

Thailand

(20th session)

213. The Committee considered the combined second and third periodic reports of Thailand (CEDAW/C/THA/2-3) at its 417th and 418th meetings, on 29 January 1999 (see CEDAW/C/SR.417 and 418).

(a) Introduction by the State party

214. In her opening statement, a representative of the Government of Thailand noted that at the time of its accession to the Convention on the Elimination of All Forms of Discrimination against Women in 1985, Thailand had made seven reservations, five of which had been withdrawn by 1995. The representative indicated that efforts had been made to amend laws to allow for the withdrawal of the reservation to article 16 of the Convention, which deals with family life and marriage. However, several laws relating to family life discriminated against women, and traditional attitudes impeded attempts to amend those laws.

215. The representative noted that anti-discrimination legislation had been proposed but rejected by Thailand's legislators because the Constitution, promulgated in 1998, already stipulated equality between women and men and prohibited discrimination on the basis of sex. Other laws also included the principle of gender equality.

216. The representative drew attention to the National Commission on Human Rights, an independent body that could receive information on violations of human rights. It could also recommend the amendment of laws and make proposals for other remedial measures. She indicated that the 20-Year Perspective Policy and Plan for Women (1992- 2011) and the Beijing Platform for Action had formed the basis of the five-year development plan for women, which was part of the eighth national, social and economic development plan. The National Commission for Women's Affairs (NCWA), established in 1989, had resulted from the five-year development plan, and among its goals was the promotion of the advancement of women and the creation of gender awareness. The Commission was also responsible for monitoring and evaluating programmes for women and initiating gender-sensitive research.

217. The representative indicated that the Beijing Platform for Action had been translated into Thai and that five regional meetings had been organized by the Government to make the public aware of its terms, particularly in regard to violence against women and the girl child and trafficking in women and children.

218. The representative acknowledged that stereotyping of women and men still existed in Thai society, but there was growing awareness of the impact of gender stereotypes. NCWA had conducted a research project with regard to stereotypes in textbooks, and the Ministry of Education was revising textbooks. There had been increasing enrolment of women in traditionally male-dominated fields. The media had also begun to address stereotypes in programmes that presented women's views and gender perspectives, but the mass media in Thailand sometimes portrayed women and girls in accordance with traditional stereotypes.

219. The representative noted that since the submission of the previous report, significant efforts had been made to address the sexual exploitation of and trafficking in women and children. New legislation had been introduced, and NCWA was currently formulating a national plan of action for trafficking of women and children. Domestic violence against women and children had also been the focus of government activity, while comprehensive measures to prevent child labour had also been introduced.

220. The representative noted that, although there had been some progress in that regard, the participation of women in political and public life remained low. She noted that women usually entered traditional occupations and bore primary responsibility for family obligations.

221.The representative indicated that the 1998 labour protection code provided for gender equality in employment and prohibited sexual harassment. NCWA, in collaboration with the Ministry of Labour and Social Welfare, would establish a system to monitor that legislation so that it could be enforced effectively.

(b)Concluding comments of the Committee

Introduction

222.The Committee expresses its appreciation to the Government of Thailand for its candid and comprehensive report, a supplementary report, as well as the additional information and written responses to the numerous questions put forward by the pre-session working group, as well as the clear responses provided in the oral presentation made by the representative of Thailand. The Committee also notes that the interactive nature of the country's presentation was useful for the purpose of sustaining a constructive dialogue with its members.

223.The Committee commends the Government for withdrawing five reservations to the Convention, and encourages it to continue its effort to withdraw the two remaining reservations. It particularly commends efforts to withdraw the reservation to article 16 relating to family life and marriage.

Positive aspects

224.The Committee commends the efforts undertaken by NCWA, in particular in formulating new laws and research-based policy recommendations. The Committee notes the cooperation with NCWA and non-governmental organizations in that regard.

225.The Committee is pleased to note that the Convention and the Beijing Platform for Action have had a visible impact on the policies and laws of Thailand and in the realization of gender equality in the country. The Committee welcomes the new Constitution, which guarantees equality between women and men and includes provisions to promote the equal employment of women and men.

226.The Committee welcomes legislative measures on trafficking, prostitution, nationality, employment and child labour introduced from 1992 to 1998, as well as the compulsory education policies that have been adopted, which indicate that the Government of Thailand has made serious efforts to integrate the standards of the Convention into domestic laws and policies.

Factors and difficulties affecting the implementation of the Convention

227.The Committee notes that the recent financial crisis has been affecting the country's economic and social development and is an impediment to the implementation of the Convention.

228.The Committee is concerned that traditional attitudes that foster discrimination against women and girls continue to prevail and to hinder the full implementation of the Convention.

229.The Committee is concerned with the continued existence of Thailand's reservation to article 16 of the Convention which relates to marriage and family life.

Principal areas of concern and recommendations

230.The Committee expresses its concern at the lack of effective law enforcement mechanisms and the lack of cases filed by women in the courts on the basis of constitutional guarantees. The Committee urges NCWA to study constitutional developments in other countries and practical ways of strengthening the capacity of women to use the Constitution to ensure gender equality.

231.The Committee remains concerned that the Convention is not directly applicable in the courts in Thailand and that there is no separate law exclusively dealing with discrimination against women. The absence of a definition of discrimination congruent with the Convention in the Constitution is also of serious concern.

232.The Committee recommends the introduction of specific anti-discrimination legislation in compliance with article 1 of the Convention.

233.Noting the prevailing traditional attitudes affecting the advancement of Thai women, the Committee recommends that sensitization programmes for policy makers, administrators, legal personnel and other professionals involved in the health and education sector be provided. The Committee recommends that school textbooks be revised to eliminate stereotyped images of women and girls and to include women's human rights issues.

234.The Committee is concerned about the under-representation of women in politics and decision-making structures, including the judicial system. It emphasizes the importance of fostering a political and social environment conducive to women's promotion in all sectors of public and private life. The Committee recommends the introduction of affirmative action policies or temporary special measures in accordance with article 4, paragraph 1, of the Convention, with goals and timetables to address the situation.

235.Recognizing that the Government has successfully raised the legal employment age from 12 to 15 years by extending compulsory education from 6 to 9 years, the Committee continues to be concerned about the early drop-out of girls from school and their early entry into the labour force. The Committee takes note of the proposal to introduce a children's rights law and recommends that the Government ensure that its provisions conform with the Convention on the Elimination of All Forms of Discrimination against Women and the relevant provisions of the Convention on the Rights of the Child.

236.The Committee expresses its concern about the status of women migrant workers. In particular, the Committee is concerned about cross-border trafficking in women and girls, forced prostitution and the commercial sex industry.

237.The Committee strongly recommends that the Government consider the issue of migration and commercial sex work as a critical human rights issue.

238.The Committee recommends that the Government explore the possibility of cooperation with other countries and coordination with non-governmental organizations when introducing measures to address the issue.

239.The Committee expresses concern about hill-tribe women and girls, whose rights may not be effectively protected by national laws.

240.The Committee recommends the introduction of legislation and other measures to protect effectively the rights of hill-tribe women and girls.

241.The Committee expresses its concern at the high suicide rate, as well as the prevalence of mental illness, among women.

242.The Committee recommends that the Government conduct research into these matters and include information on them in the next report.

243. Recognizing that sexual harassment, rape, domestic violence and marital rape, whether in the family, the community or the workplace, constitute violations of women's right to personal security and bodily integrity, the Committee urges the Government of Thailand to amend the penal code in the light of the Declaration on the Elimination of Violence against Women and general recommendation 19 of the Committee.

244. The Committee is concerned that traditional stereotypes of women and men are reflected in some laws and portrayed in school text books and through the media, thereby undermining positive policies relating to gender equality.

245. The Committee urges that a review be made of laws and policies and school text books in order to remove gender stereotypes. It also recommends that the media be encouraged to portray girls and women in non-stereotyped ways.

246. The Committee encourages the Government to give full attention to the needs of rural women and to ensure that they benefit from policies and programmes in all areas, in particular access to decision-making, health, education and social services.

247. The Committee is concerned that the current Name Law and other laws operate so as to restrict women's access to credit and land ownership when they marry foreigners.

248. The Committee strongly recommends the timely introduction of the proposed amended Names Act and the Nationality Law.

249. The Committee requests the Government of Thailand to provide information addressing the concerns raised in the present concluding comments in its next periodic report required under article 18 of the Convention.

250. The Committee requests the wide dissemination in Thailand of the present concluding comments in order to make the people of Thailand, and in particular government administrators and politicians, aware of the steps that have been taken to ensure *de jure* and *de facto* equality for women and the further steps that are required in that regard. It also requests the Government to continue to disseminate widely, and in particular to women's and human rights organizations, the Convention, the Committee's general recommendations and the Beijing Declaration and Platform for Action.