



## Convention on the Elimination of All Forms of Discrimination against Women

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### Committee on the Elimination of Discrimination against Women

Thirty-fourth session

16 January-3 February 2006

### Concluding comments of the Committee on the Elimination of Discrimination against Women: Thailand

1. The Committee considered Thailand's combined fourth and fifth periodic report (CEDAW/C/THA/4-5) at its 707th and 708th meetings, on 20 January 2006 (see CEDAW/C/SR.707 and 708). The Committee's list of issues and questions is contained in CEDAW/C/THA/Q/4-5 and Thailand's responses are contained in CEDAW/C/THA/Q/4-5/Add.1.

#### Introduction

2. The Committee commends the State party for its combined fourth and fifth periodic report, which followed the Committee's guidelines for the preparation of reports. It also commends the State party for the responses to the list of issues and questions posed by the Committee's pre-session working group and for the frank oral presentation that provided additional information on the implementation of the Convention.

3. The Committee commends the State party for its high-level delegation, headed by the Minister for Social Development and Human Security, and composed of representatives of different departments with expertise in a broad range of areas covered by the Convention. The Committee appreciates the openness and seriousness of the constructive dialogue that took place between the delegation and the members of the Committee.

4. The Committee commends the State party for having ratified the Optional Protocol to the Convention in 2000.

#### Positive aspects

5. The Committee congratulates the State party for the measures carried out to combat trafficking in women and girls. It particularly welcomes the formulation of the National Policy and Plan on the Prevention and Suppression of Domestic and International Trafficking in Children and Women, and the establishment of the Operation Centre on Human Trafficking under the Ministry of Social Development

and Human Security and the National Committee to Prevent and Suppress Human Trafficking.

6. The Committee welcomes the amendment to the Name Act in 2005 that grants married women the right to choose a family name.

7. The Committee also welcomes the assignment in every ministry and department of a high-ranking official as Chief Gender Equality Officer and the appointment of the Gender Focal Point to promote gender equality.

8. The Committee commends the State party for having established an ombudsman as a mechanism to safeguard human rights.

9. The Committee also commends the State party for the adoption of temporary special measures to achieve gender balance in the composition of the National Human Rights Commission and the Village and Urban Fund Committee.

#### **Principal areas of concern and recommendations**

**10. Recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention according to its objectives and principles, in the Committee's view, the concerns and recommendations identified in the present concluding comments require priority attention of the State party from the present time until the submission of its next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to Parliament in order to ensure their full implementation.**

11. The Committee remains concerned that the State party continues to retain its reservation to article 16 of the Convention. The Committee draws the attention of the State party to the fact that reservations to article 16 are contrary to the object and purpose of the Convention.

**12. The Committee urges the State party to expedite its efforts towards the withdrawal of its reservation to article 16 of the Convention within a concrete time frame.**

13. The Committee is concerned that not all discriminatory laws have been amended to ensure that the Convention and its provisions become fully applicable in the domestic legal system.

**14. The Committee recommends that the State party systematically review all legislation so as to achieve full compliance with the provisions of the Convention. The Committee points out that it is the obligation of the State party to ensure that the Convention becomes fully applicable in the domestic legal system.**

15. The Committee is concerned that, although article 30 of the Constitution guarantees equal rights for women and men, there is no explicit definition of discrimination against women, in accordance with article 1 of the Convention, which prohibits direct and indirect discrimination, in the State party's legislation.

**16. The Committee encourages the State party to incorporate in its Constitution or the Gender Equality Bill currently being drafted the full**

**definition of discrimination, encompassing both direct and indirect discrimination, in line with article 1 of the Convention. It also calls on the State party to provide training for lawyers, judges and law enforcement officers on the Convention and the procedures under its Optional Protocol and to develop the capacity of women to claim their rights.**

17. While appreciating that the total budget allocation of the Office of Women's Affairs and Family Development has constantly been increased since 2003, the Committee is concerned that the relocation of the national machinery for the advancement of women from the Office of the Permanent Secretary to the Ministry of Social Development and Human Security may undermine the authority of the national machinery to carry out its gender mainstreaming efforts and coordination across all sectors.

**18. The Committee calls on the State party to undertake an in-depth evaluation of the national machinery for the advancement of women in order to assess whether the reform resulted in its reduced effectiveness, as well as an evaluation of all other institutional mechanisms, such as the gender focal points, the gender equality master plan and the civil service policy guidelines on gender equality. Based on this evaluation, the State party is called upon to make the necessary adjustments in order to ensure a strong institutional mechanism for the promotion of gender equality.**

19. The Committee expresses concern that discriminatory provisions still exist in Family Law, especially in relation to betrothal, marriage and divorce. In this regard, the Committee notes with concern that a betrothed man, unlike a woman, may claim compensation from any man who has either sexual intercourse or who has raped or attempted to rape his betrothed. With regard to marriage, the Committee notes with concern that a man who has sexual relations with a girl over the age of 13 but under the age of 15, with her consent or that of her parents, could marry her without being prosecuted. With regard to divorce, the Committee is concerned that whereas adultery committed by the wife constitutes grounds for divorce, a married man may have sexual intercourse with other women, but his legal wife can file a divorce only if it can be proven that her husband supports and honours another woman as his wife. The Committee is also concerned that the 310-day waiting period for a woman to remarry puts an unnecessary restriction on her rights.

**20. The Committee urges the State party to accelerate its reform of the Family Law in order to eliminate all discriminatory provisions, particularly in relation to betrothal, marriage and divorce, so that women and men can enjoy the same legal rights and obligations.**

21. The Committee expresses concern that although the 1997 Constitution allows for preferential treatment of certain groups, no provision is contained in laws and regulations for temporary special measures aimed at accelerating the de facto equality of women. As a result, no such measures are being adopted to increase women's participation in decision-making bodies on an equal basis with men, except in the selection of commissioners for the National Human Rights Commission and members of the Village and Urban Fund Committee.

**22. The Committee encourages the State party to expeditiously introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25, to accelerate**

**the realization of women's de facto equality with men in all areas. It also recommends that the State party include provisions for temporary special measures in the Gender Equality Bill, in particular with regard to women's participation in decision-making and access to economic opportunities.**

23. The Committee continues to be concerned about the prevalence of violence against women and girls. While welcoming the "draft Act on the Prevention and Resolution of Domestic Violence", the Committee is concerned about the inadequacy of the punishment for perpetrators set out therein. The Committee also notes with concern that the "draft Act" focuses on reconciliation and family unity to the detriment of the right of women to live free from violence. The Committee is furthermore concerned that the definition of rape in section 276 of the Penal Code is limited to sexual intercourse between a man and a woman who is not his wife, thus allowing a husband to rape his wife with impunity.

**24. The Committee urges the State party to accord priority attention to the adoption of comprehensive measures to address violence against women and girls in accordance with its general recommendation No. 19 on violence against women and the United Nations Declaration on Violence against Women. The Committee encourages the State party to proceed expeditiously with the completion and enactment of the "draft Act on the Prevention and Resolution of Domestic Violence" and to ensure that women and girls who are victims of violence have access to immediate means of redress and protection and that perpetrators are effectively prosecuted and punished. The Committee also calls upon the State party to amend the definition of rape in the Penal Code by deleting the exemption for marital rape so as to make it a criminal offence. The Committee recommends gender-sensitivity training for law enforcement personnel, the judiciary, health service providers and teachers to ensure that they are sensitized to all forms of violence against women and can respond adequately to it. The Committee also calls on the State party to take measures towards modifying those social, cultural and traditional attitudes that are permissive of violence against women.**

25. The Committee expresses concern at the persistence of strong stereotypical attitudes about the roles and responsibilities of women and men in the family and in society. Such stereotypes undermine women's social status, present a significant impediment to the implementation of the Convention and are a root cause of the disadvantaged position of women in a number of areas, including in the labour market and in political and public life.

**26. The Committee encourages the State party to design and implement comprehensive awareness-raising programmes to foster a better understanding of and support for equality between women and men at all levels of society, in accordance with articles 2 (f) and 5 (a) of the Convention. Such efforts should aim at changing stereotypical attitudes and traditional norms about the responsibilities and roles of women and men in the family and society and at strengthening societal support for gender equality. The Committee also recommends that the existing programmes of the Ministry of Justice to promote the rights and liberties of people be utilized to promote women's right to equality.**

27. While welcoming the legislative and policy measures undertaken to combat human trafficking, the Committee remains concerned about the persistence of

trafficking and exploitation of women and girls in the country. It is also concerned about the continuing phenomenon of sex tourism in the country.

**28. The Committee calls upon the State party to expedite the adoption of the draft Prevention and Suppression of Human Trafficking Act and to ensure that offenders are punished and victims adequately assisted. It also recommends that the State party address the root cause of trafficking by increasing its efforts to improve the economic situation of women, thereby eliminating their vulnerability to exploitation and traffickers, as well as measures for the rehabilitation and social integration of women and girls who are victims of exploitation and trafficking. The Committee also calls upon the State party to implement measures aimed at combating sex tourism, including in cooperation with tourists' countries of origin.**

29. The Committee notes with concern the low level of women's participation in public life and decision-making, particularly in the House of Representatives, the Senate and local government councils, as well as at the international level.

**30. The Committee recommends that the State party adopt and implement temporary special measures to increase the number of women in decision-making positions, in particular, to establish benchmarks and timetables, and consider the use of quotas to achieve them. The Committee invites the State party to also encourage political parties to use such quotas. The Committee calls upon the State party to implement training and awareness-raising programmes to highlight the importance of women's participation in decision-making at all levels, including at the international level, and to create enabling, encouraging and supportive conditions for such participation. The Committee also recommends that the State party develop more systematic data collection on women's participation in political and public life.**

31. The Committee notes with concern that certain provisions of the Nationality Law described in the report continue to discriminate against Thai women who marry foreign men. In particular, it is concerned that while Thai men may extend their citizenship to their foreign wives, non-Thai men who marry Thai women need to reside in Thailand for more than five consecutive years before being able to obtain citizenship.

**32. The Committee urges the State party to amend the Nationality Law so as to bring it in conformity with article 9 of the Convention.**

33. The Committee is concerned about the situation of rural and hill tribe women, particularly in view of their lack of access to adequate nutrition, sanitation, health-care services, education and income-generating activities.

**34. The Committee requests the State party to address the needs of rural and hill tribe women in an urgent and comprehensive manner and to implement measures to ensure that rural and hill tribe women have full access to adequate nutrition, sanitation, health-care services, education and income-generating activities.**

35. The Committee is concerned about the situation of Muslim women in the south of the country who lack access to education, social security, health care and economic opportunities, and are subjected to early marriage due to cultural norms.

The Committee is also concerned that this situation is further exacerbated by the recent unrest in the south.

**36. While commending the State party for having committed itself to bringing about peace in the south of the country and for having paid remedies to families of those deceased and injured as a result of the unrest, the Committee recommends that the State party ensure that all women in the south have access to health care, social security, economic resources and opportunities for education and skills training to enable them to rebuild their lives. It also encourages the State party to provide increased educational opportunities to girls to discourage early marriages.**

37. While welcoming the efforts made by the State party in granting Thai citizenship to 80 per cent of the hill tribe people and approving it for 140,000 displaced persons, the Committee remains concerned about the complexity of the procedure for obtaining citizenship by hill tribe women. It is also concerned that many refugee women do not enjoy legal status in the country.

**38. The Committee urges the State party to adopt measures that will facilitate and accelerate the process for obtaining citizenship by hill tribe women, including by addressing any corrupt practices by public officials responsible for determining the citizenship of applicants. It also calls on the State party to take steps that will ensure that refugee women can obtain legal status.**

39. The Committee is concerned about the lack or insufficient use of contraceptives, which leads to unsafe abortions. It is also concerned that women continue to bear the primary responsibility for family planning, as exemplified by the low rates of condom use and male sterilization compared to female methods of contraception.

**40. The Committee recommends that the State party strengthen the implementation of programmes and policies aimed at providing effective access for women to contraceptives and health-care information and services with the aim of avoiding the need for women to resort to illegal abortions. The Committee urges the State party to implement programmes of sexual and reproductive health education for women, men and adolescents in order to foster responsible sexual behaviour, and to increase its efforts to promote male contraception.**

41. The Committee is concerned about the high rates of HIV/AIDS among women, especially among those engaged in prostitution.

**42. The Committee strongly recommends that the State party step up its efforts to prevent and combat HIV/AIDS and improve the dissemination of information about the risks and ways of transmission. It also recommends that the State party include a gender perspective in its policies and programmes on HIV/AIDS.**

43. The Committee regrets the lack of sex-disaggregated data in regard to many of the provisions of the Convention.

**44. The Committee requests that the State party provide sufficient sex-disaggregated data, in its next periodic report so as to provide a clear picture of the progress made and obstacles remaining in the implementation of all the**

provisions of the Convention and to more effectively assess the impact of measures taken.

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

46. The Committee urges the State party to utilize fully, in the implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

47. The Committee also emphasizes that the full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and the explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.

48. The Committee notes that States' adherence to the seven major international human rights instruments<sup>1</sup> enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the Government of Thailand to consider ratifying the treaties to which it is not yet a party: the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

49. The Committee requests the State party to disseminate widely the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure the de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly on the theme "Women 2000: gender equality, development and peace for the twenty-first century".

50. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its sixth periodic report, which is due in September 2006, and its seventh periodic report, which is due in September 2010, in a combined report in 2010.

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<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 and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.