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## **Committee on the Elimination of Discrimination against Women**

### **Concluding observations on the combined sixth and seventh periodic reports of Thailand\***

1. The Committee considered the combined sixth and seventh periodic reports of Thailand (CEDAW/C/THA/6-7) at its 1504th and 1505th meetings, on 5 July 2017 (see CEDAW/C/SR.1504 and CEDAW/C/SR.1505). The Committee's list of issues and questions are contained in CEDAW/C/THA/Q/6-7 and the responses of Thailand are contained in CEDAW/C/THA/Q/6-7/Add.1.

#### **A. Introduction**

2. The Committee appreciates the submission by the State party of its combined sixth and seventh periodic reports, but regrets the delay of five years. It also appreciates the State party's written replies to the list of issues and questions raised by the pre-sessional working group. It welcomes the opportunity to renew its dialogue with the State party after eleven years since the last constructive dialogue, and expresses appreciation for the oral presentation by the delegation as well as the additional clarification provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its large and multi-sectoral delegation, which was headed by the Deputy Permanent Secretary, Ministry of Social Development and Human Security, Ms. Napa Setthakorn. The delegation also included representatives of the Ministry of Interior, the Ministry of Labour, the Ministry of Education, the Ministry of Foreign Affairs, the Constitutional Court, the National Legislative Assembly, the Royal Thai Police, the Committee on the National Commission on the Policies and Strategies for Women Advancement, the Southern Border Provinces Administrative Centre, and the Permanent Mission of Thailand to the United Nations and other international organizations in Geneva.

#### **B. Positive Aspects**

4. The Committee welcomes the progress achieved since the consideration in 2006 of the State party's fifth periodic report (CEDAW/C/THA/CO/5) in undertaking legislative reforms, in particular the adoption of:

- (a) The Prevention and Solution of the Adolescent Pregnancy Problem Act, in 2016;
- (b) The Gender Equality Act, in 2015;
- (c) The Female Title Act, in 2008;

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\* Adopted by the Committee at its sixty-seventh session (3-21 July 2017).

- (d) The revised Anti-Trafficking in Persons Act, in 2008, 2015 and 2017;
- (e) The Protection of Victims of Domestic Violence Act, in 2007;
- (f) The Criminal Code Amendment Act, in 2007, which inter alia criminalizes marital rape and broadens the definition of rape and sexual assault, and in 2015, to provide for prosecution and punishment for rape of a minor even if a court grants permission to the perpetrator to marry the victim;
- (g) The Criminal Procedural Code Amendment Act, in 2007, which inter alia reduces sentences for prisoners who are pregnant.

5. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified or acceded to the following international instruments:

- (a) The Optional Protocol to the Convention on the Rights of Persons with Disabilities, in 2016;
- (b) The Optional Protocol to the Convention on the Rights of the Child on a communications procedure, in 2012;
- (c) The Convention on the Rights of Persons with Disabilities, in 2008;
- (d) The Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, in 2007;
- (e) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in 2006.

6. The Committee also welcomes the withdrawal on 18 July 2012 of the reservation to article 16 of the Convention on the Elimination of All Forms of Discrimination against Women, as recommended by the Committee in its previous concluding observations (CEDAW/C/THA/CO/5, para.12).

## C. Parliament

7. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites the National Legislative Assembly, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention.**

## D. Principal areas of concern and recommendations

### Constitutional and legislative framework

8. The Committee notes that the revised Constitution, which came into effect in April 2017, prohibits discrimination on various grounds, including sex, and guarantees the principle of equality between men and women. It also notes the adoption of the Gender Equality Act in September 2015, which defines and prohibits gender discrimination, including direct and indirect discrimination. However, the Committee expresses concern that:

- (a) Section 17(2) of the Gender Equality Act allows for exceptions to the prohibition of gender-based discrimination on grounds of religious principles and national security;
- (b) The prohibition of gender-based discrimination in the Constitution and the Gender Equality Act do not apply in the Southern Border Provinces, where special emergency laws continue to be applied.

9. **The Committee recommends that the State party:**
- (a) **Revise Section 17(2) of the Gender Equality Act to ensure that there are no exceptions to the prohibition of gender-based discrimination;**
  - (b) **Ensure that all women and girls who live in areas which are subject to emergency laws are effectively protected from discrimination both in law and in practice, recalling that the principle of non-discrimination is non-derogable and continues to apply even during times of armed conflict and in states of emergency, as indicated in the Committee's general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention.**

#### **Access to justice and remedies**

10. The Committee remains concerned about the persistence of multiple barriers for women and girls to obtain access to justice and effective remedies for violations of their rights, particularly rural women, indigenous women, women belonging to ethnic and religious minority groups, and women with disabilities. Such barriers include:

- (a) Social and cultural stigma, which deter women and girls from registering their complaints, particularly with regard to sexual and gender-based violence;
- (b) Limited legal literacy and access to information on remedies that are available;
- (c) Lack of gender sensitivity in the justice system, including negative attitudes of law enforcement officials towards women denouncing violations of their rights, leading to frequent failures to register and investigate complaints;
- (d) Widespread and pervasive corruption, which continues to impede women's access to justice.

11. **Recalling its general recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party:**

- (a) **Simplify the procedure to access the Justice Fund and ensure that it is available and accessible to all women, including rural women, indigenous women, women belonging to ethnic and religious minority groups, and women with disabilities;**
- (b) **Eliminate the stigmatization of women and girls who claim their rights by raising awareness on the part of women and men of their rights and enhancing women's legal literacy;**
- (c) **Disseminate information, particularly in rural and remote areas, about the legal remedies available to women for violations of their rights, including among Muslim women in the Southern Border Provinces about the remedies available to them under the State party's criminal justice system in addition to Islamic law;**
- (d) **Strengthen gender responsiveness and gender sensitivity of the justice system, including by increasing the number of women in the justice system and providing systematic capacity-building training to judges, prosecutors, lawyers, the police and other law enforcement officials on the Convention, as well as on the Committee's jurisprudence and its general recommendations;**
- (e) **Strengthen measures to combat corruption and effectively investigate allegations of corruption, and prosecute and punish corrupt law enforcement and judicial officials who obstruct justice in order to restore women's trust in the justice system;**
- (f) **Ensure that religious and customary justice systems harmonize their norms, procedures and practices with the Convention, and provide capacity-building on women's rights and gender equality for customary justice authorities.**

**National machinery for the advancement of women**

12. The Committee regrets the lack of steps taken to implement the Committee's previous recommendation to undertake an in-depth evaluation of the national machinery for the advancement of women and other institutional mechanisms to promote gender equality (CEDAW/C/THA/CO/5, para.18) and expresses concern that the Department of Women's Affairs and Family Development has been tasked with additional operational duties, thus further reducing its capacity to function effectively as the national machinery for the advancement of women. It is also concerned about the lack of clarity regarding its mandate and responsibilities in light of the new committees established under the Gender Equality Act, such as the Gender Equality Promotion Committee.

**13. The Committee recommends that the State party:**

**(a) Clearly define the mandate and responsibilities of the Department of Women's Affairs and Family Development and the bodies established pursuant to the Gender Equality Act and ensure that there is no undue overlap;**

**(b) Ensure that the national machinery has the authority and human and financial resources necessary to work effectively for the promotion of women's rights;**

**(c) Ensure the adoption and effective implementation of a gender mainstreaming strategy throughout all government agencies;**

**(d) Regularly monitor and assess the impact of the work undertaken by the Department of Women's Affairs and Family Department to promote gender equality.**

**National human rights institution**

14. The Committee notes with concern the lack of a clear, transparent and participatory process for selecting and appointing the members of the National Human Rights Commission of Thailand, which led the accreditation committee of the Global Alliance of National Human Rights Institutions (GANHRI) to downgrade it to "B" status in November 2015.

**15. The Committee recommends that the State party implement the recommendations made by GANHRI in its report of November 2015 so as to enable the National Human Rights Commission of Thailand to effectively and independently carry out its mandate in accordance with the Paris Principles (General Assembly resolution 48/134, annex).**

**Temporary special measures**

16. The Committee welcomes the inclusion of Section 27 in the revised Constitution, which permits the adoption of measures for the purpose of eliminating obstacles for women and girls to enjoy their rights. However, it reiterates its previous concern (CEDAW/C/THA/CO/5, para.21) that no temporary special measures have been adopted with a view to achieving substantive equality of women and men in all areas where women are underrepresented or disadvantaged, such as women's participation in decision-making bodies, and with regard to women in disadvantaged situations in the State party, such as women with disabilities, women from ethnic and religious minority groups, indigenous and rural women, and elderly women.

**17. The Committee reiterates its previous recommendation (CEDAW/C/THA/CO/5, para.22) that the State party expeditiously introduce temporary special measures, in accordance with article 4, paragraph 1 of the Convention and the Committee's general recommendation No. 25 (2004) 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, and targeting women in disadvantaged situations, such as women with disabilities, women from ethnic and religious minority groups, indigenous and rural women, and elderly women.**

### **Stereotypes and harmful practices**

18. The Committee reiterates its previous concern regarding the persistence of strong stereotypical attitudes about the roles and responsibilities of women and men in the family and in society (CEDAW/C/THA/CO/5, para.25), which undermine women's social status and constitute a root cause of the disadvantaged position of women in many areas, including in the labour market and in political and public life. It also expresses concern at the persistence of harmful practices based on discriminatory social attitudes, particularly in rural and remote areas, such as female genital mutilation among Muslim communities in the Southern Border Provinces, and bride kidnapping.

19. **The Committee recommends that the State party:**

**(a) Adopt a comprehensive strategy with proactive and sustained measures that targets 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 discriminate against women;**

**(b) Continue to adopt innovative measures targeting the media to strengthen the understanding of substantive equality of women and men and use the education system to enhance positive and non-stereotypical portrayals of women;**

**(c) Criminalize female genital mutilation and conduct awareness raising campaigns, particularly in the Southern Border Provinces, on the adverse effects of such practices on women and girls, taking into account joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices (2014);**

**(d) Conduct research on the extent of the practice of abduction of girls for purposes of forced marriage, ensure that it is prohibited in law and in practice, and develop a comprehensive strategy to address the issue;**

**(e) Monitor and review the measures taken to combat stereotypes and harmful practices in order to assess their impact and revise them as appropriate.**

### **Gender-based violence against women**

20. The Committee welcomes the efforts made by the State party to combat gender-based violence against women, including the revision of the definition of rape in Section 276 of the Criminal Code, as previously recommended by the Committee, as well as the launching of public campaigns and initiatives. Nevertheless, it remains concerned about:

(a) The high prevalence of gender-based violence against women and girls, in particular domestic violence and sexual violence;

(b) The fact that the Domestic Violence Victim Protection Act of 2007 provides for case settlement at every stage of the legal proceeding through reconciliation and mediation;

(c) The inadequate provision of essential services and support to victims of gender-based violence, especially victims of trafficking for sexual or labour exploitation, and victims of domestic violence.

21. **Recalling its general recommendation Nos.19 (1992) [and 35 (2017)] on gender-based violence against women, and its previous recommendations (CEDAW/C/THA/CO/5, para.24), the Committee recommends that the State party:**

**(a) Systematically assess the impact of measures adopted to combat gender-based violence against women and girls, and to continue exploring and adopting innovative approaches to address the root causes of such violence, including those targeting men and boys;**

**(b) Ensure that victims of domestic violence have adequate access to shelters, crisis centres, protection orders, as well as legal remedies instead of reconciliation and mediation;**

**(c) Increase the availability, accessibility and quality of essential services and support to victims of gender-based violence, including legal assistance and access to appropriate health care services and psychosocial support;**

**(d) Systematically collect data on gender-based violence against women and girls, disaggregated by age, ethnicity, geography, and relationship between victim and perpetrator.**

#### **Women, peace and security**

22. The Committee remains concerned that Muslim women in the Southern Border Provinces continue to face obstacles in enjoying their rights on an equal footing with men, including with regard to access to education, employment, health care and social security, and that their situation is exacerbated by the ongoing conflict in the region. It is particularly concerned about:

**(a) Women who have become widows and heads of households as a result of male family members being arrested, disappeared or killed, and who face stigma and difficulties in earning a living and supporting their families;**

**(b) Reports of DNA collection under coercive conditions of family members of individuals who are suspects in security-related cases;**

**(c) The exclusion of women from meaningful participation in the peace process, and the slow progress in adopting the national action plan on women and peace and security in accordance with UN Security Council Resolution 1325 (2000).**

23. **Recalling its previous recommendation (CEDAW/C/THA/CO/5, para.36), the Committee recommends that the State party:**

**(a) Adopt temporary special measures targeting Muslim women in the Southern Border Provinces so as to ensure their substantive equality with men in all areas, and in particular widows and women heads of households, including by providing sufficient financial and social support;**

**(b) Increase its efforts to end the conflict in the Southern Border Provinces and ensure that the military, law enforcement officials and non-State armed groups abide by international humanitarian and human rights law, particularly with regard to the protection of women and girls who are not engaged in conflict from all forms of violence;**

**(c) Ensure that women whose spouses or other family members have been subjected to human rights violations have access to effective remedies and obtain justice, including by ensuring that such violations are thoroughly investigated, alleged perpetrators prosecuted and if convicted, punished with appropriate sanctions;**

**(d) Immediately discontinue the practice of DNA collection and provide effective remedies to women and girls who have been subjected to this practice under coercive conditions;**

**(e) Adopt, without further delay, a comprehensive national action plan for the implementation of Security Council resolution 1325 (2000) on women and peace and security to ensure durable peace in the State party;**

**(f) Fully involve women at all stages of the post-conflict reconstruction process, including in decision-making, in line with resolution 1325 (2000), and take into consideration the full spectrum of the Security Council's women and peace and security agenda, as reflected in its resolutions 1820 (2008), 1888 (2009), 1889 (2009), 2122 (2013) and 2242 (2015) as well as the Committee's general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations.**

### **Trafficking and exploitation of prostitution**

24. The Committee acknowledges the significant efforts made by the State party to prevent and combat trafficking in persons, including through legislative reforms to increase penalties for traffickers and to extend protection to victims and witnesses of trafficking. Nevertheless, it remains deeply concerned that the State party remains a source, destination, and transit country for trafficking in persons, in particular women and girls, for purposes of sexual and labour exploitation. The Committee is particularly concerned about:

(a) The limited progress in addressing the root causes of trafficking within the State party, including poverty, lack of economic opportunities and statelessness, particularly in rural and remote areas;

(b) The lack of effective identification of victims of trafficking in practice despite the adoption of new guidelines;

(c) The prevalence of corruption and official complicity in trafficking cases, which continue to impede efforts to prevent and combat trafficking.

25. **The Committee recommends that the State party:**

**(a) Take concrete and specific measures to address the root causes of trafficking in women and girls by improving the economic situation of women, as previously recommended by the Committee (CEDAW/C/THA/CO/5, para.28);**

**(b) Ensure early detection and referral to appropriate services of women and girls who are victims of trafficking, including by providing systematic training to all relevant law enforcement officials on the effective implementation of the new guidelines on victim identification;**

**(c) Ensure rehabilitation and social integration of victims, including by providing them effective protection, assistance and remedies, and providing financial and other forms of support to civil society organizations assisting women who are victims of trafficking;**

**(d) Ensure that women who are victims of trafficking are exempted from any liability and provided with adequate protection, such as witness protection programmes and temporary residence permits, irrespective of their ability or willingness to cooperate with the prosecutorial authorities;**

**(e) Ensure that traffickers and other actors involved in trafficking, including government officials, are prosecuted and adequately punished;**

**(f) Reinforce international, regional and bilateral cooperation with countries of origin, transit and destination to prevent trafficking, including by exchanging information and harmonizing legal procedures to prosecute traffickers, with countries of origin, transit and destination, particularly countries in the region.**

26. The Committee is concerned that a large number of women and girls are subjected to exploitation through prostitution in the State party and that women in prostitution are criminalized under the Suppression and Prevention of Prostitution Act of 1996, while those who exploit women in prostitution are rarely prosecuted. It also notes with concern that women working in the entertainment sector are presumed to be guilty of prostitution under the Act, arrested and subjected to humiliating treatment following violent police raids, and targeted in entrapment operations by police officers. The Committee is further concerned at reports of official complicity in the exploitation of women in prostitution, including large-scale extortion by corrupt police officers. It also notes that even women employed in legally operating enterprises in the entertainment sector do not benefit, in practice, from the protection of labour laws and social benefits available to other workers.

27. **The Committee recommends that the State party:**

**(a) Review the Suppression and Prevention of Prostitution Act to decriminalize women in prostitution;**

**(b) Address the root causes of prostitution and adopt targeted measures to prevent women in vulnerable situations from entering prostitution, including by providing women with alternative income opportunities;**

**(c) Investigate and punish individuals who exploit women in prostitution, including government officials;**

**(d) Immediately end the practice of violent raids of entertainment venues, entrapment operations and extortion, and hold individual police officers accountable for their involvement in such activities;**

**(e) Provide assistance, rehabilitation and reintegration programmes for women and girls exploited in prostitution, in addition to exit programmes for women wishing to leave prostitution;**

**(f) Ensure the full application of labour laws and social benefits in all enterprises in the entertainment sector, especially to women employed in the legally operating enterprises in this sector.**

### **Participation in political and public life**

28. The Committee notes that Section 90(3) of the 2017 Constitution stipulates that regard should be given to gender equality in the process of preparing the list of candidates by political parties, and that an organic bill on political party is currently being prepared to provide further guidance. It remains concerned, however, that no temporary special measures have been adopted to date to increase the representation of women in political and public life, and further regrets the absence of women in the National Council for Peace and Order, which has been governing the State party following the coup d'état of May 2014. The Committee is further concerned about:

**(a) The low representation of women in legislative bodies, ministerial posts and local government, as well as in the judiciary, the police, the diplomatic service and academic institutions, particularly at decision-making levels;**

**(b) The lack of representation of women from ethnic and religious minorities and indigenous women in decision-making positions.**

**29. The Committee reiterates its previous recommendation (CEDAW/C/THA/CO/5, para.30) that the State party:**

**(a) Adopt measures, including temporary special measures, in accordance with article 4 (1) of the Convention and the Committee's general recommendations No. 25 (2004) on temporary special measures and No. 23 (1997) on women in political and public life, in order to guarantee and accelerate women's full and equal participation at all levels, including in legislative bodies, ministerial posts, and local government, as well as in the judiciary, the police, the diplomatic service and academic institutions;**

**(b) Provide information in the next periodic report on specific measures taken, such as quotas, to promote the representation of women from ethnic and religious minorities and indigenous women in decision-making positions.**

### **Women human rights defenders**

30. The Committee expresses serious concern that women human rights defenders advocating in particular for land rights, protection of the environment, and the rights of indigenous, rural, lesbian, bisexual and transgender women and Muslim women in the Southern Border Provinces, have increasingly become targets of lawsuits, harassment, violence and intimidation by authorities and business enterprises due to their work.

**31. The Committee recommends that the State party:**

**(a) Adopt and implement, without delay, effective measures for the protection of women human rights defenders to enable them to freely undertake their important work without fear or threat of lawsuits, harassment, violence or intimidation, including by improving the effectiveness, in consultation with women**

**human rights defenders, of the Witness Protection Office within the Ministry of Justice;**

**(b) Effectively investigate, prosecute and adequately punish all cases of harassment, violence and intimidation against women human rights defenders, and provide effective remedies to victims.**

#### **Nationality**

32. Notwithstanding the legislative amendments adopted by the State party, the Committee remains concerned that there are still stricter conditions for Thai women to confer their nationality on foreign spouses. It is also concerned that among ethnic minority and indigenous communities, men are reportedly given priority to register for nationality, leaving a disproportionate number of ethnic minority and indigenous women without nationality and with restricted freedom of movement and limited access to education, employment, health care and social protection. The Committee further remains concerned that despite the measures adopted by the State party, a significant number of children lack birth registration and are thus vulnerable to becoming stateless.

**33. The Committee recommends that the State party:**

**(a) Adopt further legislative amendments to ensure that women and men enjoy equal rights to confer their nationality on foreign spouses;**

**(b) Ensure without delay that women belonging to ethnic minority and indigenous groups have equal access to nationality as men, including by eliminating obstacles related to language, bureaucracy, residential requirements, literacy, and attitudes of officials, and ensure that they enjoy their rights to freedom of movement and access to education, employment, health care and social protection without undue restrictions;**

**(c) Intensify efforts to facilitate the birth registration of children, especially in rural and remote areas, in particular by conducting awareness-raising campaigns and removing language barriers;**

**(d) Ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.**

#### **Education**

34. The Committee commends the State party on its efforts to ensure equal access for women and girls to all levels of education, and welcomes the increase in the rate of girls' participation in tertiary education. It also welcomes the adoption of the Prevention and Solution of the Adolescent Pregnancy Act, which aims to reduce the high rates of teenage pregnancies and of girls who drop out of schools as a consequence. The Committee remains concerned, however, about:

**(a) Gender segregation in higher education, with low enrolment of women and girls in non-traditional fields of study such as technology, engineering, mathematics and agriculture;**

**(b) The existence of gender bias in the school curriculum and textbooks reinforcing traditional gender stereotypes.**

**35. The Committee recommends that the State party:**

**(a) Review the Comprehensive Sexuality Education curriculum to better equip students with knowledge and life skills required to protect themselves from early pregnancy and train teachers in accordance with the Prevention and Solution of the Adolescent Pregnancy Act;**

**(b) Enhance efforts to overcome gender segregation in higher education, with a view to increasing women's enrolment in non-traditional fields of study such as technology, engineering, mathematics and agriculture;**

**(c) Take concrete measures to eliminate discriminatory gender stereotypes in textbooks, teaching tools and materials.**

### **Employment**

36. The Committee acknowledges the steps taken by the State party to increase the participation of women in the labour market and to introduce minimum labour standards, including by ratifying the Convention concerning Discrimination in Respect of Employment and Occupation (No.111) of the International Labour Organization in June 2017. However, it remains concerned about:

(a) The concentration of women in the informal employment sector, including as domestic workers, who continue to be excluded from labour and social security protections, such as minimum wage protection, overtime compensation and maternity leave;

(b) The persistence of gender-based discrimination in the workplace, including with regard to recruitment, promotion, and retirement age which, in many factories, is reportedly set at 55 years for women as opposed to 60 years for men;

(c) The absence of legislation prohibiting sexual harassment in the workplace, despite reports that it is widespread in the State party;

(d) The situation of women migrant workers who are vulnerable to abuse and exploitation, particularly those who are undocumented.

37. **The Committee recommends that the State party:**

**(a) Create more opportunities for women to gain access to formal employment, in particular by promoting the equal sharing of domestic and family responsibilities between women and men and providing sufficient and adequate childcare facilities;**

**(b) Ensure that the rights of women in the informal sector are effectively protected, including by ensuring adequate coverage of labour and social security protections;**

**(c) Combat all forms of sex and gender-based discrimination in the workplace, including with regard to recruitment and promotion, and ensure that the retirement age of women in all sectors is the same as that for men;**

**(d) Ensure that sexual harassment is prohibited under law, and adopt further measures to prevent sexual harassment in the workplace, including by developing a system for filing confidential complaints and ensuring that victims have effective access to redress;**

**(e) Strengthen efforts to protect migrant women workers from abusive and exploitative conditions, including by prosecuting and punishing those responsible, ensuring access to health care and essential services without fear of being arrested or deported, and providing effective channels to seek protection and redress for violations of their rights;**

**(f) Consider ratifying the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and the Domestic Workers Convention, 2011 (No.189) of the International Labour Organization.**

### **Health**

38. The Committee commends the measures taken by the State party to improve women's access to healthcare services, such as the universal health coverage scheme, which have led to longer life expectancy, reduced rates of HIV infection, and the elimination of mother-to-child transmission of HIV and syphilis. Nevertheless, it remains concerned about reports of high rates of maternal mortality in the Southern Border Provinces and among ethnic minority groups, as well as of women with disabilities being subjected to forced sterilization and abortion.

39. **The Committee recommends that the State party strengthen measures to reduce maternal mortality, particularly among ethnic minority groups and in the Southern Border Provinces, including by ensuring the availability and accessibility of adequate sexual and reproductive health services, such as antenatal, delivery and postnatal services. It also recommends that the State party take specific measures to protect women with disabilities from forced sterilization and abortion and ensure that the right to free, prior and informed consent to such intervention is upheld, and that supported decision-making mechanisms are provided.**

#### **Economic and social benefits**

40. The Committee notes the State party's efforts to reduce poverty through access to loans and credit, such as the establishment of the Women's Empowerment Fund in 2012. However, it is concerned at reports of mismanagement of the Fund and of the low number of women who have benefitted from it.

41. **The Committee recommends that the State party undertake a thorough assessment of the Women's Empowerment Fund and the National Village and Urban Community Fund established in 2001 and take concrete measures to ensure that they are accessible and effectively managed, including by ensuring transparency, accountability and timely disbursement of funds. It also recommends that the State party consider establishing start-up support schemes for women's entrepreneurship.**

#### **Rural women**

42. The Committee remains concerned that rural women, including indigenous women and women from ethnic and religious minorities, continue to be disproportionately affected by poverty and limited economic opportunities, which increase their vulnerability to trafficking and exploitation. It also expresses concern that rural women:

(a) Continue to lack access to basic social services, such as education and healthcare, including sexual and reproductive healthcare, as well as access to justice;

(b) Are not represented in decision-making bodies and structures at national and local levels and are excluded from policy-making processes on issues that affect them;

(c) Face restrictions to their right to land and natural resources, due to land acquisition for development projects, mining and other extractive industries, and the zoning of national parks.

43. **With reference to its general recommendation No. 34 (2016) on the rights of rural women, the Committee recommends that the State party:**

(a) **Expand programmes aimed at facilitating women's access to education, employment and health care, including through the adoption of temporary special measures;**

(b) **Eliminate all barriers to 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;**

(c) **Ensure effective consultations with women from affected communities with regard to the zoning of national parks and the economic exploitation of lands and territories traditionally occupied or used by them and that it secure the free, prior and informed consent of the women affected, and provide adequate compensation as necessary;**

(d) **Ensure that rural women are included in the national roadmap to realize Goal 5 of the Sustainable Development Goals;**

(e) **Ratify Indigenous and Tribal Peoples Convention, 1989 (No.169) of the International Labour Organization.**

**Women in detention**

44. The Committee expresses concern that the State party has one of the highest rates of women in detention in the world. It is also concerned that owing to the limited number of female prisons, women are often incarcerated far from their families and in overcrowded prisons with conditions that fail to meet international standards, particularly as regards pregnant women and women detained with their children. The Committee is further concerned about invasive body searches performed on women in prison.

45. **The Committee recommends that the State party:**

**(a) Take urgent measures to reduce the number of women in detention, including by applying non-custodial sentences and addressing the root causes of women's delinquency, including poverty;**

**(b) Improve the conditions in women's detention facilities in accordance with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) and the UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) to address the problem of overcrowding in prisons and to ensure the provision of adequate facilities and services, in particular for pregnant women and women detained with their children;**

**(c) Prohibit and take immediate action to discontinue invasive physical searches of women by penitentiary officers and extend the use of technologies such as 3D body scanners to all prisons.**

**Gender dimension of climate change and disaster risk reduction**

46. The Committee expresses concern that women, in particular rural women, are excluded from participation in the elaboration and implementation of policies and action plans on climate change and disaster risk reduction, despite the fact they are disproportionately affected by the effects of climate change and disasters.

47. **The Committee recommends that the State party:**

**(a) Ensure the effective participation of women, not only as victims but as agents of change, in the formulation and implementation of policies and action plans on climate change and disaster response and risk reduction;**

**(b) Ensure that such policies and plans explicitly include a gender perspective and take into account the special needs of women, particularly rural women.**

**Marriage and family relations**

48. The Committee welcomes the legislative amendments concerning betrothal as previously recommended by the Committee (CEDAW/C/THA/CO/5, para.20). It also notes that Section 277 of the Criminal Code has been revised to ensure that perpetrators of rape of a child below 15 years of age are not exempt from punishment. However, it remains concerned that the Section 277(5) of the Criminal Code allows courts to use its discretion to reduce the sentence of the offender, and that girls as young as 13 who are sexually abused can still be legally married to the perpetrator. The Committee expresses further concern that harmful practices such as child and/or forced marriages and polygamy continue to take place, particularly in rural and remote areas.

49. **The Committee recommends that the State party:**

**(a) Amend Section 277(5) of the Criminal Code to ensure that the minimum age of marriage is established as 18 years for both girls and boys throughout the State party and take all necessary measures to eliminate child and/or forced marriage in practice;**

**(b) Ensure that the prohibition of polygamy applies throughout the State party, including in the Southern Border Provinces, and take concrete measures to**

**combat this practice through consultation with the communities concerned and local women's rights organizations.**

#### **Data collection and analysis**

50. The Committee remains concerned at the absence of a centralized data-collection system and at the deficiencies in compiling, analysing and processing reliable statistical data on the situation of women in all areas covered by the Convention.

51. **The Committee recommends that the State party expeditiously improve its data-collection system, including by strengthening the capacity of relevant national institutions to collect, analyse and disseminate statistical data, which should cover all areas of the Convention and be disaggregated by age, sex, disability, geographical location, ethnic origin and socioeconomic background, to facilitate analysis of the situation of all women, especially those in situations of vulnerability, and should be used for the formulation, monitoring and evaluation of laws, policies and programmes.**

#### **Amendment to article 20 (1) of the Convention**

52. The Committee encourages the State party to accept, as soon as possible, the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.

#### **Beijing Declaration and Platform for Action**

53. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action, in its efforts to implement the provisions of the Convention.**

#### **2030 Agenda for Sustainable Development**

54. **The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.**

#### **Dissemination**

55. **The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language(s) of the State party, to the relevant State institutions at all levels (national, regional, local), in particular to the Government, the ministries, Parliament and the judiciary, to enable their full implementation**

#### **Technical Assistance**

56. **The Committee recommends that the State party link the implementation of the Convention to its development efforts and that it avail itself of regional or international technical assistance in this respect.**

#### **Ratification of other treaties**

57. **The Committee notes that the adherence of the State party to the nine major international human rights instruments<sup>1</sup> would enhance the enjoyment by women of**

<sup>1</sup> The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.

**their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention for the Protection of All Persons from Enforced Disappearance, to which it is not yet a party.**

**Follow-up to concluding observations**

**58. The Committee requests the State party to provide, within [timeframe], written information on the steps taken to implement the recommendations contained in paragraphs 23(b) and (e), 43(c) and (d) above.**

**Preparation of the next report**

**59. The Committee requests the State party to submit its eighth periodic report, which is due in July 2021. The report should be submitted on time, and cover the entire period up to the time of its submission.**

**60. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I)).**

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