

## THAILAND

### Joint UPR Submission to the UN Universal Periodic Review

### 39<sup>th</sup> Session of the UPR Working Group

## The Rights of Marginalized Women in Thailand

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### 1. Introduction

- 1.1. In this document, the authors examine the Government of Thailand's compliance with its international human rights obligation concerning marginalized women's rights. Specifically, we analyze Thailand's respect for gender equality, the fight against gender-based violence and the protection of women pertaining to minorities and social groups since its previous UPR examination in 2016. To this end, we assess Thailand's implementation of recommendations received during the 2<sup>nd</sup> UPR cycle related to these issues and provide a number of specific, action-orientated follow-up recommendations.
- 1.2. During the 2<sup>nd</sup> UPR cycle, the government of Thailand received 31 recommendations on women's rights and gender equality. The government noted 2 of these recommendations and thus accepted 29 of them. This submission demonstrates, in the following sections, that the government did not implement any.
- 1.3. Despite the fact that some steps forward have been made, abuses and violence against women are still rampant and many challenges persist. We are particularly concerned by discrimination especially in employment and the workplace against women and gender-based violence. Moreover, women who belong to certain social groups such as LGBTQ, indigenous peoples, migrant workers, sex workers, people living with HIVs and persons with disabilities face multiple layers of discrimination and barriers to safeguard their social and economic rights.
- 1.4. This submission indicates that marginalized women face severe challenges in accessing their human rights, in the following manner:
  - Section 2 examines Thailand's implementation of UPR recommendations and compliance with international human rights standards concerning gender equality and discrimination.
  - Section 3 examines Thailand's implementation of UPR recommendations and compliance with international human rights standards concerning gender-based violence.

- Section 4 examines Thailand's implementation of UPR recommendations and compliance with international human rights standards concerning the rights of LGBTQ women.
- Section 5 examines Thailand's implementation of UPR recommendations and compliance with international human rights standards related to the rights of the Indigenous women.
- Section 6 examines Thailand's implementation of UPR recommendations and compliance with international human rights standards concerning the rights of women migrants' workers and sex workers.
- Section 7 examines Thailand's implementation of UPR recommendations and compliance with international human rights standards concerning the rights of women living with HIV and/ or disabilities.
- Section 8 contains a number of recommendations to address the concerns raised in this submission and provided guidelines for the amelioration of women's rights in Thailand.
- Section 9 provides an annex of implementation of the 2<sup>nd</sup> cycle UPR recommendations related to women's rights and gender equality.

## 2. Gender equality and discrimination in workplace

- 2.1. During the 2<sup>nd</sup> UPR cycle, the government received seven recommendations on gender equality and discrimination. However, the government failed to take sufficient measures for their implementation.
- 2.2. In 2015, the government adopted the Gender Equality Act that could be considered as a big step in the fulfilment of this international obligation under CEDAW. However, this Act has big flaws, and in practice, it is ineffective in protecting and ensuring gender equality. As a clear example of this failure, we are especially concerned about Section 17(2) that establishes exceptions to the prohibition of discrimination on the basis of gender (on grounds of religious principles and national security), as highlighted by the Committee on the Elimination of Discrimination against women in its periodic report of Thailand.<sup>1</sup> The lack of public awareness of its existence, a slow bureaucratic process and outdated notions and definitions create big gaps in preventing the establishment of gender equality.<sup>2</sup> The "Thailand's Invisible Gender Law", as it has been called, is thus not adapted to answer to the need of the Thai women.
- 2.3. Section 15 of the Labor Protection Act prohibits discrimination based on gender in terms of employment (unless the nature of the work prevents equal treatment).<sup>3</sup> Nevertheless, women continue to face discrimination in employment. Inequality between men and women in employment is a key problem in Thailand, while in some regions, particularly in rural areas, women are systematically denied the same work rights as men.<sup>4</sup> Unequal pay is even more widespread, especially in the informal sector, of which women workers account for a large proportion.<sup>5</sup> The persistence of stereotypes, as underlined above, contributes to the increase of discrimination.
- 2.4. In September 2018, the Royal Police Cadet Academy announced that from 2019 onwards, only men would be admitted into the academy.<sup>6</sup> This decision is a clear violation of the CEDAW and the national legislation, indicating discrimination in employment. It also has disastrous impacts on female sexual assault, sexual harassment, and victims of domestic violence.<sup>7</sup>

2.5. Section 16 of the 2008 amended Act (Labor Protection Act No. 2) prohibits harassment of any employee who has a lower position in the workplace than the harasser. It states: “[a]n employer, a chief, a supervisor, or a work inspector shall be prohibited from committing sexual abuse, harassment or nuisance against an employee”.<sup>8</sup> Nevertheless, harassment between two employees of the same rank is not covered by the Act and there is no clear definition of sexual harassment in the law, which reinforces the lack of protection. Due to the lack of adequate legal protection, women are vulnerable to sexual harassment at their workplace, which is exacerbated by the fact that these cases (besides rape) are not taken seriously by judges.<sup>9</sup>

### 3. Gender-based violence

3.1. During the 2<sup>nd</sup> UPR cycle, Thailand received six recommendations on discrimination and gender-based violence. It noted one of them and accepted the five others. Out of those six recommendations, the government failed to implement any.

3.2. In February 2019, the government adopted the Family Institute Protection Act to strengthen the current legal framework, the Domestic Violence Protection Act of 2007. Despite positive measures such as the possibility to provide a 48-hour restraining order against perpetrators of domestic violence without court approval, protection provided to women is still insufficient.<sup>10</sup> One of the major concerns is that the Act focuses more on the protection of traditional family values rather than effectively protecting victims.<sup>11</sup>

3.3. Domestic violence has been a deep-rooted problem in the Thai culture, mostly because it has been justified and considered a family issue, a private matter. The police tend to ignore the voices of survivors who tried to seek justice. Often, authorities have failed to realize that domestic violence is a serious societal problem and it is ultimately a crime. The recent matricide case at Bang Phrom, which took place in January 2021, demonstrates the normalization of domestic violence in Thai society, coupled with a total inaction of the police to protect women. In the murder case in Bang Phrom, a man murdered his mother and was later shot to death by the police. The man has been abusing his mother for years and people in the neighborhood have reported him so many times, however, the police had never arrested him as it considered it a family matter.<sup>12</sup>

3.4. The Domestic Violence Protection Act of 2007 is a problematic law as it reflects a culture of normalised sexism. Gender-based violence is widespread in the country, supported by stereotypical gender roles in their society. In Thailand, those stereotypes remain strong, thus contributing to impeding the rights of women and increasing gender-based violence.<sup>13</sup> The lack of public awareness and campaigns continues to worsen the situation, which also shows the lack of commitment of the government to implement effective policies and laws. The traditional value and stereotypes are the major barriers preventing women from reporting violence especially when it happens within the familial circle.<sup>14</sup>

3.5. Furthermore, the Family Institute Protection Act gives more power to officials of the Ministry of Social Development and Human Security in terms of domestic violence and investigations.<sup>15</sup> However, these forces lack competencies and awareness in this matter, thus preoccupying to let them handle it.<sup>16</sup> Delays in the reviewing of the complaint and reluctance by police forces to pursue investigations combined with sexism results in the fact that domestic and gender-based violence is under-reported in Thailand.<sup>17</sup>

3.6. There is neither a justice system in place for the protection of women nor accurate sexual violence statistics. Police systematically encourage settlements between victims and perpetrators,

particularly in cases where women report violence committed by the intimate partner, thus discouraging victims from taking legal actions. A study on women's health and domestic violence published in 2018 found that 15% of respondents had experienced psychological, physical and/or sexual violence in their life, which suggests that 1 in 6 Thai women have faced Intimate Partner Violence (IPV)<sup>18</sup>, which is a major public health issue, a hidden social problem and women's human rights violation, negatively affecting women's physical, mental, sexual and/or reproductive health. It is noteworthy that IPV in the country is considered a private family matter, which should be undisclosed to outsiders. As a result, IPV remains an invisible and unrecognized issue, leaving victims a situation where they have to deal with it alone or face public shame or doubts. As violence occurs in families is underreported, the official statistics on IPV remain unknown and relevant data is likely to be underestimated.

- 3.7. During the COVID-19 lockdown, an increase of 34% of domestic violence cases has been noted, with the One Stop Crisis Centre's hotline available online in Thai language, living migrant women seeking support behind.<sup>19</sup> It has also resulted in poor access to services for domestic violence survivors with difficulty in visiting hospitals for physical and psychological treatment as well as collection of evidence with respect to the abuse.<sup>20</sup>

#### 4. Discrimination of LGBTIQ+ women

- 4.1. During the 2<sup>nd</sup> UPR cycle, the government did not receive any recommendations on LGBTIQ+ women. However, it received 5 recommendations on the protection of vulnerable populations, which it all supported. The government failed to take any measure for the implementation of those recommendations.
- 4.2. LGBTIQ+ women are particularly vulnerable and suffer discrimination in different aspects of their life because of their gender, sexual orientation, gender identity, expression and sex characteristic (SOGIESC). In Thailand, transgender identity is not legally recognised. It is impossible for transgender people to change their legal title, sex and gender in official documents following the Person Name Act adopted in 1962. In the absence of a law that enables transgender people to change their title, sex or gender on official documentation, transgender women face significant barriers to social inclusion, access to health and social services and enjoyment of human rights. A new law was drafted by the Ministry of Social Development and Human Security and was submitted to the parliament in October 2020, allowing transgender people to change their legal title without undergoing sex reassignment. This bill could be a major breakthrough for transgender people's right to identity. Nevertheless, this bill is less likely to end discrimination against transgender persons.<sup>21</sup>
- 4.3. Article 5.6 of the Thai Labor Standard provides that an employee shall not be discriminated against by its personal attitude on gender or sexual identity. Nevertheless, in practice, transgender women suffer from constant discrimination in employment and the workplace.<sup>22</sup> This is illustrated in the case of Thanyaluk Lerttrirak (June), a transgender woman victim of gender discrimination, who applied to Cute Press, a subsidiary of SSUP group. June's application was denied on the ground that the position was only opened for cisgender women; a rejection that had deep implications on her mental health and self-acceptance.<sup>23</sup> In another case, Worawalun Taweekarn, was barred to become a teacher on the grounds of being a trans woman.<sup>24</sup> According to a 2018 study by the International Labor Organization (ILO) and the United Nations Development Program (UNDP) on workplace discrimination against LGBTI people, 23% of respondents in Thailand reported experiencing discrimination, bullying, or harassment at their workplace, because of their SOGIESC.<sup>25</sup> Those discriminations are of particular concern in rural areas.<sup>26</sup>

- 4.4. Section 17 of the Gender Equality Act prohibits discrimination based on gender, however, because of the exception established in this same section, discrimination against LGBTIQ+ individuals has grown.<sup>27</sup> The exception provides that gender discrimination is allowed “for protecting the welfare and safety of a person or for following religious rules, or for the security of the nation.” Cases have been reported on the use of this exception to justify discrimination of transgender women. For example, barring a transgender woman from using the female bathroom was justified to protect the safety of others as she was most likely to commit crimes.<sup>28</sup> Discrimination of transgender women is thus deeply rooted in Thai society whereas the law does not provide effective protection.
- 4.5. There are also strong legal and cultural barriers to LGBTIQ+ acceptance as well as same-sex marriage which is not legalized in Thailand. Families may expose their children to inhumane, degrading, and cruel practices, aiming to ‘convert’ them. A 2014 PRIDE project report found that within some families, there is the belief that gay-ness and Male To Female transgender-ness can be cured through various means, ranging from resorting to psychiatric services (whether counselling or conversion therapy), to sending children into monkhood.<sup>29</sup> The hostile environment harms the LGBTQ women’s right to self-determination.
- 4.6. The COVID-19 crisis exacerbated the challenges faced by the LGBTIQ+ community, leaving them more vulnerable than others regarding economic impact, violence and discrimination and access to health. LGBTIQ+ individuals have been particularly hit by the economic impact of the pandemic. Many of them worked in industries such as entertainment, tourism or sex work which were the most affected due to the lockdown.<sup>30</sup> Those employed in the informal or irregular sectors were very likely to live without incomes and struggle to find shelter.<sup>31</sup> An online survey conducted by the UNDP Thailand and the APTN found that 47% of the LGBTI population lost their jobs or were forced to go on unpaid leave.<sup>32</sup> After being laid off, many of them were forced to come back to their families and were thus exposed to physical and emotional violence within the family unit, which was reported by 14% of respondents<sup>33</sup>. Access to benefits from the government COVID-19 response was hindered by complex procedures as many documents are required, which makes application difficult for LGBTIQ+. <sup>34</sup> This was demonstrated by the survey which revealed that and 51% of respondents did not receive assistance from the government. The pandemic also had an impact on their access to healthcare and medication as community clinics, where they used to go, were closed, causing trouble in finding hormones and HIV treatment. Even if public hospitals can provide the same treatment, they were unwilling to go there because of possible discrimination and prejudice from healthcare providers.<sup>35</sup>

## 5. Indigenous women

- 5.1. During the 2<sup>nd</sup> UPR cycle, the government received nine recommendations on the rights of minorities and indigenous communities, which it all supported. However, the government failed to take sufficient measures for their implementation.
- 5.2. Although the Thai Government voted in favor of the adoption the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), it does not officially recognize indigenous people in the country and only acknowledges the existence of “ethnic groups/minorities” and “hill tribes”. While the Constitution establishes that the state has to “to promote and provide for different ethnic groups to have the right to live in the society according to traditional culture, custom, and ways of life on a voluntary basis, peacefully and without interference”,<sup>36</sup> it also places restrictions such as public order and state security on this duty.

- 5.3. Despite the adoption in 2015, of the Gender Equality Act, indigenous women are still particularly discriminated against. They suffer multiple layers and forms of discrimination on the grounds of indigeneity and gender. Within their community, men are considered as the head of the households and have control of the property and resources.<sup>37</sup> Moreover, indigenous women face racial discrimination as indigenous communities are the victims of negative stereotypes and misconceptions that they are engaged in the drug trade and pose a threat to national security. They are targeted by hate speech whereas the government made no efforts to tackle it and even contribute to the dissemination of those stereotypes.<sup>38</sup>
- 5.4. The Thai government has failed to ensure that the right to nationality is respected. Nevertheless, many indigenous people are still stateless and face many difficulties to acquire nationality. The process to register for nationality is complex and requires a lot of documents, which combined with the lack of information provided by authorities increase the difficulties for indigenous people.<sup>39</sup> In particular, indigenous women do not have equal access to nationality as men because men are given the priority to register for nationality.<sup>40</sup> The denial of this right causes other violations of fundamental rights such as education, healthcare, and employment. The CEDAW found that indigenous women are disproportionately affected by poverty and limited economic opportunities.<sup>41</sup> They are thus particularly marginalized and vulnerable.
- 5.5. In general, the lack of accessible and available health services concerning sexual and reproductive rights is a major issue in Thailand, which makes women particularly vulnerable. Indigenous women face additional language barriers and are subjected to negative attitudes of healthcare providers and ethnicity-based discriminatory practices when accessing health services. Indigenous women are also less likely to receive preventive healthcare education and are also more affected by sexually transmitted diseases due to disproportionate higher impacts of human trafficking. Also, long distances and high costs to access free healthcare contribute to their vulnerabilities.<sup>42</sup>
- 5.6. During the pandemic, indigenous people have been the first to lose their jobs in the city and on their return home, they have food no means to earn a living or access to healthcare. Residing far away, with restrictions on movement and a lockdown imposed, indigenous peoples are running out of food and basic necessities since the store selling these items shuts early and does not have enough supply of what is required.<sup>43</sup> While the number of victims of domestic violence who walked in One Stop Crisis Center units in hospitals in April 2020 more than doubled from a year earlier, the Ministry of Social Development and Human Security found that its 1300 hotlines received a significant drop in domestic violence reports from March and April.<sup>44</sup> Further, the lockdown hinders victims from accessing services, such as hospitals, shelters due to the risk of infection, which put victims and potential victims more vulnerable to violence from the family.<sup>45</sup>

## 6. Discrimination of Migrant Women and sex workers

- 6.1. During the 2<sup>nd</sup> UPR cycle, the government received six recommendations on the protection of migrant's rights, which it all supported. However, the government failed to take sufficient measures for their implementation.
- 6.2. Women migrant workers are more than the others affected by the discriminatory work environment, as well as working conditions. They are less paid than men migrants and as domestic workers and are also vulnerable to sexual and gender-based violence. Moreover, when the government issued law imposing a higher burden on companies employing undocumented migrants, women are the first to be fired from their jobs.<sup>46</sup> Their rights are very often violated in the sense that employers take their documents away from them, thus leaving them unable to move in

and out of the workplace freely or quit their job. Migrant workers usually lack social security and health insurance and have limited access to public health care services, which exacerbates their vulnerabilities amid the COVID-19 pandemic. Although the Ministry of Health claims that the hospital can provide free treatment for migrants without health insurance and money,<sup>47</sup> migrants are less likely to get access to COVID-19 treatment or seek medical support due to fear of deportation for those in irregular status,<sup>48</sup> stigma and xenophobia among health professionals, officials and the media,<sup>49</sup> and a history of negative experiences with health care services.<sup>50</sup> Moreover, migrant women have very poor access to reproductive education that is sensitive as well as little to no reproductive rights, specifically their right to maternity leave during pregnancy with those found pregnant often laid off and sent home, leading them to undergo unsafe abortions. This barrier remains during the pandemic due to travel restrictions and viewing it as non-essential.<sup>51</sup>

- 6.3. Migrant women as the victim of domestic violence face more challenges during the pandemic. In light of the economic downturn and reduced income, husbands' abusive behaviour could be aggravated. With border closures, few family and friends in Thailand, and a limited number of shelters near migrant communities, migrant women were more isolated and helpless experiencing domestic violence during COVID-19.<sup>52</sup>
- 6.4. There is no existing law that protects sex workers, while the government and Thai society continue to benefit from sex tourism. As they are not recognized, migrant sex workers are not protected under labour law and lack social security benefits.<sup>53</sup> Sex workers are still treated as criminals, even if a CEDAW recommendation asks to decriminalize sex work echoing activists' demand. However, the government has not taken into consideration it. Moreover, with their profession not recognised as legal, sex workers have been left out of the government's COVID-19 response, including any financial relief programme by the government, rendering them without money, without food, homeless and without any hope in sight.<sup>54</sup>
- 6.5. Migrant sex workers are often automatically thought to be underage as well as victims of trafficking, who are then taken into custody, subject to age determination tests and held in detention centres against their will. This conflation of sex work ignores the fact that sex work could be the result of a practical decision made to work in the entertainment industry, even for migrant workers who see this as an opportunity to earn a higher income. This view of identifying migrant sex workers as trafficking victims was also adopted to increase the arrest rate by the anti-trafficking police, and raise the ranking on Thailand in the Trafficking in Persons report.<sup>55</sup>

## 7. Discrimination of Women living with HIV and disabilities

- 7.1. During the 2<sup>nd</sup> UPR cycle, the government received nine recommendations on the rights of persons with disabilities, which it all supported. However, the government failed to take sufficient measures for their implementation.
- 7.2. In Thai society HIV/AIDS and disabilities stigma remain very common. Thus, these groups are more vulnerable to poverty, as well as challenges in accessing education and healthcare.<sup>56</sup> Despite the existence of a Universal Healthcare System in Thailand, access to healthcare services is restricted as preventive care for HIV is ignored, providing the highest standard of physical and mental health for HIV patients is not being prioritised, and resources for testing and treatment are distributed inequitably, particularly to the community level public hospitals.
- 7.3. Discrimination is particularly visible in employment and workplaces. Women living with HIV/AIDS or having disabilities are often excluded from being considered for employment. Discrimination exists at

work, through unequal pay, differences in access to benefits, working conditions, or consideration for promotion. This also goes beyond employment as the Bank for Agriculture and Agricultural cooperatives denied loans because of the HIV-positive status<sup>57</sup>.

7.4. Women with disabilities face a double burden in Thai society, because of their gender as well as the disease or disabilities affecting them. In Thailand, up to three-quarters of people with disabilities are women and girls.<sup>58</sup> The majority live in rural areas, and they earn an average monthly income of 4,326 THB.<sup>59</sup> While Thailand has ratified the UN Convention on the Rights of Persons with Disabilities (UNCRPD), in 2008, and has domestic legislation in place to enhance the rights of People with Disabilities (PWDs), such as Section 27 of the 2017 Constitution, and the Persons with Disabilities Empowerment Act, 2013 (PDEA), persons with disabilities (PWDs) are facing discrimination and severe challenges in many aspects of their life, including discrimination in employment, the lack of access to education, healthcare, public facilities and exclusion in the decision-making process. Moreover, in Thai society there is a negative social stigma of people with disabilities due to beliefs and prejudices.

7.5. The COVID-19 has exacerbated the vulnerabilities of PWDs. Most PWDs are hired on yearly contracts and therefore receive no social security.<sup>60</sup> Before the pandemic, they are entitled to receive a monthly disability welfare allowance of 800 THB which has been increased to 1,000 since October 2020.<sup>61</sup> In light of the pandemic, the government announced an additional 1,000 baht granted to PWDs.<sup>62</sup> However, it is still less likely for them to live off monthly funds and meet expenditures given the fact that many have been laid off or lost income due to the economic downturn.<sup>63</sup>

## 8. Recommendations

The authors make the following specific recommendations to the Thai government to ensure that the rights of women are being protected and upheld:

### 8.1. Gender equality

a. Take all the necessary measures to implement gender equality and fight against discrimination suffered by women in all aspects of their lives, in line with article 2 of the CEDAW.

b. Remove the exceptions contained in Section 17 paragraph 2 of the Gender Equality Act of 2015 with regard to the prohibition of discrimination on the basis of gender in accordance with section 9 of the Concluding observation on the combined sixth and seventh periodic reports of Thailand of 24 July 2017.

c. 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.

d. Take all the necessary measures to ensure the implementation of Section 15 of the Labor Protection Act and consequently eliminate discrimination suffered by women in their workplace. Implement measures to ensure that women are not discriminated against regarding their payment and thus ensuring equality between men and women in line with article 11 of the CEDAW.

e. Reform the condition of admission to the Royal Police Cadet Academy to authorize women to be again part of the police workforce and restore the equality between men and women in accordance with article 11 of the CEDAW.

f. Adopt an inclusive, integrated and gender-responsive approach for the prevention and elimination of violence and harassment in the world of work to ensure the right of everyone to a world of work free from violence and harassment in accordance with article 4 section 1 and 2 of the Violence and Harassment Convention.

g. Develop a comprehensive strategy in order to implement measures to prevent and combat violence and harassment including the establishment or enforcement of monitoring mechanisms, access to remedies and support for victims, sanctions, education, and training, and raising awareness, in accessible formats as appropriate, ensuring effective means of inspection and investigation of cases of violence and harassment, including through labor inspectorates or other competent bodies in line with article 4 section 1 and 2 of the Violence and Harassment Convention.

h. Improve the implementation of the 2008 Labor Protection act regarding the harassment of an employee and include the harassment by an employee of the same rank and by a superior in the law to be in accordance with article 4 section 1 and 2 of the Violence and Harassment Convention.

i. Include a clear definition of sexual harassment in the law to reinforce the protection of women and make sure that it is considered a real offence by judges in line with article 4 section 1 and 2 of the Violence and Harassment Convention.

j. Ensure that the rights of women in the informal employment sector are effectively protected, including by ensuring adequate coverage of labor and social security protections, according to section 37 of the Concluding observation on the combined sixth and seventh periodic reports of Thailand (CEDAW/C/THA/CO/6-7) of 24 July 2017.

## 8.2. Gender Based violence

a. Take all appropriate measures to modify the social and cultural patterns of conduct of men and 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 according to article 5a and b of the CEDAW.

b. Ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases, in line with article 5a and b of the CEDAW.

c. Simplify the procedure for accessing the Justice Fund and ensure that is available and accessible to all women by eliminating the stigmatization of women and girls who claim their rights and disseminating information, in particular in rural and remote areas, about the legal remedies available to women regarding violations of their rights, according to section 11 of the concluding observation on the combined sixth and seventh periodic reports of Thailand of 24 July 2017.

d. Strengthen the protection of domestic violence victims and ensure the implementation of effective measures in line with section 21 of the Concluding observation on the combined sixth and

seventh periodic reports of Thailand of 24 July 2017.

e. Ensure that authorities and especially Officials of the Ministry of Social Development and Human Security who have now more competencies in terms of domestic violence are formed to acquire sufficient competencies to ensure that victims of domestic violence are efficiently handled and that their rights are protected in accordance with section 21 of the Concluding observation on the combined sixth and seventh periodic reports of Thailand of 24 July 2017.

f. Thailand should ensure that victims of domestic violence have adequate access to shelters, crisis centers, protection orders, as well as legal remedies, instead of reconciliation and mediation, in line with section 21 of the Concluding observation on the combined sixth and seventh periodic reports of Thailand of 24 July 2017.

### **8.3. Discrimination of the women pertaining to the LGBTIQ+ community**

a. Implement efficient measures or ensure the application of the existent measures to fight against discrimination in employment against LGBTIQ+, HIV/ disabled and indigenous in accordance with article 6 of the Violence and Harassment Convention.

### **8.4. Discrimination of indigenous women**

a. Ensure that indigenous people, especially women, access to nationality as Thailand has a duty to grant women equal rights with men to acquire, change or retain their nationality, in line with article 9 of the CEDAW.

b. Take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning. In accordance with article 12 of the CEDAW.

c. Take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right in line with article 14 of the CEDAW.

d. Take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions with particular attention to the rights and special needs of indigenous women according to article 22 of the United Nations Declaration on the Rights of Indigenous People.

### **8.5. Discrimination of women migrants and sex workers**

a. Take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women in line with article 12 of the CEDAW.

b. Thailand must take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

c. Adopt laws, regulations and policies ensuring the right to equality and non-discrimination in employment and occupation, including for women workers, as well as for workers and other persons belonging to one or more vulnerable group or groups in situations of vulnerability that are disproportionate affected by violence and harassment in the world of work in accordance with article 6 of the Violence and harassment Convention.

d. Take concrete and specific measures to address the root causes of trafficking in women and girls by improving the economic situation of women in line with section 25 of the Concluding observation on the combined sixth and seventh periodic reports of Thailand of 24 July 2017.

e. Review the Suppression and Prevention of Prostitution Act to decriminalize women in prostitution, address the root causes of it and adopt targeted measures to prevent women in vulnerable situations from entering into prostitutions, including by providing women with alternative income opportunities According to section 27 of the Concluding observation on the combined sixth and seventh periodic reports of Thailand of 24 July 2017.

## 8.6. Discrimination of women living with HIV and disabilities

a. Stop discrimination against HIV person and disabled one especially in regard to employment by adopting laws, regulations and policies ensuring the right to equality and non-discrimination in employment and occupation, including for women workers, as well as for workers and other persons belonging to one or more vulnerable group or groups in situations of vulnerability that are disproportionate affected by violence and harassment in the world of work in accordance to article 6 of the Violence and Harassment Convention.

b. In line with Article 5 of the United Nations Convention on the Rights of Persons with Disabilities, and in accordance with Sections 4 and 27 of its Constitution, Thailand must prohibit all discrimination on the basis of disability and guarantee equal and effective legal protection against discrimination on all grounds. Respect equality of opportunity and treatment for disabled men and women workers. Ensure that all educational facilities, all health services, and all public spaces are universal and fully accessible to PWDs.

## Endnotes

<sup>1</sup> Committee on the elimination of Discrimination against Women, *Concluding observations on the combined sixth and seventh periodic reports of Thailand*, 24 July 2017, available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/THA/CO/6-7&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/THA/CO/6-7&Lang=En)

<sup>2</sup> Manushya Foundation and the Indigenous Women's Network of Thailand, *Raising our voices to save our future*, (September 2019), p. 24, available at: [https://a9e7bfc1-cab8-4cb9-9c9e-dc0cee58a9bd.filesusr.com/ugd/a0db76\\_f73f480caaa44677852d8fe7116a613d.pdf](https://a9e7bfc1-cab8-4cb9-9c9e-dc0cee58a9bd.filesusr.com/ugd/a0db76_f73f480caaa44677852d8fe7116a613d.pdf) ; Thai Inquirer, *Thailand's Gender Equality Act Five Years On?*, 29 December 2020, available at: <https://www.thaienquirer.com/22048/thailands-gender-equality-act-five-years-on/>

<sup>3</sup> Department of Labour Protection and Welfare, *The Labour Protection Act B.E.2541, Section 15*, available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/49727/125954/F-1924487677/THA49727%20Eng.pdf>

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