



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

List of issues and questions prior to the submission of the eighth periodic report of Thailand*

General

1. Please provide information and statistics, disaggregated by sex, age, disability, ethnicity, nationality, geographical location and socioeconomic background, on the current situation of women in the State party to enable monitoring of the implementation of the Convention. In accordance with the State party's obligations under articles 1 and 2 of 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 indicate how the State party intends to improve the collection and analysis of data pertaining to the areas covered by the Convention, so as to support policymaking and programme development and to measure progress made towards the implementation of the Convention and the promotion of substantive equality between women and men, including with regard to the specific areas covered in the present document.

Women's rights and gender equality in relation to the pandemic, recovery efforts and global crises

2. Please describe efforts made and mechanisms put in place to face the coronavirus (COVID-19) pandemic and its long-term impact and ways to apply these in the State party's response to current and future crises, such as armed conflict, food insecurity and the energy crisis. Please provide information on strategies taken to ensure that gender equality and women's empowerment are fundamental requirements in addressing such crises and in elaborating adequate responses, such as policies, assistance programmes, recovery efforts and the consolidation of the rule of law. Please also provide information on measures taken to ensure the equal and meaningful participation of women in these processes as well as to ensure that such crises will not lead to a reversal of progress made in the protection and promotion of women's rights.

Legislative and institutional framework

3. Please outline any steps taken to conduct a gender analysis of all laws to identify those which conflict with the Convention and to harmonize them with the Convention, and to institutionalize such an analysis for all draft laws. Please also inform the

* Adopted by the pre-sessional working group on 3 November 2022.



Committee about steps taken towards revising section 17 (2) of the Gender Equality Act to ensure that there are no exceptions to the prohibition of discrimination on the basis of gender and to ensure specific protection against intersectional discrimination against women and girls.

Access to justice

4. Please provide information, also in view of the Committee's previous concluding observations (CEDAW/C/THA/CO/6-7, para. 11), on progress made in:

(a) Simplifying the procedure for accessing the Justice Fund and ensuring that it is available and accessible to all women, with particular attention paid to groups of women in vulnerable and marginalized situations;

(b) Strengthening women's and girls' legal literacy and making specific efforts to ensure that Muslim women in the southern border provinces know about available remedies under the State party's criminal justice system in addition to Islamic law;

(c) Strengthening the gender responsiveness and gender sensitivity of the justice system, including by increasing the number of women therein and providing systematic capacity-building training to judges, prosecutors, lawyers, police officers and other law enforcement officials on the Convention, the Committee's jurisprudence and its general recommendations;

(d) Effectively combating and prosecuting corruption and punishing corrupt law enforcement and judicial officials who obstruct justice;

(e) Ensuring that religious and customary justice systems fully harmonize their norms, procedures and practices with the Convention and provide relevant capacity-building;

(f) Ensuring that women belonging to ethnic minorities have access to interpretation where and when needed and that women with disabilities have access to assistance;

(g) Ensuring gender balance in the Committee on the Prevention and Suppression of Torture and Enforced Disappearance, set up by the Prevention and Suppression of Torture and Enforced Disappearance Act. Please provide information about any plans for legal amendments to include provisions on exempting the application of the laws relating to amnesty for public officials who commit offences under the Act and on the inadmissibility as evidence of statements or other information obtained by torture, ill-treatment or enforced disappearance, as the lack of such provisions might disproportionately harm women.

5. In view of reports that women are disproportionately affected by the imposition of the death penalty for drug-related offences, please indicate whether any analysis of this phenomenon has been conducted. Please also:

(a) Provide data on women on death row, notably the crimes for which they were convicted, their age, nationality and ethnicity, whether they are responsible for any dependants and whether any women with disabilities are currently on death row;

(b) Clarify if the death penalty is also applied to women who acted in self-defence;

(c) Comment on reports that courts are usually not allowed to consider mitigating factors such as exposure to gender-based violence, trauma and poverty. Please inform the Committee about any intention to codify gender-specific defences and mitigation in capital trials that include gender-based violence, trauma, poverty and economic pressure and caretaking responsibilities;

(d) Provide information about any steps taken to increase the resources for court-appointed lawyers in capital cases to allow for quality preparation of defence and to ensure that lawyers have the necessary expertise and experience.

Women and peace and security

6. In view of the continuing conflict in the southern border provinces, please provide information, in line with the Committee's previous concluding observations (CEDAW/C/THA/CO/6-7, para. 23), about efforts made to:

(a) Achieve the end of the conflict and ensure adherence to international humanitarian and human rights law by all actors, with a focus on protecting women and girls from all forms of gender-based violence;

(b) Ensure that women who have been subjected to human rights violations or whose spouses or other family members have been subjected to enforced disappearance or other violations have access to effective remedies and obtain justice;

(c) Discontinue the practice of DNA collection and provide effective remedies to women and girls who have been subjected to it;

(d) Adopt a national action plan for the implementation of Security Council resolution 1325 (2000) and fully involve women at all stages of the post-conflict reconstruction process, including in decision-making, in line with that resolution and the complete women and peace and security agenda.

National machinery for the advancement of women

7. Please provide comprehensive information on the mandate, responsibilities and resources of the National Commission on Women's Affairs and Family Development and the Office of Women's Affairs and Family Development. Please inform the Committee about efforts to adopt a gender mainstreaming strategy. In view of reports that the Twelfth National Economic and Social Development Plan (2017–2021) groups women, older persons and persons with disabilities into a homogenous category of "disadvantaged groups", please provide information about steps taken to discontinue such an approach that overlooks the individual struggles of each group as well as the fact that women are represented in all groups and will often be subjected to intersectional discrimination as such.

Stereotypes

8. In the light of the Committee's previous concluding observations (CEDAW/C/THA/CO/6-7, para. 19), please indicate the measures taken to adopt a comprehensive strategy to eliminate stereotypes and patriarchal attitudes concerning the roles and responsibilities of women and men, to use the education system in this regard and to strengthen the media's understanding of substantive gender equality, including with an intersectional perspective. Recalling general recommendation No. 39 (2022) on the rights of Indigenous women and girls, please also provide information on measures taken to:

(a) Prevent and eliminate hate speech against Indigenous women;

(b) Discontinue the perpetuation of stereotypes against women and girls from Indigenous and ethnic groups, in the light of information before the Committee that, in 2018, the Ministry of Social Development and Human Security opened an education centre in Khon Kaen that especially targeted Isaan women and girls, suggesting that they might not value studying but instead preferred to work in bars and massage parlors.

Gender-based violence against women

9. Recalling general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, please inform the Committee about measures taken to combat gender-based violence against women and its underreporting, and to eliminate the gender stereotypes that underpin such violence, including by adopting specific measures targeting men and boys. Furthermore, please provide information on:

(a) The steps that have been taken to specifically tackle the internalization of gender stereotypes, in view of the fact that 9 per cent of women believe that their partners are justified in hitting them;

(b) The reason for the replacement of the Protection of Victims of Domestic Violence Act by the Promotion of Family Institution Development and Protection Act. Please clarify whether this may lead to an increased focus on reconciliation and mediation, and comment on reports that this act will focus on rehabilitation rather than penalization of the offender;

(c) Whether the Promotion of Family Institution Development and Protection Act applies to sexual violence against family members, in view of the fact that the Protection of Victims of Domestic Violence Act does not, and how the protection of victims and the prosecution and penalization of perpetrators are ensured;

(d) Efforts to increase the availability, accessibility and quality of essential services and support to victims, including legal assistance, appropriate health-care services and psychosocial support, and to ensure that victims of all types of gender-based violence have adequate access to shelters, crisis centres, protection orders and legal remedies. Please also provide information on efforts made to adopt an intersectional lens to ensure that women belonging to groups in vulnerable or marginalized situations are not disadvantaged in accessing these resources;

(e) The discontinuation of the police practice of exclusively referring Muslim women who report violence to the Islamic Provincial Council as an issue under the Islamic family law;

(f) The review of the penal code and the repeal of any provisions that may acquit a perpetrator for marrying the victim, such as section 277 of the Criminal Code, which allows a perpetrator of rape to be acquitted by marrying a victim who is between 13 and 15 years of age;

(g) The measures taken towards criminalizing female genital mutilation and adopting a comprehensive strategy toward its elimination, also targeting traditional and religious leaders, in the light of the Committee's previous concluding observations ([CEDAW/C/THA/CO/6-7](#), para. 19). Please also provide information about any research on the practice of abduction of girls for the purposes of forced marriage, steps taken towards its full criminalization and any development of a comprehensive strategy to prevent and eliminate forced marriage.

Trafficking and the exploitation of prostitution

10. In view of the Committee's previous concluding observations ([CEDAW/C/THA/CO/6-7](#), para. 25) please indicate whether the operational guidelines of the national referral mechanism on assistance to and protection of victims of trafficking has been finalized in line with international frameworks and also provide information on measures taken to:

(a) Address the root causes of trafficking in women and girls;

(b) Ensure the early detection and referral of victims, and their full rehabilitation, social integration and exemption from any liability, and provide them with adequate protection, irrespective of their ability or willingness to cooperate with the prosecutorial authorities;

(c) Prosecute and adequately punish traffickers and other actors involved, including government officials;

(d) Reinforce international, regional and bilateral cooperation to prevent trafficking.

11. Please inform the Committee about steps taken to:

(a) Tackle the root causes of prostitution and provide women in prostitution with alternative income opportunities;

(b) Investigate and punish individuals who exploit women in prostitution rather than criminalizing the women;

(c) End the practice of violent raids of entertainment venues, entrapment operations and extortion, and hold individual police officers accountable;

(d) Provide assistance, rehabilitation and reintegration programmes for women and girls exploited in prostitution, in addition to exit programmes.

Participation in political and public life

12. In view of the very low level of women's participation in politics, please specify any measures taken to increase the number of women in political representation and leadership roles in public service, including awareness-raising measures and, notably, temporary special measures, including specific efforts to promote the representation of women belonging to Indigenous, ethnic and religious minority groups. Please provide information on the discontinuation in 2018 of the admission of women cadets to the Royal Police Cadet Academy and indicate whether steps are under way to start admitting women to the academy again.

Women human rights defenders

13. In view of reports that women human rights defenders continue to be subjected to violence, judicial harassment and online threats, surveillance and attacks by State and non-State actors, in particular when they work on environmental protection, please specify any measures, in consultation with women human rights defenders, to prevent and eliminate such attacks and ensure access to legal remedies for women human rights defenders subjected to such attacks.

Nationality

14. Please inform the Committee about measures taken to facilitate application procedures for nationality and to combat corruption in this regard and discrimination against Indigenous women in this process, in which men are reportedly given priority. Please also provide information about measures taken to allow Thai women citizens equal rights to men citizens in conferring their nationality on their foreign spouse. Please also provide information about steps taken to abolish the requirement of a Thai parent's presence to apply for a child's first identity papers, which leaves migrant women and their children who have been abandoned by a Thai father unable to claim their rights.

Education

15. Please inform the Committee about measures taken to retain girls at all levels of education and to remove any obstacles to their enrolment in non-traditional fields of study. Please provide information on specific measures targeting girls from groups in vulnerable and marginalized situations, who face intersectional discrimination based on poverty, disability, racism, lesbian, bisexual, transgender or intersex status, religion and migrant status. Please also provide information about:

- (a) Progress made in removing any content from curricula and teaching materials that perpetuates gender stereotypes;
- (b) Measures taken to prevent discrimination and stigmatization of pregnant girls;
- (c) Measures taken to prevent and eliminate violence occurring at school;
- (d) Any investigations of attacks on schools and their outcomes.

Employment

16. In view of the Committee's previous concluding observations ([CEDAW/C/THA/CO/6-7](#), para. 37), please specify measures taken to effectively combat all forms of discrimination against women in the workplace and to:

- (a) Create more opportunities for women to access formal employment, including by adopting permanent and temporary measures, promoting the equal sharing of household responsibilities and providing sufficient and adequate childcare facilities and adequate labour and social security protections;
- (b) Ensure the implementation of maternity protection and prevent employers from dismissing pregnant women on the basis of other grounds to circumvent it;
- (c) Fully prohibit sexual harassment and adopt confidential complaint mechanisms and provide access to redress;
- (d) 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 arrest or deportation, ensuring that they can change jobs without a broker and providing effective channels for seeking protection and redress for violations of their rights;
- (e) Ratify the Violence and Harassment Convention, 2019 (No. 190); 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

17. Please provide detailed information on access to contraception, in particular for young people and women with disabilities, and on whether an implementation plan on the legalization of abortion has been put in place, including measures taken to disseminate information about access to abortion and to prevent stigmatization of women who undergo abortion. Also in view of the Committee's previous concluding observations ([CEDAW/C/THA/CO/6-7](#), para. 39), please provide information about progress made towards:

- (a) Strengthening measures to reduce maternal mortality, in particular among ethnic minority groups and in the southern border provinces, including by ensuring adequate sexual and reproductive health-care services;

(b) Protecting women with disabilities from forced sterilization and abortion and ensuring that sterilization and abortion are carried out only with free, prior and informed consent;

(c) Providing culturally sensitive health care to Indigenous women;

(d) Providing women with HIV and other sexually transmitted infections with the necessary treatment and protecting them from stigmatization.

Economic and social benefits

18. In view of the social security system covering only part of the labour market, please inform the Committee about any steps taken towards extending social security coverage to the entire labour force, with special attention paid to women migrant workers, and also to the informal sector and women who are not in the labour force. Please specify the measures taken to provide stateless women with access to all necessary services.

Rural women

19. Recalling general recommendation No. 34 (2016) on the rights of rural women, please provide information about measures taken to address poverty, discrimination and exploitation, to which rural women continue to be subjected, and also in view of the Committee's previous concluding observations ([CEDAW/C/THA/CO/6-7](#), para. 43), specify any measures taken to:

(a) Facilitate their access to education, formal employment and health care;

(b) Ensure that customary law does not discriminate against rural women in their access to land, property and inheritance;

(c) Eliminate 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;

(d) Recalling general recommendation No. 39, ensure that Indigenous communities continue to have full access to their ancestral lands, that current charges against women from Indigenous communities for accessing these lands are dropped, that they are fully consulted in the formulation of legislation that affects them and their lands and that the Indigenous status of groups who identify themselves as Indigenous is recognized;

(e) Protect rural women from health problems that might occur from mining activities.

Gender dimension of climate change and disaster risk reduction

20. In view of the Committee's previous concluding observations ([CEDAW/C/THA/CO/6-7](#), para. 47) and recalling general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, please specify measures taken to ensure the effective participation of women in the formulation and implementation of policies and action plans on climate change, disaster response and risk reduction, and to ensure that these include a gender perspective, with particular attention paid to rural women.

Disadvantaged groups of women

Women belonging to ethnic and religious minorities

21. Please inform the Committee about measures taken to prevent and eliminate the intersectional discrimination faced by women belonging to ethnic minorities in many sectors, which makes them vulnerable to the loss of land and livelihood and consequently to trafficking. Please provide information about efforts to prevent and

eliminate discrimination against Muslim women and, in view of the Committee's previous concluding observations (CEDAW/C/THA/CO/6-7, para. 23 (a)), clarify whether temporary special measures targeting Muslim women in the southern border provinces have been adopted, so as to ensure their substantive equality with men in all areas, in particular for widows and women heads of household, including by providing sufficient financial and social support.

Refugee and asylum-seeking women

22. Please indicate any measures taken towards providing access by refugee and asylum-seeking women and girls to the justice system, housing, education, health care and the necessary social services and towards discontinuing immigration detention of refugee and asylum-seeking women.

Women in detention

23. Please inform the Committee, also in view of its previous concluding observations (CEDAW/C/THA/CO/6-7, para. 45), about measures taken to:

(a) Reduce the number of women in detention, including by applying non-custodial sentences;

(b) Bring all women's places of detention into line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) to address the problem of overcrowding and to ensure adequate facilities and services, in particular for pregnant women and women detained with their children. Please also provide information about measures taken to ensure the availability of all products necessary to meet basic hygiene needs, especially sanitary pads and underwear;

(c) Prohibit and discontinue invasive physical searches of women and extend the use of technologies such as 3D body scanners to all prisons;

(d) Set up confidential reporting mechanisms that may result in independent investigations.

Marriage and family relations

24. Please specify any steps taken to review and reform the Islamic family and inheritance law to bring it fully into line with the Convention and to provide corresponding capacity-building to the Provincial Islamic Committee and religious and community leaders. Please also specify any progress made with regard to:

(a) Establishing the minimum age of marriage and partnership at 18 years for all without exception and strengthening measures to eliminate child and forced marriage;

(b) Applying the prohibition of polygamy throughout the State party and combating the practice in consultation with local women's rights organizations.

Additional information

25. Please provide any additional information deemed relevant with regard to legislative, policy, administrative and other measures taken to implement the provisions of the Convention and the Committee's concluding observations since the consideration of the previous periodic report in 2017. Such measures may include recent laws, developments, plans, programmes and ratifications of human rights instruments, as well as any other information that the State party considers relevant. Please note that, further to the issues raised in the present document, the State party will be expected during the dialogue to respond to additional questions relating to areas covered by the Convention.