercise their right to a nationality and all other human rights hampered by their statelessness.

Article 10: Equality in Education

1. Scale up efforts aimed at improving access to basic education for girls and women in its jurisdiction regardless of their legal status. Address the root cases for high numbers of school dropouts and refine the quality of gender-sensitive learning materials;
2. Introduce human rights education in the national school curriculum, accessible to all;
3. Strengthen efforts to protect and conserve ethnic languages, and promote the teaching of ethnic languages in schools, in line with the 2012 Concluding Observations of the CERD Committee to Thailand;
4. Improve access to education with interventions targeted towards understanding and overcoming specific barriers faced by indigenous peoples and children and adopt necessary laws and policies to provide adequate resources for the implementation of mother education (MTB/MLE);

5. Ensure the continuity of the academic learning of children; that all migrant children, being documented or undocumented, are not denied enrolment/getting back to schools and are provided with equitable and inclusive access to good learning conditions;
6. Improve the overall education for all and ensure children of informal workers enjoy their right to education.

Article 11: Employment

1. Ensure that women working in the informal sector enjoy the protection they are entitled to under international human rights law, including by expanding coverage for labor and social security policy;
2. In line with the 2017 Concluding Observations of the Committee on the Elimination of Discrimination against Women, create more opportunities in formal employment for women, particularly by promoting the equitable sharing of domestic responsibilities between women and men, and enhancing early childcare and maternity leave policies;
3. In line with 2017 CEDAW Committee's Concluding Observations to Thailand, effectively protect the rights of informal workers, including by ensuring adequate coverage of labor and social security protections. To this end, the Draft Act on Promotion and Development of the Quality of Life of Informal Workers should be enacted;
4. Set up a fund specifically to support ethnic women employment projects, instead of allocating money from women's funds; Involve ethnic women in the management of the fund and vest them with decision-making powers concerning the fund;
5. Enact a regulation establishing an appropriate minimum wage standard, adequate for satisfying reasonable human needs, for piece workers, and ensure a fair rate is paid for each task or piece of work they do;
6. Create a database with informal workers;
7. Speed the process of amending Ministerial Regulation No. 14 under 1998 Labor Protection Act;
8. Eliminate all forms of gender-based discrimination in the workplace, including in the context of hiring and promotion, as well as age of retirement;
9. Improve access to redress for women victims of labor exploitation, especially those working in high-risk environments, by creating a comprehensive reporting and investigation protocol;
10. Establish a system that is efficient in digitizing data about migrant workers, and ensure that the data from each ministry are uniform;
11. Take all the necessary steps to ensure migrant workers have the freedom to change their jobs without having to rely on brokers; Allow for year-round registration for work permits rather than seasonal registration, which enables broker abuse;
12. Encourage the creation of disability-friendly workplace facilities by business actors, and increase awareness of the specific needs of workers with disabilities in terms of work hour policy, work spaces, and tools used in the conduct of their responsibilities;
13. Include Malay Muslim women with disabilities in community development and training and employment initiatives in the SBPs; Ensure the right to work by generating employment opportunities for persons with disabilities in the SBPs and addressing discriminatory employment

practices. Together with organizations of persons with disabilities, develop and implement employment schemes that are economically and culturally appropriate to the SBPs;

Article 12: Healthcare and Family Planning

1. Improve the dissemination of information about legal abortion;
2. Improve access to safe and legal abortion and standardized post-abortion care;
3. Address the remaining obstacles in access to the universal healthcare scheme, in particular for disadvantaged and marginalized individuals and groups facing intersectional discrimination, and ensure good quality healthcare; Ensure the presence of translators in healthcare centers to facilitate communication between ethnic groups and healthcare staff;
4. Support alternative medicines and alternative care in health centers, tailored to ethnic groups' needs;
5. Take active steps to reduce maternal mortality rates among women at all levels of society, especially those belonging to ethnic minority groups within the SBPs. Ensure the availability of the appropriate sexual and reproductive healthcare services and testing tools;
6. Enhance protection from forced sterilization, unsafe abortion, and female genital mutilation. Improve access to effective contraceptive methods scale up family planning initiatives among vulnerable communities;
7. Provide migrant workers and marginalized communities with education on sexual and reproductive health;
8. Provide training to hospital staff and raise awareness about migrant workers to combat discrimination and prejudice.

Article 13: Economic and Social Benefits

1. Put in place a comprehensive social security system for all to provide income security and support at every stage of life for everyone, with particular attention to the most disadvantaged and marginalized groups; The social protection schemes must be responsive to the needs of children and promote behavior that advances equality between men and women;
2. Extend social protection to workers in informal employment;
3. Provide social security measures through public systems and institutions, when possible. Ensure that if privatized, social security and social protection are not sacrificed for economic efficiency and gain, in line with A/73/396 (2018) Report of the UN Special Rapporteur on extreme poverty;
4. Take practical measures to improve the regulation of the entertainment industry by ensuring the full application of labor laws and social benefits within the industry;
5. Distribute the country's wealth equally among regions and allocate additional financial support to Isaan people to improve their living conditions and ensure the enjoyment of their economic, social and cultural rights, and access to equal opportunities in all spheres of life;

Article 14: Rural Women

1. Improve the living situation of rural women, particularly those belonging to indigenous and ethnic groups, who reside in peripheral regions which tend to be poorer, more isolated, and less

connected to social services; Prioritize the development of these rural communities, engaging local women in the design and implementation of rural development plans;

2. Eliminate all barriers inhibiting rural women’s participation in policy formation and ensure the integration and mainstreaming of a gender perspective into all agricultural and rural development policies, strategies, plans and programmes, enabling rural women to act and be visible as stakeholders, decision makers and beneficiaries.

Article 15: Equality before the Law

1. Improve protection for survivors of GBV by defining clearly its criminal nature and disseminating information among law enforcement authorities that it should not be treated as a problem to be resolved internally or by family members of survivors, in addition to creating a legal environment which encourages survivors to report or submit a complaint against their abusers;
2. Clarify that all pluralistic legal systems which coexist alongside secular law must align with the Thai constitutional guarantees, and be interpreted and applied in a manner that is consistent with the principles of gender equality and non-discrimination;
3. Develop programs, policies, and guidelines to address knowledge gaps among women in rural areas and marginalized communities about the national legal system and the judiciary, as well as their rights and responsibilities as Thai citizens;
4. Recognize, as a matter of law, the indigeneity of groups who identify themselves as indigenous. Create avenues for their meaningful participation in the drafting or enactment of laws concerning their interests. Align national regulations, laws, and policies with the UNDRIP, to which Thailand is a signatory;
5. Recognize sex workers as rights-holders who are entitled to same levels of human rights protection under Thai labor laws. Reform the Thai “raid and rescue” operations to be implemented only under extraordinary circumstances, with the appropriate warrants, and with due respect to the well-being of those rescued and their families.

Article 16: Marriage and Family Life

1. Increase the minimum age of consent as provided in Section 277(5) of the Criminal Code so that both boys and girls could only marry once they have reached 18 years of age, and take all necessary measures to eliminate child and/or forced marriage; raise the minimum age for marriage to 18 years and eliminate legal loopholes that allow children to be married or enter into a union by revising Section 1448 of the Thai Family Law;
2. Formulate a strategic plan to abolish the practice of polygamy, especially among ethnic minority groups of the SBPs, and to collaborate with civil society in creating programs to empower women in polygamic marriages to report any cases of domestic violence they experience;
3. Strengthen dialogue with community and religious leaders about the harms of polygamy, and faith-based discrimination and violence against women, with a view to strategizing steps to reduce their occurrence and address identified cases;
4. Amend the Civil and Commercial Code, Book 4, Section 1448 to recognize same-sex marriage.



Endnotes

- 1 “The implementation of paragraph one to eliminate the obstacles or to encourage the persons to exercise their rights and freedom as other persons, or for protection of the persons’ safety and welfare, or for the compliance with religious principles, or for the national security shall not be deemed unfair gender discrimination.” Gender Equality Act, B.E. 2558 (2015), available at: https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=100442&p_country=THA&p_count=441
- 2 Manushya Foundation, *The Rights of Marginalized Women in Thailand: Joint Submission to the UN Universal Periodic Review (UPR) for Thailand's Third UPR Cycle 39th Session of the UPR Working Group*, (21 March 2021), available at: <https://www.manushyafoundation.org/joint-upr-submission-marginalized>
- 3 Manushya Foundation, *Sexual Orientation, Gender Identity And Expression, And Sex Characteristics (SOGIESC) Rights In Thailand: Joint Submission To The UN Universal Periodic Review (UPR) For Thailand's Third Upr Cycle, 39th Session Of The UPR Working Group*, (25 March 2021), available at: <https://www.manushyafoundation.org/joint-upr-submission-sogiesc>
- 4 OHCHR, *Concluding observations of the Committee on the Rights of Persons with Disabilities on the initial report of Thailand*, (12 May 2016), available at: <https://www.ohchr.org/en/documents/concluding-observations/crpdcthaco1-concluding-observations-committee-rights-persons>
- 5 Constitution of the Kingdom of Thailand (2017), available at: http://www.constitutionalcourt.or.th/occ_en/download/article_20170410173022.pdf
- 6 Manushya Foundation, *Joint Civil Society Shadow Report On The Implementation Of ICERD, Replies to the List of Themes CERD/C/THA/Q/4-8 105th CERD session (15 November - 3 December)*, (25 October 2021), available at: <https://www.manushyafoundation.org/joint-civil-society-cerd-shadow-report>; Manushya Foundation, *Armed Conflicts and the Human Rights Situation in the Southern Border Provinces of Thailand: Thailand's Third Universal Periodic Review Cycle*, (9 September 2021), available at: <https://www.manushyafoundation.org/thailand-third-upr-cycle-factsheet-armed-conflicts>; OHCHR, UN Human Rights Committee, *Concluding observations on the second periodic report of Thailand*, (25 April 2017), available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=8&DocTypeID=5
- 7 One representative of migrant workers groups reported that when employees from the Department of Labor Protection were asked about CEDAW, they responded they have not heard of it and do not know any details. Information obtained from interviews conducted by Manushya Foundation to inform this report, (August-September 2022)
- 8 Information obtained from interviews conducted by Manushya Foundation to inform this report, (August-September 2022)
- 9 Information obtained from interviews conducted by Manushya Foundation to inform this report, (August-September 2022)
- 10 For instance, interviewees informed us of the government’s appointment of a committee of women to implement CEDAW in the country. However, the committee still receives instructions from male-dominated government bodies in fulfilling their role. Information obtained from interviews conducted by Manushya Foundation to inform this report, (August-September 2022)
- 11 Information obtained from interviews conducted by Manushya Foundation to inform this report, (August-September 2022)
- 12 Information obtained from interviews conducted by Manushya Foundation to inform this report, (August-September 2022)
- 13 Information obtained from interviews conducted by Manushya Foundation to inform this report, (August-September 2022)
- 14 Information obtained from interviews conducted by Manushya Foundation to inform this report, (August-September 2022)



- 15 Information obtained from interviews conducted by Manushya Foundation to inform this report, (August-September 2022)
- 16 Stakeholders and communities affected are not involved in the meetings on the designs of national action plans. Information obtained from interviews conducted by Manushya Foundation to inform this report, (August-September 2022)
- 17 It aims to increase gender awareness and support the growth of women
- 18 It has the responsibility to explicitly address the concerns of women's empowerment and gender equality
- 19 Office of the National Economic and Social Development Board Office of the Prime Minister, *The Twelfth National Economic And Social Development Plan (2017-2021)*, available at: https://www.oneplanetnetwork.org/sites/default/files/thailand_national_economic_and_social_development_plan_nesdp.pdf
- 20 Phanthuwongpakdee, N. et al., Proceeding Paper Localizing SDGs in Thailand: Towards a More Inclusive National Science, Research, and Innovation (SRI) Plan, *Environmental Sciences Proceedings*, (13 April 2022), available at: <https://www.mdpi.com/2673-4931/15/1/15>
- 21 Information obtained from interviews conducted by Manushya Foundation to inform this report, (August-September 2022)
- 22 Manushya Foundation, *Comments on the Final Draft National Action Plan (NAP) On Business And Human Rights (BHR) In Thailand*, available at: <https://www.manushyafoundation.org/comments-on-the-nap-on-bhr>
- 23 The law has not officially been passed by the Parliament. Its contents and administration remains unknown; however, the government has not made any attempt to review and reform its content. Instead, the Ministry of Justice ordered this law to be applied in cases involving family and inheritance matters, with the assistance of Islamic scholars, who can only be men
- 24 Initiatives taken include the Strategic Plan for Children, Women and Families in the SBPs B.E. 2562–2564 (2019–2021); the National Women’s Development Strategy (2017–2021); and Coordination Centers for Women and Children Affairs in the SBPs. See Minority Rights Group International, *Minority and Disability Rights in Thailand’s Deep South*, (13 July 2022), available at: <https://minorityrights.org/publications/disability-thailand/>
- 25 Minority Rights Group International, *Minority and Disability Rights in Thailand’s Deep South*, (13 July 2022), available at: <https://minorityrights.org/publications/disability-thailand/>
- 26 Manushya Foundation, *The Rights of Indigenous Women In Thailand: Joint Submission To The UN Universal Periodic Review (UPR) For Thailand’s Third UPR Cycle, 39th Session Of The UPR Working Group*, (16 April 2021), available at: <https://www.manushyafoundation.org/joint-upr-submission-ipwomen>
- 27 This includes getting an HIV diagnosis, living with the disease and receiving healthcare
- 28 Prachatai English, *Gender-Responsiveness key to inclusiveness in COVID-19 pandemic*, (21 April 2020), available at: <https://prachatai.com/english/node/8475>
- 29 Examples of fake claims within indigenous communities include the claim that the consumption of chicken feces can cure COVID-19. See Manushya Foundation, *Indigenous Women: Thailand’s Third Universal Periodic Review Cycle*, (29 September 2021), available at: <https://www.manushyafoundation.org/thailand-third-upr-cycle-factsheet-indigenous-women>
- 30 Due to the lack of legal recognition of refugees and asylum seekers, all the persons entering Thailand without a legal permission are treated according to the 1979 Immigration Act that stipulates arbitrary arrest and detention
- 31 Due to the strict binary gender partition of prisons, if a transgender woman has not had gender reassignment surgery, she will most likely be placed in a male cell, and most likely not allowed by men in the cell to use the bathroom with them. See Manushya Foundation, *Joint Civil Society Shadow Report On The Implementation Of ICERD, Replies to the List of Themes CERD/C/THA/Q/4-8 105th CERD session (15 November - 3 December)*, (25 October 2021), available at: <https://www.manushyafoundation.org/joint-civil-society-cerd-shadow-report>
- 32 This practice was recognized as physically and psychologically destructive. See International Detention Coalition, *LGBTI Persons in Immigration Detention*, (June 2016), available at: <https://idcoalition.org/publication/lgbti-persons-in-immigration-detention-position-paper/>



33 Manushya Foundation, *Joint Civil Society Shadow Report On The Implementation Of ICERD, Replies to the List of Themes CERD/C/THA/Q/4-8 105th CERD session (15 November - 3 December)*, (25 October 2021), available at:

<https://www.manushyafoundation.org/joint-civil-society-cerd-shadow-report>; The Washington Post, *This is about more than just prisons: Thailand tries out a special wing for transgender inmates*, (16 March 2017), available at: https://www.washingtonpost.com/world/asia_pacific/thailands-transgender-inmates-offeredseparate-detention-still-craving-hormones/2017/03/15/05e4b3fe-0444-11e7-ad5b-d22680e18d10_story.html

34 Information obtained from interviews conducted by Manushya Foundation to inform this report, (August-September 2022)

35 Information obtained from interviews conducted by Manushya Foundation to inform this report, (August-September 2022)

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37 Men are primarily considered the head of the households and granted the roles of community leaders and/or representatives

38 Manushya Foundation, *The Rights of Indigenous Women In Thailand: Joint Submission To The UN Universal Periodic Review (UPR) For Thailand's Third UPR Cycle, 39th Session Of The UPR Working Group*, (16 April 2021), available at: <https://www.manushyafoundation.org/joint-upr-submission-ipwomen>

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41 The meaning of "domestic violence" has been expanded under the new FDPA and now covers any action which impairs the "health" or "freedom" of other family members, in addition to the earlier inclusion of harm to life, body, and mind. See Atherton Legal, *Does Thailand's New Family Development And Protection Act Prohibit Smoking At Home?*, (9 July 2019), available at: <https://athertonlegal.com/does-thailands-new-family-development-and-protection-act-prohibit-smoking-at-home/>

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44 In the murder case in Bang Phrom, a man murdered his mother and was later shot to death by the police. Even though the man has been abusing his mother for years and people in the neighborhood have reported him so many times, the police never arrested him as they considered it a family matter. See Manushya Foundation, *Domestic Violence is a Crime! The Matricide Case at Bang Phrom, Thailand*, (29 January 2021), available at: <https://www.manushyafoundation.org/post/domestic-violence-is-a-crime-the-matricide-case-at-bang-phrom-thailand>

45 According to a nationwide survey carried out by the Thai Health Promotion Foundation, there has been a 66% increase in domestic violence cases since the introduction of COVID-19 control measures in March 2020. Cases increased by nearly a half in the South. In the first seven months of 2020, there were 367 reported cases of domestic violence, with 242 of them resulting in the death of the victim. See UCA News, *Thailand sees surge in domestic violence during pandemic*, (24 November 2020), available at: <https://www.ucanews.com/news/thailand-sees-surge-in-domestic-violence-during-pandemic/90421>

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50 Protection International, *[Thailand] Angkhana Neelapaijit and Anchana Heemmina File Civil Case against PM's Office and Royal Thai Army for Their Involvement in a Disinformation and Smear Campaign*, (16 November 2020), available at: <https://www.protectioninternational.org/en/news/thailand-angkhana-neelapaijit-and-anchana-heemmina-file-civil-case-against-pms-office-and-royal>; Manushya Foundation Instagram Page, *Public post of 12 May 2022 concerning the case of Angkhana Neelapaijit and Anchana Heemmina*, (12 May 2022), available at: <https://www.instagram.com/p/CddX6rYLR-N/>

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- 85 The Urak Lawoi indigenous women of Koh Sireh Island were excluded from the preparation and proceedings of the lawsuit and their concerns were not taken into consideration, despite having lived on their ancestral grounds for almost a century, have experienced increasing issues as a result of the island's rapid business expansion and building, which is primarily tied to tourism and real estate projects. Due to a lack of proper land titles, the Urak Lawoi's lands were sold to investors in 2012, and the community was served with an eviction notice. The Urak Lawoi have been fighting a long legal battle to keep their ancestral lands. The Urak Lawoi Women sought to participate actively in the preparation of their Appeal Court lawsuit, being the major voices raising concerns about malpractices of the legal proceedings. See Manushya Foundation, *Community-Led & Participatory Research Report 'raising Our Voices To Save Our Future'*, (September 2019), available at: <https://www.manushyafoundation.org/iwnt-report>
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 Disability pension (formal sector, social insurance): The person must be incapable of work and have at least three months of contributions in the 15 months before the total physical or mental disability begins. Medical officers assigned by the Social Security Office assess the degree of disability annually. The medical committee of the Social Security Office may suspend the benefit if it determines that the disability pensioner is rehabilitated.
 Disability pension (informal sector, social insurance): The person must be assessed with a disability and not insured under the formal-sector program. Must have at least six months of contributions in the 10 months before the disability begins. Medical officers assigned by the Social Security Office assess the degree of disability annually. The medical committee of the Social Security Office may suspend the benefit if it determines that the disability pensioner is rehabilitated.
 Disability benefit (National Savings Fund, provident fund): The person must be younger than age 60, assessed with a disability, and not insured under the formal-sector program. See Social Security Programs Throughout the World: Asia and the Pacific, available at: <https://www.ssa.gov/policy/docs/progdesc/ssptw/2018-2019/asia/thailand.html>
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 Old-age pension (formal sector, social insurance): Age 55 with at least 180 months of contributions;
 Old-age settlement (formal sector, social insurance): Age 55 with at least one but less than 180 months of contributions;
 Old-age grant (informal sector, social insurance): Age 60 and not insured under the formal-sector program;
 Old-age pension (National Savings Fund, provident fund): Age 60 and not insured under the formal-sector program;
 Old-age pension (social assistance): Age 60 and not receiving any other pension. See Social Security Programs Throughout the World: Asia and the Pacific, available at: <https://www.ssa.gov/policy/docs/progdesc/ssptw/2018-2019/asia/thailand.html>
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