



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

Distr.: General
9 February 2006

Original: English

**Committee on the Elimination of Discrimination
against Women
Thirty-fourth session**

Summary record of the 707th meeting

Held at Headquarters, New York, on Friday, 20 January 2006, at 10 a.m.

Chairperson: Ms. Manalo

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The meeting was called to order at 10.10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

Combined fourth and fifth periodic report of Thailand (CEDAW/C/THA/4-5, CEDAW/C/THA/Q/4-5 and Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Thailand took places at the Committee table.*

2. **Mr. Muangsook** (Thailand), introducing the combined fourth and fifth periodic report of Thailand (CEDAW/C/THA/4-5), stressed that the 1997 Thai Constitution made Thai society one of the freest in the region. Nevertheless, the Government attached great importance to fulfilling its obligations under international human rights instruments, and, in particular, implementing the Convention. On the basis of the 1997 Constitution, several measures had also been taken to ensure the protection of women's rights.

3. He explained that women constituted a very important part of Thailand's human assets, and were essential to the country's production and growth. The Government's policies to provide equal opportunities for all were combined with initiatives to promote the status of women.

4. He pointed out that the country's principal mechanism for the advancement of women had recently been given higher administrative status and broader responsibilities, and national committees had been established to promote the rights of women, children, youth and the disabled; those committees included members of non-governmental organizations and experts. Moreover, every ministry had been asked to designate a high-ranking official to serve as chief gender equality officer and to establish a gender focal point for the implementation of the Women's Development Plan.

5. In response to the Committee's recommendations following consideration of Thailand's previous report, his Government had withdrawn its reservation to article 16 (g) in 2003 and, in 2005, had amended its legislation to enable married women to retain their maiden name. The remaining apparently discriminatory provisions of family law were being discussed widely, and amendments to the Civil and Commercial Code concerning engagement and divorce were currently

being considered. While safeguarding the richness of Thailand's culture and traditions, every effort was being made to bring family law into line with article 16.

6. With regard to the Committee's recommendation that specific anti-discrimination legislation should be introduced, he reported that draft laws on gender equality were being prepared through a broad participatory process in order to provide a clear definition of discrimination and to address discrimination against women.

7. He then described Thailand's progress in implementing the Convention, beginning with the area of violence against women. The Thai Cabinet had already endorsed measures and policies to prevent and resolve domestic violence against women and children, and special services had been set up to provide assistance to victims of violence. A family development centre worked at the community level to provide surveillance with a view to preventing such violence, hospitals throughout the country housed one-stop crisis centres and counselling and referral services were available through 24-hour hotlines. The Police Department currently offered more victim-sensitive assistance, and an anti-violence campaign had been undertaken throughout the country in order to raise public awareness.

8. Turning to the problem of the trafficking and exploitation of women, he drew attention to the fact that the Prime Minister had placed that issue on the national agenda in 2004, and specific legislation was currently being enacted to deal with it. The main focus of the legislation was to preserve the human rights of the victims and to impose heavier penalties on the offenders. Efforts were under way to coordinate enforcement of the legislation, not only in the country of origin but in destination countries, in order to prevent victims from being treated as criminals. The legislation also provided for confiscated money and property to be used to establish a fund for the protection of victims, their families and witnesses of human trafficking.

9. He described the national policies, committees and centres involved in establishing a national and international network of focal points to coordinate victim handling procedures and ensure fairness in all cases. However, since human trafficking was a transnational issue, the Thai Government was working

in close cooperation with non-governmental organizations and neighbouring countries to overcome the major obstacles to success, namely, poverty, social attitudes and inefficient law enforcement. Long-term measures were also needed, *inter alia*, to reduce development gaps between men and women, between urban and rural areas and among neighbouring countries.

10. With regard to women's participation in political and public life, he drew attention to the number of high-ranking women present in his delegation and noted that Thailand had implemented many measures to achieve the goal of doubling the proportion of women in public office and politics. As a result, the number of women holding responsible positions in Parliament and the civil service had grown significantly.

11. Referring to the question of minorities, hill-tribes and ethnic groups, and specifically to hill-tribe women, he described the services which ensured security for all groups of women, including health care and basic education, and the bias-free measures to identify appropriate legal status for people with status problems and to promote awareness of fundamental rights. As an example, he indicated that Thai citizenship had been granted to almost 14,000 displaced persons.

12. He emphasized that the Thai Government was committed to promoting gender equality and protecting the rights of women workers. Whatever their nationality women workers enjoyed special legal protection, and registered migrant workers were entitled to basic protection under the same legislation.

13. Lastly, in the area of social and economic benefits, he announced that Thailand had achieved the Millennium Development Goal of eliminating disparity in primary and secondary education. Women's access to health care had been improved through a system that covered expenses relating to maternity and women's diseases, and rural women had better access to credit through a project that provided loans without requiring collateral.

14. He acknowledged that more could be done to change remaining deep-rooted attitudes towards the role and dignity of women and stressed that the Convention would remain the centrepiece of Thailand's future efforts in the area of women's rights.

Articles 1 to 4

15. **Ms. Dairiam** asked whether the projected law against discrimination would include the definition given in article 1 of the Convention and whether it would cover unintended discrimination. She asked whether any court decisions referred to that definition and whether Thailand had included measures in its development plans to promote equal rights between men and women. She requested clarification of article 30 of the Constitution, which stipulated that unjust discrimination would not be permitted, noting that the article could be interpreted as allowing discrimination against women. She then asked how long it would be before the bill could be placed before Parliament, pointing out that once it was passed it would need to be publicized. She asked whether there were plans to provide training for judges and lawyers and to educate women and raise community awareness so as to ensure the social acceptance of gender equality.

16. Noting that the Ombudsperson mechanism was a means of ensuring the effective protection of women against discrimination, she asked what percentage of cases placed before the Ombudsman had been settled in favour of women and what remedies had been provided. She also asked what proportion of the budget resources and personnel of the new Office of Women's Affairs and Family Development was devoted to women's affairs and whether an evaluation had been made of the new institutional arrangement and whether data had been collected on the results of the guidelines issued by the civil service regarding the training, recruitment and promotion of women.

17. **Ms. Arocha Domínguez** noted that the Government did not seem to be making full use of the opportunities offered under article 4.1 of the Convention, to take special temporary measures to promote gender equality. While the report referred to the establishment of Village and Urban Community Funds and the requirement that they include equal numbers of men and women (para. 44), she wondered what further measures were planned to ensure equal benefits for both sexes. She also requested clarification about the small percentage of women heading the funds and called for an assessment of the effectiveness of the temporary special measures referred to in paragraph 46 of the report. She referred in that connection to General Recommendation 25 of the Committee.

18. **Mr. Pukditanakul** (Thailand) said that his country was preparing to adopt a definition of discrimination, based on article 1 of the Convention, that would cover both unintended as well as direct discrimination. The provisions of the Convention did not need to be incorporated word for word in domestic law; it was sufficient to ensure that there was no inconsistency between the two. The reference to unjust discrimination which was prohibited by the Constitution, simply meant that there had to be an objective justification for differential treatment; it could not be interpreted in such a way as to contradict the meaning and purpose of the Convention. He could give only an approximate idea of how long it would take to adopt the new law. On average the entire process took approximately two years, barring delays. As for the competent national tribunals, required under article 2 (c), there were several independent organizations that ensured the rights of women, in accordance with the Constitution. The Constitutional Court offered victims a means of redress. Recourse could also be had to the Administrative Court for cases coming under article 30 of the Constitution; and to the Labour Court which, under the new law, would have specific competence for gender discrimination in the workplace.

19. **Ms. Vajrabhaya** (Thailand) said that the Ministry of Justice had included in its workplans training programmes to sensitize judges, police officers and lawyers to women's rights and to make the Convention more widely known. On the question of the equal representation of women in the Village and Urban Community Fund Committee, the Government had adopted that special measure so as to ensure that the granting of loans would be decided equally by men and women and on a fair basis. As for the effectiveness of the new Office of Women's Affairs and Family Development, the two concerns were complementary and had been linked by the Government in an attempt to enhance the Office's effectiveness. The same aim had also been achieved by transferring it to the Ministry of Social Development and Human Security. Its status was higher than it had been in its previous form and its budget allocation was increasing every year.

Articles 5 and 6

20. **Ms. Coker-Appiah** noted that, according to the report, traditions and customs had a negative impact on

Thai women in all aspects of life. With regard to their sexual role in marriage, for example, section 276 of the Penal Code stated that rape referred to "... sexual intercourse with a woman who [was] not his wife" (report, para. 60), implying that it was not possible for a Thai man to rape his wife and therefore totally ignoring the element of consent. Traditional life should not be protected at the expense of one section of society. Likewise, the Government's efforts to change persistent stereotypes through educational reform would succeed only if they addressed all sections of society. In that regard, she wished to know what measures the Government was taking to sensitize society and change attitudes towards women, and whether the draft Act on the Prevention and Resolution of Domestic Violence would include a review of the definition of rape contained in the Penal Code.

21. On the issue of trafficking, she wished to know whether the National Policy and Plan for the Prevention, Suppression and Eradication of the Commercial Sexual Exploitation of Children and Women (para. 83) had now entered into force and, if so, what impact it had had. She would also be interested to learn what steps were being taken to deal with corruption among law enforcement officials, which was one of the reasons why Government measures were not yielding the results expected. Third, she was curious to know whether, in addition to recognizing the importance of NGOs that worked with trafficking victims, the Government provided such NGOs with any resources.

22. Lastly, while she was pleased that the State party had taken steps to rectify the citizenship problems facing Thailand's hill tribes, she urged it to resolve the issue as early as possible. The Committee would appreciate more information on the issue in the next report.

23. **Ms. Pimentel** commended the State party for affirming in its report (para. 55) that violence against women and children was a major problem in Thailand, for drafting a new law on domestic violence and for adopting a set of indicators to measure the effectiveness of programmes to combat violence. Nevertheless, some Thai NGOs had expressed concern that the draft law did not employ a rights-based approach. Noting that the reconciliation body should comprise relatives on both sides of the family, social workers, psychologists and such other persons as the woman concerned requested, she wondered whether

the Government was aware that such provisions might inhibit the woman's own decision-making and that only a rights-based and gender-sensitive approach would empower women and enable them to overcome domestic violence. Since the draft was still being debated, she also wondered whether it would still be possible to debate the insertion of the United Nations definition of domestic violence, as contained in its Declaration on the Elimination of Violence against Women. Lastly, the fact that the new law imposed a maximum penalty of six months' imprisonment for physical abuse while the Penal Code imposed a maximum penalty of two years' imprisonment for the same offence might reinforce the idea that domestic violence was a private matter and less significant than other forms of violence.

24. **Mr. Pukditanakul** (Thailand) said that the rationale behind the draft law on domestic violence was threefold: to help victims more effectively; to help perpetrators change their habits, rather than simply punishing them (for more often than not they were the breadwinner and sending them to prison might therefore place the victim and her children in an adverse situation); and to maintain the victim's family life (for if the abuser was sent to prison, the family could fall apart, leading to social disadvantages). The draft law in no way sought to hinder the victim's right to decide whether or not to pursue the abuser but simply encouraged reconciliation, where possible, provided that the victim so desired. It therefore sought to empower victims, hence the role of psychologists, among others. The two different penalties, applied to two separate offences. The offence of assault and battery, which came under criminal law, still existed. Abusers would therefore now face two charges: one of assault and battery, for which the maximum penalty was two years' imprisonment, and an additional charge of domestic violence, for which the maximum penalty was six months.

25. On the issue of victim support, he said that a number of NGOs had set up emergency shelters. However, public consensus seemed to be that it should be the abuser, not the victim, who should have to leave the home. Under the new draft law, therefore, the victim could choose to remain in the home and ask the courts to issue a protection order, prohibiting the abuser from entering the home.

26. A few years earlier, the Government had approved a bill deleting the proviso that rape referred

only to sexual intercourse with a woman who was not a man's wife, in an attempt to make marital rape an offence. However, the Council of State had blocked the bill on the grounds that it undermined the stability of the family. A working group was now trying to break the deadlock. In 2005, a compromise had been found: the proviso would remain, but an exception would be added to the effect that a husband who forced his wife to have sex when she had reasonable grounds to deny consent (for example, she was ill or her husband had caught a disease) would be guilty of marital rape. A husband could therefore now be accused of marital rape, but only under specific circumstances. He was sure that both parties would accept that model and therefore be willing to review the issue again. If the model was not in line with United Nations standards, in particular the Convention, his Government would appreciate guidance from the Committee.

27. **Ms. Sirorat** (Thailand) said that Thailand had implemented a broad range of measures to combat human trafficking in all its aspects. Regarding the first aspect — policy and cooperation — a Government policy on trafficking was in place; the Prime Minister had made trafficking a national priority; and the Government had a national plan and policy which she would elaborate upon later. Regarding the second aspect — prevention — programmes were in place to reduce poverty (one of the root causes of trafficking) and raise awareness of trafficking. As for the third aspect — prosecution — the draft Prevention and Suppression of Human Trafficking Act was now with the Council of State and was expected to enter into force in 2006. The new law would provide a comprehensive approach to trafficking, punishing traffickers more severely and protecting victims more effectively. Thailand was also looking to ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. On the fourth aspect — protection — the Government had in place a programme on assistance, recovery and reintegration and had provided shelters for trafficking victims from neighbouring countries. Over the past four or five years, the Government had assisted and repatriated around 2,000 trafficking victims from other countries in the Mekong subregion. It also worked closely with international organizations working in the area of migration.

28. The National Policy and Plan for the Prevention, Suppression and Eradication of the Commercial Sexual Exploitation of Children and Women (para. 83), meanwhile, had been approved in 2003. The policy focused on prevention, suppression, assistance and protection, recovery and reintegration, the establishment of structures for effective policy implementation and capacity-building. The plan was in the process of being implemented. Human trafficking indicators had also been developed to monitor and evaluate the situation regarding human trafficking. Once approved, those indicators would provide a guideline for the various agencies concerned.

29. Regarding assistance to NGOs working with trafficking victims, she said that the Prime Minister had approved a special fund of \$12.5 million for anti-trafficking efforts and assistance to victims. NGOs were invited to submit proposals to the Ministry of Social Development and Human Security, which approved projects according to a set of guidelines.

30. **Ms. Iamsudha** (Thailand), reiterating that trafficking required international cooperation, said that Thailand had signed memoranda of understanding with Cambodia (2003) and the Lao People's Democratic Republic (2005) and was currently negotiating a similar memorandum of understanding with Viet Nam. Thailand planned to conduct in-country projects and joint projects and, in 2005, the two Governments had established operational guidelines on the repatriation and reintegration of trafficking victims. Those guidelines had now been disseminated to concerned officials in other countries, including at the provincial level. Regarding the Lao People's Democratic Republic, meanwhile, a task force to combat human trafficking had been set up in both countries. The task force was due to meet in February 2006 in order to finalize its plan of action.

31. At the subregional level, cooperation also existed within the framework of the Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT). A number of countries had signed the subregional memorandum of understanding and were working together on preventive measures, policy coordination and law enforcement. The COMMIT Plan of Action was now in the process of being implemented. In late 2005, a national seminar had been held to train officials in human trafficking issues. A number of initiatives were also in place to address economic

disparities in the region, which had been recognized as one of the root causes of trafficking.

32. **Mr. Flinterman** asked whether the Government had disseminated to women's NGOs the procedures involved in recourse to the Optional Protocol, and whether women were able to invoke the provisions of the Convention directly in the courts.

33. **Ms. Schöpp-Schilling** wondered whether the temporary special measures had been integrated into the draft law on gender. While it was understandable that women's affairs should be linked with children's and family affairs, the Government should remain aware of the danger of feeding into existing stereotypes by reorganizing its ministerial structure in that way.

34. **Ms. Tavares da Silva** asked about the change in status of the machinery for protecting women's rights; if it no longer came under the office of the Prime Minister, it might become fragmented, with a consequent loss of the ability to mainstream and coordinate gender issues as before.

35. **Ms. Morvai** wondered how people felt about Thailand's being regarded as the sex-capital of the world and asked how badly the economy would be affected if an end were to be put to sex tourism.

36. **Ms. Vichit-vadakan** (Thailand) replied that neither the Government nor the citizens were happy about the country's image as "sex-capital of the world". Thailand had much else to offer and was working hard to attract tourists interested in the beauties of nature, eco-tourism and Thai culture.

37. **Mr. Pukditanakul** (Thailand) replied that the provisions of the Convention could not be invoked automatically in the courts of Thailand. The Government was therefore trying to bring its domestic law into line with the Convention so that it could fulfil its international obligations.

38. **Ms. Sangkhakrishna** (Thailand) added that the Optional Protocol had already been publicized through NGOs and the Office of Women's Affairs and Family Development in the Ministry of Social Development and Human Security.

39. **Ms. Laohaphan** (Thailand) saw the absence of recourse to the Optional Protocol as a sign that all cases of discrimination could in fact be dealt with within the country. Even though women's affairs and family affairs would now be under one roof, there were

separate administrations, so that the machinery for implementing the Convention would not be weakened. There was also a Chief Gender Equality Officer in each Department, a high-ranking official who would ensure gender mainstreaming.

Articles 7 to 9

40. **Ms. Shin** said that much work was still needed in the area of political and public life. Many of the data in the report were incorrect or incomplete and gave a distorted picture, such as the data on the percentage of women exercising their right to vote. In some cases (table 4) the figures in the table did not match those given in the text. Systematic collection of data was essential. The percentage of women in politics was less than might have been expected, and she wondered what plans Thailand had to increase the percentage of women in the Senate (10 per cent). Since elections to the House of Representatives were partly through party lists, the parties needed to be persuaded to change their rules so that 50 per cent of the candidates on the party lists would be women. Clearly the political parties had no gender policy.

41. **Ms. Zou**, referring to article 9, said that citizenship procedures for the hill tribes were highly complex and lent themselves to official corruption. She would like to know more about Government measures to simplify the process and combat such corruption.

42. **Ms. Vichit-vadakan** (Thailand) said that many factors, including place of birth and date of migration, affected the eligibility of members of hill tribes for citizenship. Security officials had concerns about drug and weapons trafficking by migrants, which had an impact on the length of the citizenship process. An effort was being made to facilitate and expedite the process, however. As for corruption, the Prime Minister had recently issued a declaration outlining measures to combat corruption, which would be tackled under his direct responsibility.

43. **Ms. Vajrabhaya** (Thailand) said that the comments regarding statistics and data would be taken into account in the preparation of the next report.

44. **Ms. Iamsudha** (Thailand) said that the most current figures for the diplomatic service showed 501 women serving as diplomatic officers compared to 541 men. Trends for the future were positive, with more women currently entering the diplomatic service than men. It was true that their numbers in the higher ranks

were still low, but the gap was expected to close in the near future. Attitudes towards overseas postings for women in the diplomatic service had changed significantly over the past several years partly because of women's increasing exposure to the world and changes in men's mentalities. In addition, the Ministry had encouraged women to combine diplomatic careers with families by providing a day-care centre.

45. **Ms. Vichit-vadakan** (Thailand) said that a joint publication issued with the cooperation of UNDP and NGOs and containing the latest statistics on women's representation would appear in April 2006 and would be forwarded to the Committee.

46. **Ms. Gaspard** asked if there were any plans to change the laws preventing the foreign husband of a Thai woman from being granted Thai citizenship, and what the nationality of their children would be.

47. **Mr. Pukditanakul** (Thailand) said that a proposal to amend the law regarding naturalization of foreign spouses to apply equally to husbands and wives — a move previously opposed by various security agencies — was awaiting implementation. Thai law clearly stated that the children were granted Thai citizenship.

Articles 10 to 14

48. **Ms. Arocha Dominguez** said that Thailand's efforts to become a power in Asia and the world could not be based on economic resources alone, but required human resources that were prepared for development; therefore, articles 10 and 12, which dealt with education and health, were particularly relevant.

49. Regarding article 10, more information was needed on primary education for girls and boys since 2002. She would like to have the delegation's analysis of the reasons for the increase in the school dropout rates in 2001 and 2002, and what proportion of girls were among the dropouts.

50. Turning to article 12, it would be useful to hear about any special measures intended to allow minorities and non-citizens to benefit from public health programmes. More information was also needed on the place of sexual and reproductive health in the 2002-2006 health plan. She had heard that the existing sex education programme — which was 20 years old — was not very effective. High rates of induced abortion were coupled with low rates of contraceptive

availability and use, and she wondered what measures were planned to reverse that trend, in addition to measures to provide education in sexual and reproductive health in rural areas where much of the population did not attend school.

51. **Ms. Khan**, referring to article 11, asked if the Labour Protection Act of 1998 contained any provisions regulating working conditions and health hazards and, if so, how they were enforced. Women represented 78 per cent of workers in the informal sector, the so-called “home workers”, and more information was needed on any provisions to guarantee them a minimum wage or standard working hours.

52. She noted that the Reproductive Health Bill did not allow access to safe and legal abortion, and she requested information on other mechanisms to provide access to contraception. It would be important to know if measures to control the spread of HIV/AIDS incorporated a gender perspective and how the Government planned to respond to the current high maternal mortality rates. Finally, she would like to hear whether any measures had been taken to provide housing and land to minority women who had lost their livelihoods as a result of the tsunami and whether there was a focus on female-headed households in long-term rehabilitation plans.

The meeting rose at 12.55 p.m.