



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

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**Consideration of reports submitted by States parties under
article 18 of the Convention on the Elimination of All Forms
of Discrimination against Women**

List of issues and questions in relation to the combined sixth and seventh periodic reports of Thailand

Constitutional and legislative framework

1. In accordance with the State party's obligations under the Convention and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, please explain how the new Constitution adopted in 2016 and the Gender Equality Act of 2015 have incorporated a prohibition of discrimination against women, encompassing both direct and indirect discrimination, by both State and non-State actors, in line with article 1 and article (2) (b) of the Convention. In addition, do the Constitution and the Act apply in the southern border provinces, where special emergency laws may be applicable? Please clarify whether, under the Constitution, the provisions of the Convention are directly applicable in national courts. Section 17 of the Act permits differential treatment of women on the basis of religious principles or national security. Please explain how such treatment is compatible with the Convention.

Access to justice

2. It has been reported that women who are affected by domestic violence generally do not know their rights and the channels through which their cases can be addressed. Women belonging to ethnic or religious minorities, as well as indigenous women, are specifically marginalized with regard to access to information, knowledge and legal assistance. Alternate sources also referred to the barriers to access to justice faced by trafficked women and girls. Please provide information on measures in place to ensure that women, in particular rural women, ethnic or

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religious minority and indigenous women and victims of trafficking, have effective access to justice and remedies. Please indicate whether the State party is considering establishing a State-sponsored legal aid programme. Please also indicate whether awareness-raising programmes are envisaged in order to enhance women's awareness of their rights and their legal literacy in all areas of the law and the Convention so as to enable them to avail themselves of procedures and remedies to claim their rights.

National machinery

3. In the combined sixth and seventh periodic reports of Thailand (CEDAW/C/THA/6-7, paras. 10 and 11),¹ it is indicated that the National Commission on Policy and Strategy for the Improvement of the Status of Women serves as the national machinery for the advancement of women, whereas the Office of Women's Affairs and Family Development of the Ministry of Social Development and Human Security acts as the secretariat of the Commission and coordinates the development of policies and mechanisms for the empowerment of women and the promotion of gender equality and the implementation of international instruments on women's rights adopted by the State party. Please provide information on the financial, human and technical resources made available to the National Commission and the Office, and whether the Office has the sufficient authority and mandate to coordinate, monitor and evaluate government policies across all ministries at the national and local levels. Please indicate whether the Women's Development Plan under the Eleventh Economic and Social Development Plan is in conformity with the Convention, whether it is supported through targeted budget allocations and whether it includes a monitoring system to assess its implementation.

Temporary special measures

4. In the report (para. 28), the State party refers to the draft *tambon* council and *tambon* administrative organization act, which requires gender parity in the membership of district-level administrative organizations. Please provide updated information on its current status. It is stated in the report that political parties were encouraged to adopt quotas for women candidates standing for election (para. 28). Please provide updated information on progress made in introducing such quotas. Please clarify whether temporary special measures have been adopted by the State party to accelerate the participation of women in areas other than political and public life.

Stereotypes and harmful practices

5. In the report, the State party indicates that the Basic Education Commission issued policy recommendations in 2007 on the basis of its revision of education materials to eliminate gender biases (para. 29.2). Please provide information on the content of the policy recommendations, indicating changes that have been made, and on the extent of changes made to education materials. It has been reported that entertainment programmes in the media sometimes present rape and other forms of

¹ Unless otherwise indicated, paragraph numbers refer to the combined sixth and seventh periodic reports of the State party.

sexual and gender-based violence against women as a man's expression of love or as a legitimate punishment for a woman's supposed immoral behaviour. Please provide information on measures taken by the State party to eliminate such discriminatory stereotypes and degrading media portrayals of women, which contribute to gender-based violence against women.

6. It has been reported that certain harmful practices, such as child or forced marriage, including forced marriages of victims to the perpetrators of sexual violence, bride kidnapping and polygamy, exist in the State party. Please provide information on the prevalence of such practices, including among ethnic or religious minority groups and indigenous peoples, and on measures taken to combat them.

Gender-based violence against women

7. In response to the Committee's concern expressed in its previous concluding observations ([CEDAW/C/THA/CO/5](#), para. 23) about the priority accorded to reconciliation over the prosecution of perpetrators under the Protection of Victims of Domestic Violence Act of 2007, the State party indicates that it has taken measures to address that concern by providing training to relevant government officials and professionals and by developing guidelines and regulations on the implementation of the Act (para. 33). In this regard, please provide evidence-based information on the effectiveness of the Act in protecting women from domestic violence. Please also provide information and data covering the past five years on the prevalence and trends of various forms of violence against women, including domestic violence, together with detailed information collected on the number of cases reported and investigated, on the number of prosecutions, convictions and sentences imposed and on the relationship between the victim and the perpetrator.

Women and peace and security

8. With regard to the violence and unrest in the southern border provinces of the State party occurring since 2004, in the report, the State party refers to the establishment of a provincial peacebuilding council, a provincial administration and development council and a committee, chaired by the Deputy Prime Minister, mandated to provide assistance and rehabilitation to victims of the situation of violence in those provinces (paras. 137 and 138). Please provide statistical data on the participation of women in the above-mentioned bodies and in any other existing mechanisms for peace and security at the regional and national levels and indicate whether women are among the key actors in decision-making processes within the mechanisms. Please also indicate whether the State party plans to develop a national action plan for the implementation of Security Council resolution [1325 \(2000\)](#) and related resolutions to promote the full participation of women in decision-making and peacebuilding processes.

9. It has been reported that the Decree on Administration in Emergency of 2005 has been used to grant amnesty to State officials for both civil and criminal offences committed in conflict areas in the State party. It has also been reported that the Government has decreased its military presence and has strengthened the role of militias in those areas, and that such militias allegedly commit human rights violations. Please provide information on measures taken to prevent and protect women and girls living in conflict areas from such acts and to ensure that women

who are victims of human rights violations and abuses committed by insurgents and members of the national armed forces and of militias have effective access to justice. It has been reported that schools and teachers have been targets of armed attacks by insurgents while the national armed forces have been using school premises for military purposes, thereby increasing the risk of attacks on schools and of sexual violence against students and teachers by soldiers. Such security concerns have a disproportionate impact on girls' access to education. Please indicate measures taken to protect schools from armed attacks and to protect teachers and students from gender-based violence and sexual exploitation.

Trafficking and exploitation of prostitution

10. The Committee notes various efforts made by the State party to prevent and combat trafficking in persons (paras. 43-46). It has been reported, however, that trafficking in persons for the purpose of sexual exploitation and forced labour persists and that exploitation of prostitution, including child prostitution, is highly prevalent in the State party. Please provide data covering the past five years on the number of victims of trafficking in persons and victims of exploitation of prostitution, disaggregated by sex, age, ethnicity, nationality and geographical location of the victim, as well as the form of exploitation and the type and severity of sentence imposed on the perpetrator, and on the number of cases in which public officials colluded with traffickers or those who exploit women and girls in prostitution. Please indicate measures taken by the State party to regulate the activities and inspect the businesses of labour brokers to prevent their involvement in human trafficking, combat the collusion of public officials in the context of trafficking in persons and exploitation of prostitution and combat sex tourism. The Committee takes note of reports that foreign victims of trafficking may face restrictions on their freedom of movement and administrative detention while awaiting their repatriation. Please provide detailed information on their access to justice, witness or victim protection programmes and temporary residence permits.

11. Please provide statistical data on the number of persons engaged in prostitution, disaggregated by sex, age, nationality or migration status. Please also clarify whether prostitution is criminalized in the State party and, if it is, provide statistical data on the numbers and types of prosecutions, convictions and sanctions imposed, disaggregated by the status of persons prosecuted and whether they were prosecuted as prostitutes, procurers or clients. Please also provide information on support provided to women and girls who wish to leave prostitution.

Participation in political and public life

12. The data provided by the State party (paras. 63-68 and 73) indicate that women are still underrepresented in both the public and private sectors, including in the parliament, government and the judiciary at the national and local levels and in the diplomatic service. In its report, the State party indicates that initiatives have been taken to increase the participation of women in politics. Please provide information on the outcome of the initiatives and whether the State party has adopted specific measures, including temporary special measures, such as quotas, to increase the number of women in politics, in particular in decision-making positions. Please also indicate measures in place to ensure the effective involvement of women from disadvantaged groups, such as rural women, women with

disabilities, women belonging to ethnic or religious minority groups and indigenous women, in the development of legislation and policies and in decision-making processes, especially regarding decisions that directly affect them and their communities.

Nationality

13. It is noted in the report that, whereas the amended Nationality Act (No. 4) of 2008 reduced the requirements for a foreign man married to a Thai woman to obtain Thai nationality, the requirements are still stricter than those for a foreign woman married to a Thai man. Please indicate any steps taken to review and amend the Act to bring it fully in line with the Convention (para. 74 and annex D). Please indicate measures envisaged to ensure birth registration for all children born on the territory of the State party, especially those who are not registered owing to the economic status of their parents, ethnicity and immigration status.

14. It is indicated in the report that many persons belonging to ethnic minority groups have not been granted Thai nationality and are considered illegal immigrants subject to restrictions on access to employment and residence (para. 140). It has been reported that among ethnic minority groups, priority is given to men with regard to registration for nationality, leaving a disproportionate number of women without nationality and with restricted freedom of movement and limited access to education, employment, health care and social protection. Please indicate measures in place to facilitate and accelerate the process for ethnic minority women, including women of hill tribe communities, to obtain Thai nationality, in line with the Committee's previous recommendation (CEDAW/C/THA/CO/5, para. 38). Please also provide data disaggregated by sex on the acquisition of Thai nationality by persons belonging to ethnic minorities.

Education

15. It has been reported that girls drop out of school owing to child marriage and early or unwanted pregnancy. Please provide information on measures taken by the State party to ensure the continuation of education for adolescent mothers. In the report, the State party refers to public and private initiatives to introduce sex education at school, such as the Teenpath project and the curriculum on the theme "The world starts with me" (para. 89). Please indicate measures taken by the Ministry of Education to scale up such initiatives and to ensure that age-appropriate education on sexual and reproductive health and rights and responsible sexual behaviour is included in school curricula at all levels of education. In the report, the State party refers to the traditional attitudes in the selection of fields of study in tertiary education (para. 79). Please provide information on measures taken to encourage women and men to choose non-traditional fields of study and to combat gender stereotypes at all levels of education. Please also provide information about the State budget dedicated to improving access for women and girls, in particular those with disabilities, those from rural areas, ethnic or religious minority groups and indigenous communities, to high-quality education and training, thereby reducing dropout rates from among those groups.

Employment

16. Please clarify whether the Home Workers Protection Act of 2010, the Labour Protection Act (No. 2) of 2008, the Social Security Act of 1990 and the Workmen's Compensation Act of 1994 are fully applicable to all types of women domestic workers, including women working for private individuals, such as cooks, cleaners or caregivers, women working in other areas of the informal sector and women working as subcontractors. Please indicate whether the provisions of that legislation apply regardless of nationality, statelessness or migration status and whether they apply to women belonging to ethnic minorities who have not applied for Thai nationality.

Health

17. In the report, the State party indicates that HIV/AIDS is one of the leading causes of death among women, that HIV infection among pregnant women is on the rise and that the number of adolescent girls living with HIV/AIDS is higher than that of adolescent boys (para. 113 and annex E). With reference to the Committee's previous recommendation ([CEDAW/C/THA/CO/5](#), para. 42), please provide information on measures taken to prevent and combat HIV/AIDS, in particular among adolescent girls, young women and pregnant women, and explain how a gender perspective has been included in policies and programmes on HIV/AIDS. Please also provide updated information on the draft reproductive health act referred to in the report (para. 116), including its current status and its main provisions, and information on the evaluation of the First National Policy and Strategy on Reproductive Health for the period 2010-2014. Please explain how the draft act and the policy address the special needs of women with disabilities, women living in remote rural areas and women belonging to ethnic minority groups. Please indicate on what grounds and under what circumstances abortion is permitted or criminalized, including when the life or health of the mother is threatened and in cases of incest, rape and severe fetal impairment. Please provide information on access to affordable and modern methods of contraception by women and girls, as well as men and boys.

Rural women

18. Please provide information on any rural development strategy, including how it incorporates a gender perspective and measures to support rural women and women of hill tribe communities and to increase their access to adequate nutrition, sanitation, health-care services and income-generating activities in line with the Committee's previous recommendation ([CEDAW/C/THA/CO/5](#), para. 34). In the report, the State party indicates that, in collaboration with relevant stakeholders, it has developed gender-integrated guidelines on disaster management that stress the importance of the participation of women in the entire process of disaster management, including disaster risk reduction (para. 135). Please provide updated information on the result of implementing the guidelines and indicate measures taken to ensure the full and equal participation of women, especially women from rural and hill tribe areas, at the decision-making level with regard to climate change and disaster management.

Disadvantaged groups of women

19. Please provide information on measures taken to eliminate discrimination against women belonging to disadvantaged groups, such as women with disabilities, older women, indigenous women, ethnic or religious minority women, including ethnic Muslim women from the southern border provinces, women migrant workers, refugee and asylum-seeking women, lesbian, bisexual and transgender women and intersex persons, and on specific measures, including temporary special measures, in place to ensure that women from disadvantaged groups have access to education, health-care services, employment, housing and legal status and are protected from social stigma and gender-based violence.

20. Please explain how the land tenure of women belonging to ethnic or religious minority groups and indigenous peoples has been respected and protected in the various forestry and environmental protection laws of the State party and in large-scale development or environmental conservation projects and whether such women participate equally in negotiations on the development of relevant laws and projects and in benefit-sharing.

Marriage and family relations

21. It has been reported that, under the customary laws of certain ethnic minority groups, women do not enjoy equal rights to men in marriage and upon its dissolution. Please provide information on measures in place to ensure that the application of customary laws does not deprive women of their rights under the Convention and that they have effective access to justice and to legal aid in cases in which their rights are violated.
