

# ***THE RIGHTS OF INDIGENOUS WOMEN IN THAILAND***

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(3RD UPR CYCLE)**







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# SUBMISSION BY

The Indigenous Women's Network of Thailand (IWNT) & Manushya Foundation



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# FOR MORE INFORMATION ON THIS JOINT UPR SUBMISSION, PLEASE CONTACT:

**IWNT Lead: Kanlaya Chularattakorn**  
Email: [kanlaya2005@gmail.com](mailto:kanlaya2005@gmail.com)  
Tel: +66 (0) 2593 8399  
Web: [www.iwnt.webs.com](http://www.iwnt.webs.com)

**Manushya Lead: Emilie Pradichit**  
Email: [emilie@manushyafoundation.org](mailto:emilie@manushyafoundation.org)  
Tel: +66 (0) 9517 65921  
Web: [www.manushyafoundation.org](http://www.manushyafoundation.org)

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## 1. Introduction

- 1.1. In this submission, IWNT and Manushya Foundation examine the compliance of the Thai government with the recommendations it received during its 2<sup>nd</sup> UPR cycle, particularly in relation to the protection of indigenous women's rights. In this context, we analyse the efforts made by the government to implement recommendations received related to compliance of domestic legislation with international human rights standards, protection of the rights of vulnerable groups, and prevention of discrimination and violence against children, youth, and women. The authors then draw specific, measurable and result-oriented recommendations to ensure the rights of indigenous women and indigenous peoples are respected and upheld in Thailand.
- 1.2. During the 2nd UPR cycle, the Thai government did not receive any recommendation directly addressing indigenous women. However, it received 48 recommendations related to their rights. Of these recommendations 46 were supported and 2 were noted. Our assessment demonstrates that the Thai government persistently failed to implement most of the recommendations since its last UPR.
- 1.3. We are deeply concerned with the Thai government's disregard for indigenous women's rights. While the Thai government has ratified some core international human rights treaties applicable to indigenous women's rights, including the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), it has failed to ratify ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), despite voting in favor of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).
- 1.4. This submission indicates that indigenous women in Thailand face severe challenges in accessing their human rights in the following manner:
  - Section 2 discusses the failure to ratify ILO No. 169 and legal gaps in domestic legislation, which results in limited protection of indigenous women's rights.
  - Section 3 examines the challenges indigenous women face in accessing citizenship.
  - Section 4 discusses the discrimination against indigenous women.
  - Section 5 discusses the exclusion of indigenous women from participation in the public sphere.
  - Section 6 examines the vulnerability of indigenous women to human trafficking and domestic violence.
  - Section 7 discusses the challenges indigenous women face in accessing healthcare services.
  - Section 8 discusses the challenges indigenous women face in accessing education.
  - Section 9 examines the violation of indigenous women's land and resource rights and their evictions from ancestral lands.
  - Section 10 examines the negative impact of tourism on indigenous women.
  - Section 11 discusses the inability of indigenous women to access justice and effective remedies and thereby secure protection of their rights.



- Section 12 includes recommendations to the Thai government, addressing the challenges and rights violations discussed in foregoing sections.

An annex provides an overview of the recommendations examined in this submission.

## **2. Failure to ratify ILO No. 169 and legal gaps in domestic legislation results in limited protection of indigenous women's rights**

- 2.1. During the 2nd UPR cycle, the Thai government only noted but did not implement the recommendation to ratify the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169). While the Thai government did not receive any recommendation specifically addressing the adoption of legislation protecting indigenous women's rights, it received two recommendations regarding the protection and promotion of key human rights principles in the new constitution, which it supported, but only partially implemented.
- 2.2. Between November 2014 and March 2016, the Network of Indigenous Peoples of Thailand (NIPT) lobbied for official recognition of indigenous peoples in constitutional drafts. Even though the first constitutional draft released to the public in April 2015 officially recognized indigenous peoples, the military-appointed National Reform Council (NRC) rejected the first draft. The second and final constitutional draft ratified in August 2016 did not include any references to indigenous peoples.<sup>1</sup>
- 2.3. The Constitution of 2017 does not explicitly recognize indigenous peoples in Thailand.<sup>2</sup> Even though the Constitution of 2017 requires the State "to promote and provide for different ethnic groups to have the right to live in the society according to traditional culture, custom, and ways of life on a voluntary basis, peacefully and without interference," ambiguous restrictions, such as public order and State security, are placed on the State's duty.<sup>3</sup>
- 2.4. At the same time, the Constitution of 2017 did away with the provisions of earlier constitutions for the rights of persons assembling as a traditional community to conserve or restore their customs, local knowledge, arts or good culture of their community and of the nation and to participate in the management, maintenance, preservation and exploitation of natural resources and the environment.<sup>4</sup> As these rights are no longer guaranteed, indigenous peoples are guaranteed less constitutional protection against discrimination.<sup>5</sup>
- 2.5. While the Constitution of 2017 affirms the rights of communities to be informed and have access to public information and the State's duty to undertake environment and health impact assessment through public hearings of communities in advance of any undertaking that might affect them and lays down the requirements for permitting such undertaking,<sup>6</sup> the provisions fall short of international standards for indigenous peoples' rights.<sup>7</sup>
- 2.6. No domestic legislation recognizes and protects indigenous women's rights. In July 2020, General Prayut Chan-o-cha, Prime Minister, signed the Announcement of the Prime Minister's Office Re: Appointment of 13 National Reform Committees (No. 2) to implement concrete national reform plans, including the enactment of the Act on the Protection and Promotion of the Way of Life of Ethnic Groups. The Princess Maha Chakri Sirindhorn Anthropology Centre (SAC), an academic institution under the Ministry of Culture,<sup>8</sup> is responsible for preparing the draft Act. The Thai government expects the Act to be legally effective in 2022.<sup>9</sup>
- 2.7. The draft Act comprises of five sections: (1) Principles of Protection of the Way of Life of Ethnic Groups; (2) Mechanisms for the Protection and Promotion of the Way of Life of Ethnic Groups; (3) Mechanisms for the Creation of Processes for Participation of Ethnic Groups; (4) Preparation of Information on the Way of Life and History of Ethnic Groups; and (5) Determination of Ethnic Group Protection Areas.<sup>10</sup>

**2.8.** The Thai government reported that, as of July 2020, a total of 10 meetings have been organized for ethnic groups to provide their opinions on the draft Act, with consideration of academic issues relating to the definition of the term “ethnic groups” and policy issues relating to the security of natural resources and the environment.<sup>11</sup> While the draft Act is at the stage of public hearings to be conducted in provinces where indigenous peoples are situated until the end of April 2021, indigenous women groups have raised concerns over the public hearing process. Because of the short period for public hearings, as well as the fact that their communities are dominated by men, indigenous women are concerned that issues specific to them will be excluded from the draft Act. There is a general consensus within IWNT that there should be separate public hearings conducted for indigenous women in different regions of Thailand.<sup>12</sup>

### **3. Indigenous women face challenges accessing citizenship**

**3.1.** During the 2nd UPR cycle, the Thai government only noted but did not implement the recommendation to ratify the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169). While the Thai government did not receive any recommendation specifically addressing the adoption of legislation protecting indigenous women’s rights, it received two recommendations regarding the protection and promotion of key human rights principles in the new constitution, which it supported, but only partially implemented.

**3.2.** According to Plan International, a non-governmental organisation (NGO), more than one million people in Thailand could be stateless, most of them belonging to indigenous groups. At least 50% of them have a legitimate claim for citizenship, but many lack relevant paperwork and proof of their eligibility is thus complicated to obtain. Citizenship is guided by the Nationality Act of 2008. The system and procedure to apply are complicated and lengthy, which is worsened by corruption among local officers and their discrimination, prejudicial stereotypes, and biases against indigenous peoples: indigenous peoples have been requested to pay illegal fees in order to start citizenship procedures and have been threatened with arrest. While indigenous peoples could prove through DNA tests that they are related to Thai citizens and are eligible for Thai citizenship, these tests are unaffordable for indigenous peoples. Indigenous peoples also face challenges registering themselves due to inadequate state services, such as a lack of roads from remote areas to registration offices. In particular, indigenous women are unable to travel by themselves and are reliant on others to accompany them. Another concern is the lack of sufficient information about the necessity and benefits of citizenship provided, resulting in many indigenous peoples being unaware of their right to obtain citizenship.<sup>13</sup>

**3.3.** Denial of citizenship restricts indigenous peoples’ enjoyment of all other human rights and fundamental freedoms and increases their risks and vulnerabilities of exploitation and discrimination. Due to the lack of their legal status, indigenous peoples are unable to access public services, such as healthcare and education. They cannot access employment, own land, or move around freely, and they are unable to access remedies when their rights are being violated.<sup>14</sup>

**3.4.** In particular, indigenous women do not have equal access to nationality as men. In 2017, the Committee on Discrimination Against Women (CEDAW) expressed its concerns that, among indigenous peoples, men are reportedly given priority to register for nationality, leaving a disproportionate number of indigenous women without nationality.<sup>15</sup>

### **4. Indigenous women face racial discrimination**

**4.1.** During the 2nd UPR cycle, the Thai government received a recommendation to withdraw its interpretative declaration on ICERD and its reservation to Article 4, which it supported and implemented. Article 4 of ICERD



requires states to condemn all propaganda and organizations that promote racial hatred and discrimination.<sup>16</sup> Despite withdrawing its reservation to Article 4 in 2016, the Thai government has made no efforts to tackle hate speech against indigenous peoples and instead contributes to disseminating negative stereotypes about them.<sup>17</sup>

- 4.2. Indigenous peoples often live in and adjacent to reserved forest areas and national parks and are reliant on natural resources. While indigenous peoples make a livelihood in forest areas and greatly contribute to forest conservation, the Thai government and people often blame them for destroying forest areas.<sup>18</sup>
- 4.3. The widespread misconception that indigenous peoples are engaged in drug trade and pose a threat to national security also contributes to discrimination against them.<sup>19</sup> Discrimination taking place at the highest levels of the government ultimately impacts the process of formulation of laws, programs, and policies that affect indigenous peoples.<sup>20</sup>
- 4.4. While the Thai government did not receive any recommendation specifically addressing discrimination against indigenous women during the 2nd UPR cycle, it received five recommendations relating to discrimination, of which four were supported. The Thai government noted the recommendation to adopt a comprehensive anti-discrimination law. None of the recommendations have been implemented.
- 4.5. Under the Constitution of 2017, equality and non-discrimination are guaranteed.<sup>21</sup> However, to date, the Thai government has not enacted any legislation eliminating discrimination against all persons. The Thai government has only enacted the Gender Equality Act of 2015, which only applies to women. The Act still poses many challenges and fails to provide genuine safeguards to ensure gender equality. For example, Section 17 paragraph 2 of the Act allows gender-based discrimination on the basis of religion, national security or safety.<sup>22</sup> In 2017, CEDAW expressed its concerns with the exceptions contained in Section 17 paragraph 2 of the Gender Equality Act of 2015.<sup>23</sup>
- 4.6. Even though the Thai government supported the recommendation to effectively implement the Gender Equality Act of 2015, gender-based discrimination against indigenous women remains common, which is often due to gender-blind policies or programs.<sup>24</sup>
- 4.7. Accordingly, indigenous women suffer from multiple layers and forms of discrimination on the grounds of indigeneity and gender, within their communities and mainstream Thai society.<sup>25</sup> Within their communities, men are primarily considered as the head of the households in indigenous communities with patriarchal beliefs. Men also hold access and control to private and collective property and resources.<sup>26</sup>
- 4.8. By belonging to more than one category, indigenous women living with HIV face repeated discrimination in all facets of their life,<sup>27</sup> whether it is diagnosing and living with HIV, even in accessing healthcare,<sup>28</sup> or in their daily social circumstances<sup>29</sup> and their economic condition.<sup>30</sup>

## 5. Indigenous women are continually excluded from participation in the public sphere

- 5.1. During the 2nd UPR cycle, the Thai government did not receive any recommendation specifically addressing the exclusion of indigenous women from participation in the public sphere. However, the Thai government received four recommendations regarding the participation of women in the public sphere, which it supported but failed to implement.
- 5.2. There is a lack of participation and representation of indigenous women in matters affecting them.<sup>31</sup> The roles women are expected to play provide them with little, if any, space for autonomy, decision-making or participation in the public sphere,<sup>32</sup> resulting in severe inequalities for indigenous women in access to health and education.<sup>33</sup>

- 5.3. In particular, indigenous women have been continually excluded from participation in national development plans, including climate change adaptation and mitigation strategies, despite their unique experiences and invaluable contributions.<sup>34</sup> In recent years, the Thai government has also imposed policies that have negative impacts on the well-being of indigenous communities, including the zoning of national parks and world heritage sites over indigenous territories, overlooking indigenous women and failing to acknowledge their indigeneity and the intersectional discrimination that they experience.<sup>35</sup>
- 5.4. In 2017, CEDAW also expressed its concerns about the lack of representation of indigenous women in decision-making positions.<sup>36</sup>

## 6. Indigenous women are vulnerable to human trafficking and domestic violence

- 6.1. During the 2nd UPR cycle, the Thai government did not receive any recommendation specifically addressing the issue of violence against indigenous women. However, the Thai government received fourteen recommendations calling upon it to combat human trafficking, which it supported but only partially implemented.
- 6.2. Despite the ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons in 2013<sup>37</sup> and increased efforts undertaken by the Thai government to combat human trafficking,<sup>38</sup> including identifying more victims,<sup>39</sup> human trafficking remains a persistent issue afflicting indigenous women. Even though the Thai government enhanced its awareness-raising efforts, they have not reached indigenous peoples in remote areas who remain unaware of trafficking and how to prevent it from happening.<sup>40</sup> Overall, there is an overwhelming perception that government communication around trafficking and the associated policies to combat it were not adequately shared at the community level.<sup>41</sup>
- 6.3. Indigenous women are disproportionately victims of human trafficking. Being denied citizenship, facing land evictions, having limited access to education, and lacking access to justice and effective remedies, indigenous women often fall victim to trafficking.<sup>42</sup> UNESCO has confirmed that lacking citizenship is one of the main risk factors for falling victim to trafficking.<sup>43</sup>
- 6.4. Indigenous women are regularly trafficked to work in spa and massage parlours abroad. Indigenous women who migrate informally across Thailand's borders and enter into sex work are subject to discrimination on the basis of their ethnic status and denied basic rights, including access to healthcare and education.<sup>44</sup> The lack of citizenship of indigenous women exacerbates their vulnerability and their gender makes them prone to sexual violence.<sup>45</sup> Due to their lack of legal status, indigenous women are less likely to report trafficking cases.<sup>46</sup>
- 6.5. Survivors of sex trafficking often face stigma upon return from being trafficked, a factor which further impedes indigenous women's empowerment in their communities. Those who reintegrate often have "reduced" chances of finding work and the victimization affects the entire family.<sup>47</sup>
- 6.6. During the 2nd UPR cycle, the Thai government received five recommendations calling upon it to combat violence against women, which it supported but failed to implement.
- 6.7. High rates of domestic violence and violence against women exist in some indigenous communities.<sup>48</sup> With limited access to education, lack of citizenship and dwindling natural resources, indigenous women in Thailand are forced out of their traditional roles of homemakers and domestic carers into low-skilled, low-salaried, and insecure jobs. As indigenous women become more economically dependent on their male counterparts, indigenous women are made further vulnerable to violence.<sup>49</sup> In particular, during the COVID-



19 lockdown, it is believed that the situation worsened, with an increase in domestic violence, a decrease in reporting of abuse, and poor access of services for domestic violence survivors with difficulty in visiting hospitals for physical and psychological treatment as well as the collection of evidence with respect to the abuse.<sup>50</sup>

## **7. Indigenous women face challenges in accessing healthcare services**

- 7.1.** During the 2nd UPR cycle, the Thai government did not receive any recommendation specifically addressing the challenges of indigenous women in accessing healthcare services. However, the Thai government received ten recommendations relating to access to healthcare services, which it supported but failed to implement.
- 7.2.** Generally, indigenous peoples in Thailand face geographic and socio-economic challenges in accessing healthcare services. Issues regarding their access to healthcare services include: (1) health insurance eligibility linked to citizenship that results in incomplete coverage or absence of coverage; and (2) they are living in remote areas, where the government has poorly invested in healthcare services and they experience difficulties in going to health facilities.<sup>51</sup>
- 7.3.** A recent ethnographic study among indigenous women in northern rural Thailand has shown that persistent inequities in health and access to healthcare services for indigenous women in Thailand remain a significant challenge.<sup>52</sup> Inequities in healthcare lead to greater negative health consequences for indigenous women in Thailand. For example, many of the women affected by preventable diseases, such as cervical cancer and HIV/AIDS, are indigenous.<sup>53</sup>
- 7.4.** At the same time, when indigenous women are able to access healthcare services, indigenous women suffer from a lack of information and understanding on the healthcare services available, which could also be due to language barriers.<sup>54</sup> Language barriers also result in difficulties in explaining their health problems and understanding the instructions or information at health facilities. In most hospitals, nobody can speak indigenous languages and information is provided in Thai. Their health situation is worsened because of misunderstandings in explaining their problems and the medical personnel not being able to provide the proper treatment.<sup>55</sup>
- 7.5.** Moreover, indigenous women are often subjected to ethnicity-based discriminatory practices and negative attitudes of healthcare providers. There is a tendency towards treating indigenous patients as burdensome, ignorant and/or uneducated,<sup>56</sup> resulting in medical personnel not giving adequate time and attention to their health problems, or downplaying or misconstruing their health problems.<sup>57</sup>
- 7.6.** Indigenous women face greater and multiple layers of discrimination based on gender inequalities (within and outside their community) as well as the indigenous identity, which is attributed as 'double burden'.<sup>58</sup> Such layers further multiply when accompanied by discrimination based on social or economic status.
- 7.7.** Indigenous women face specific difficulties different from men, particularly in relation to their traditional roles and responsibilities and needs for sexual and reproductive healthcare services.<sup>59</sup> Hospitals do not offer specialized services needed for indigenous women, and lack specialised services and staff. In hospitals, a lack of recognition is given to traditional midwives of indigenous peoples: midwives are not allowed to enter the delivery rooms at hospitals even though they could provide important support to indigenous women, who have to deliver in a place where they lack trust and confidence.<sup>60</sup>
- 7.8.** For indigenous women living with HIV, the challenge is greater as they often do not have options or a support system particularly one providing psychological support for those who decide to continue or terminate a

pregnancy.<sup>61</sup> This is made more difficult by a system that does not recognise or provide them with appropriate information on HIV as well as sexual and reproductive health, so that these women can take decisions on their own reproductive health care needs.<sup>62</sup> Either the information provided is too general and not tailored to their social and economic situation or they are not provided with any information at all. Policies such as the criminalisation of abortion and the practice of unsafe abortion as the only resort, lead to the decision not to have an abortion instead risking transmission from the HIV+ mother to her child.<sup>63</sup>

- 7.9.** During the COVID-19 pandemic, due to travel restrictions and viewing it as non-essential, indigenous women were deprived of access to sexual and reproductive healthcare services such as contraception and safe abortion.<sup>64</sup> Even though some organisations provide assistance to women during the pandemic, through their support of sexual and reproductive health, these organisations disclose that they are hindered by not having any access to marginalized populations requiring their services the most, such as indigenous women and migrant women in border areas.<sup>65</sup> These challenges do not seem like they will be resolved anytime soon, with responses to the COVID-19 pandemic in Thailand failing to be gender-responsive, harming indigenous women.<sup>66</sup>

## **8. Indigenous women face challenges in accessing education**

- 8.1.** During the 2nd UPR cycle, the Thai government did not receive any recommendation specifically addressing the challenges of indigenous women in accessing education. However, the Thai government received six recommendations relating to access to education, which it supported but failed to implement.
- 8.2.** Lacking legal status, indigenous women are subject to multiple challenges and discrimination, which prevent them from enjoying their right to education. According to the UNESCO Highland Peoples Survey, indigenous peoples who lack citizenship are 80% less likely to enter primary school and 75% less likely to progress to secondary school, compared to those holding Thai citizenship.<sup>67</sup> When indigenous women are able to access education, education is usually of poor quality,<sup>68</sup> and they are charged higher tuition fees than Thai citizens.<sup>69</sup>
- 8.3.** Because of cultural values and gender roles, indigenous women face greater difficulties than men in accessing education. The community surveys conducted by IWNT and Manushya Foundation demonstrates that the average level of education is better for men than women and that men have attained higher education than women.<sup>70</sup>

## **9. Indigenous women's land and resource rights are violated, and they face evictions from ancestral lands**

- 9.1.** During the 2nd UPR cycle, the Thai government did not receive any recommendation specifically addressing the violation of land and resource rights of indigenous women and their evictions from ancestral lands. However, the Thai government received one recommendation relating to the protection of the rights of local communities in the context of environmental legislation.
- 9.2.** Indigenous peoples maintain a spiritual relationship with their ancestral lands and natural surroundings that is linked with their identity and culture. Physical and overall well-being of indigenous peoples depends on their ownership, control and access to their lands and resources notably because they significantly rely on natural and biological resources, which are crucial for their survival. In that, indigenous women have a particular role because they are the main food producers, natural resources management experts, ethnobotanists, and transmitters of indigenous culture and knowledge.<sup>71</sup>
- 9.3.** Indigenous peoples in Thailand have been facing significant challenges to their lands and resources because of problematic forest conservation policies and programs. The challenges exacerbated in 2014 when the Thai



military government adopted and enforced orders for “forest reclamation.” State-led development efforts, as well as business operations, which are often connected, have also affected land and resource rights of indigenous peoples.<sup>72</sup>

- 9.4. Because of the lack of recognition of collective and individual land and resource rights of indigenous peoples, indigenous peoples are often subjected to forced evictions, usually with the use of violence, threat and intimidation, which have a critical impact on indigenous peoples’ mental and physical health and security.<sup>73</sup>
- 9.5. The Urak Lawoi in Sapum village in Phuket province have been threatened with forced evictions by the Thai government in order to build a marine port, despite their settlement in the area more than 60 years ago.<sup>74</sup> Because of their dependence on fishing for food and income, their evictions will result in the loss of their livelihoods and traditional practices and culture.<sup>75</sup>
- 9.6. Other examples involving business operations include the case of land grabbing by business actors in Sireh Island in Phuket province from the Urak Lawoi, who are believed to have settled in the area for as long as two centuries but lack official land titles.<sup>76</sup> The Supreme Court ruled in favor of the Urak Lawoi, and the villagers have requested the Land Department to withdraw the investors’ land titles. However, the case is marked by serious issues. Manifestations of community manipulation and judicial interference in favor of business actors in the case indicate signs of corporate capture over struggles for land and resource rights.<sup>77</sup>
- 9.7. Business actors have also encroached on the traditional cemetery of the Moken in Phang Nga province as a result of increasing tourism business operations. Even though authorities have been informed about the conflict, no conclusion has been reached.<sup>78</sup>
- 9.8. The practice of forced evictions continues to date, with the arrest and detention of 22 Bang Loi Karen, including women, who refused to leave their ancestral lands, in March 2021.<sup>79</sup>
- 9.9. Given their gender and specific roles in use and management of land and resources in the communities, indigenous women face greater impacts than men. Particularly in cases of relocation, indigenous women are usually denied financial compensation provided per household. They frequently face higher levels of violence, including gendered and systematic abuse, in the course of land dispossession and forced evictions.<sup>80</sup>
- 9.10. The case of land grabbing in Sireh Island in Phuket province is of particular significance, as it demonstrates the lack of equal and effective participation of indigenous women even within their communities. The women were excluded from the preparation and proceedings of the lawsuit and their concerns were not taken into consideration.<sup>81</sup>

## **10. Indigenous women are negatively impacted by tourism**

- 10.1. During the 2nd UPR cycle, the Thai government did not receive any recommendation specifically addressing the negative impact of tourism on indigenous women. However, the Thai government received two recommendations relating to the protection of women’s rights and five recommendations calling upon it to combat violence against women, which it supported but failed to implement.
- 10.2. Detrimental impacts of tourism on indigenous peoples include worsening living conditions, lack of access to benefits, and deprivation and degradation of natural resources and livelihoods.<sup>82</sup> For example, in Thong Luang, forests, water sources, and other resources have been affected by pollution from tourism businesses.<sup>83</sup> Because of increasing tourism business operations in the area, the Urak Lawoi have faced restrictions in observing their traditional and spiritual celebrations.<sup>84</sup>

**10.3.** Besides such direct impacts, indigenous peoples are subject to exploitative tourism practices. The majority of those interviewed by IWNT and Manushya Foundation who work in the sector reportedly earn less than THB 3,000 (USD 94) a month, which is three times less than the Thai minimum wage.<sup>85</sup>

**10.4.** Indigenous women are more negatively impacted than men, as they suffer from increased domestic violence and abuse due to high rates of alcoholism among men in the communities.<sup>86</sup>

## **11. Indigenous women are unable to access justice and effective remedies and thereby secure protection of their rights**

**11.1.** During the 2nd UPR cycle, the Thai government did not receive any recommendation specifically addressing the challenges of indigenous women in accessing justice and effective remedies. However, the Thai government received two recommendations relating to the protection of women's rights, which it supported but failed to implement.

**11.2.** Indigenous women remain unable to access justice and effective remedies. Within indigenous groups, discussing personal matters, such as sexual life and domestic violence, is still considered taboo. When indigenous women face domestic violence, they often do not seek redress through the justice system,<sup>87</sup> as they face social stigma while registering their complaints. Moreover, the justice system lacks gender sensitivity, and law enforcement officials often have negative and discriminatory attitudes and stereotypes towards indigenous women, leading to a failure to register and investigate complaints.<sup>88</sup>

**11.3.** In 2017, CEDAW expressed its concerns about the persistence of multiple barriers impeding indigenous women from obtaining access to justice and effective remedies for violations of their rights. Such barriers include: (1) social and cultural stigma, which deter women and girls from registering their complaints, in particular with regard to sexual and gender-based violence; (2) limited legal literacy and access to information on remedies that are available; (3) 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; and (4) widespread and pervasive corruption, which continues to impede women's access to justice.<sup>89</sup>

## **12. Recommendations to the Thai government**

IWNT and Manushya Foundation make the following specific recommendations to the Thai government and calls on to guarantee that indigenous women's rights are protected and upheld.

### **12.1. Regarding the failure to ratify ILO No. 169 and legal gaps in domestic legislation resulting in limited protection of indigenous women's rights**

- a. In line with the Recommendation of the UN Special Rapporteur on the Rights of Indigenous Peoples, ratify the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169).
- b. In line with the 2017 Concluding Observations of the Human Rights Committee, UNDRIP and ICERD, revise the 2017 Constitution to explicitly recognize indigenous peoples and be in line with international standards for the rights of indigenous peoples.
- c. In line with Article 7 of CEDAW, conduct separate public hearings for indigenous women in different regions of Thailand on the draft Act on the Protection and Promotion of the Way of Life of Ethnic Groups.

### **12.2. Regarding the challenges indigenous women face in accessing citizenship**



- a. In line with Articles 9 of CEDAW and Article 6 of UNDRIP, ensure indigenous women have equal access to nationality as men, taking into account the limitations which currently restrict them from doing so.
- b. In line with Article 5 of CERD, Articles 3, 10, 11, 12, 13 and 14 of CEDAW and Articles 2 and 21 of UNDRIP, ensure indigenous women enjoy their rights to freedom of movement and access to education, employment, healthcare and social protection without undue restriction.

### **12.3. Regarding the discrimination against indigenous women**

- a. In line with Articles 2 and 4 of ICERD and Articles 2 and 5 of CEDAW, adopt a comprehensive anti-discrimination law addressing discrimination against indigenous peoples, particularly indigenous women.
- b. In line with Section 9 of the 2017 Concluding Observations of CEDAW Committee to Thailand, remove the exceptions contained in Section 17 paragraph 2 of the Gender Equality Act of 2015 with regard to the prohibition of discrimination on the basis of gender.

### **12.4. Regarding the exclusion of indigenous women from participation in the public sphere**

In line with Article 7 of CEDAW and Article 4 of UNDRIP, in conjunction with Section 29 of the 2017 Concluding Observations of CEDAW Committee to Thailand:

- a. Guarantee equal representation and participation of indigenous women in the decision-making process for matters concerning indigenous peoples.
- b. Support proportional inclusion of indigenous women in all levels of State mechanisms, including through special temporary measures and affirmative actions.

### **12.5. Regarding the exclusion of indigenous women from participation in the public sphere**

- a. In line with Article 6 of CEDAW, in conjunction with CEDAW General Recommendation No. 19, and Article 7 of UNDRIP, as well as Sections 25 and 27 of the 2017 Concluding Observation of CEDAW Committee to Thailand: Focus on prevention strategies to combat human trafficking by addressing the discrimination of indigenous women, while adopting and enforcing a zero-tolerance policy on officials who facilitate the exploitation of indigenous women, both within the country and across its borders.

### **12.6. Regarding the challenges indigenous women face in accessing healthcare services**

In line with Article 12 of ICESCR and Article 24 of the UNDRIP, in conjunction with Section 39 of the 2017 Concluding Observations of CEDAW Committee to Thailand:

- a. Provide adequate resources to healthcare facilities in areas where indigenous peoples live so that they are equipped with necessary personnel and services, specifically in relation to indigenous women's health issues.
- b. Improve public health schemes for indigenous peoples, particularly for indigenous women, such as free, regular, and maternal healthcare, in order to end disparities in health standards with non-indigenous peoples.
- c. Provide specific support for interpreters, who should be able to provide support for specific sexual and reproductive health issues of indigenous women.

**12.7. Regarding the challenges indigenous women face in accessing education**

- a. In line with Article 10 of CEDAW, improve access to education for indigenous peoples, particularly for indigenous women, including through providing specific scholarships for them.

**12.8. Regarding the violation of indigenous women's land and resource rights and their evictions from ancestral lands**

In line with Articles 3 and 26 of UNDRIP:

- a. Ensure that prior consultations inclusive of indigenous women are held with a view of obtaining indigenous peoples' free, prior, and informed consent regarding their land and resource rights.
- b. Reform the National Parks Act of 2019 to respect indigenous peoples' rights to their ancestral lands.

**12.9. Regarding the negative impact of tourism on indigenous women**

- a. In line with Principles 1 and 2 of the UN Guiding Principles on Business and Human Rights, design and implement development programmes concerning indigenous peoples and their lands and resources, such as those related to tourism, only after meaningful consultation. Ensure that indigenous peoples can effectively participate in decision making processes and that they lead in implementing such programmes.

**12.10. Regarding the inability of indigenous women to access justice and effective remedies and thereby secure protection of their rights**

- a. In line with Article 6 of UNDRIP, in conjunction with Section 11 of the Concluding Observations of CEDAW Committee to Thailand, carry out awareness-raising campaigns in indigenous communities on justice and effective remedies available to them.

## Annex: Assessment of implementation of UPR recommendations received during the 2nd UPR cycle of Thailand, particularly in the context of indigenous women's rights

Theme: International legal framework and domestic legislation			
159.11 Ratify the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) and Domestic Workers Convention, 2011 (No. 189) (Sierra Leone);  <b>Source of position:</b> A/HRC/33/16/Add.1 - Para. 12-13	Noted	A12 Acceptance of international norms E32 Right to just and favourable conditions of work G3 Indigenous peoples  <b>Affected persons:</b> - indigenous peoples	Status: <b>Not implemented</b>  Source: Paragraph 2.1
158.26 Incorporate key human rights principles in the new constitution in line with the obligations of Thailand under international human rights law (Uganda);  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Supported	A41 Constitutional and legislative framework  <b>Affected persons:</b> - general	Status: <b>Partially implemented</b>  Source: Paragraphs 2.2-2.6
158.28 Continue to consider protection and promotion of human rights in the new constitution (Pakistan);  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Supported	A41 Constitutional and legislative framework  <b>Affected persons:</b> - general	Status: <b>Partially implemented</b>  Source: Paragraphs 2.2-2.6
Theme: Prevention of discrimination against indigenous women			
158.4 Withdraw its interpretative declaration on the International Convention on the Elimination of All Forms of Racial Discrimination and its reservation to article 4 (South Africa);  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Supported	A13 Reservations B32 Racial discrimination <b>Affected persons:</b> - minorities/ racial, ethnic, linguistic, religious or descent-based groups	Status: <b>Fully implemented</b>  Source: Paragraph 4.1
159.20 Adopt a comprehensive anti-discrimination law which includes all grounds for discrimination (Slovenia);  <b>Source of position:</b> A/HRC/33/16/Add.1 - Para. 15	Noted	A41 Constitutional and legislative framework B31 Equality & non-discrimination  <b>Affected persons:</b> - general	Status: <b>Not implemented</b>  Source: Paragraphs 4.4-4.5



158.66 Prevent discrimination in all cases without taking consideration of grounds such as religious beliefs or national security (Spain);  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Supported	B31 Equality & non-discrimination D42 Freedom of thought, conscience and religion  <b>Affected persons:</b> - general - minorities/ racial, ethnic, linguistic, religious or descent-based groups	Status: <b>Not implemented</b>  Source: Paragraphs 4.1-4.8
158.64 Effectively implement the Gender Equality Act of 2015 (South Africa);  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Supported	F11 Advancement of women F12 Discrimination against women  <b>Affected persons:</b> - women	Status: <b>Not implemented</b>  Source: Paragraph 4.6
158.69 Continue its efforts to eliminate discrimination against women (Bangladesh);  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Supported	F12 Discrimination against women  <b>Affected persons:</b> - women	Status: <b>Not implemented</b>  Source: Paragraphs 4.1-4.8
158.71 Continue to strengthen measures to effectively reduce discrimination and all forms of violence against women (Chile);  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Supported	F12 Discrimination against women F13 Violence against women  <b>Affected persons:</b> - women	Status: <b>Not implemented</b>  Source: Paragraphs 4.1-4.8
<b>Theme: Access to citizenship</b>			
158.57 Further strengthen efforts towards birth registration for all, with a view to effectively reaching out to disadvantaged and vulnerable groups (Turkey);  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Supported	D6 Rights related to name, identity, nationality  <b>Affected persons:</b> - vulnerable persons/groups	Status: <b>Not implemented</b>  Source: Paragraphs 3.1-3.4
158.56 Ensure birth registration for all children born on its territory, especially those who are not registered due to the economic status of their parents, ethnicity and immigration status (Namibia);  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Supported	D6 Rights related to name, identity, nationality E25 Human rights & poverty G4 Migrants G1 Members of minorities  <b>Affected persons:</b> - children	Status: <b>Not implemented</b>  Source: Paragraphs 3.1-3.4

		- migrants - persons living in poverty	
<b>Theme: Participation in the public sphere</b>			
158.62 Advance women's empowerment, and greater representation of women in all sectors (Lao People's Democratic Republic);  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Supported	F11 Advancement of women F14 Participation of women in political and public life D7 Right to participation in public affairs and right to vote  <b>Affected persons:</b> - women	Status: <b>Not implemented</b>  Source: Paragraphs 5.1-5.4
158.65 Promote a culture of equality through the equal participation of all members of the society and, in particular the participation of women in rural areas (Djibouti);  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Supported	F12 Discrimination against women F14 Participation of women in political and public life D7 Right to participation in public affairs and right to vote  <b>Affected persons:</b> - women - persons living in rural areas	Status: <b>Not implemented</b>  Source: Paragraphs 5.1-5.4
158.143 Take measures to enhance women's participation in public and political decision-making (India);  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Supported	F14 Participation of women in political and public life D7 Right to participation in public affairs and right to vote  <b>Affected persons:</b> - women	Status: <b>Not implemented</b>  Source: Paragraphs 5.1-5.4
158.68 Continue to adopt gender-responsive policies and programmes to cultivate a conducive environment for women's development and empowerment (Malaysia);  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Supported	F11 Advancement of women F14 Participation of women in political and public life  <b>Affected persons:</b> - women	Status: <b>Not implemented</b>  Source: Paragraphs 5.1-5.4

Theme: Prevention of violence against indigenous women – human trafficking			
158.24 Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons (Uganda);  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Supported	A12 Acceptance of international norms D27 Prohibition of slavery, trafficking  <b>Affected persons:</b> - general	Status: <b>Fully implemented</b>  Source: Paragraphs 6.1-6.2
158.117 Step up efforts and legislation to combat human trafficking (Lebanon);  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Supported	A41 Constitutional and legislative framework D27 Prohibition of slavery, trafficking  <b>Affected persons:</b> - general	Status: <b>Partially implemented</b>  Source: Paragraphs 6.1-6.5
158.113 Take all necessary legislative and enforcement measures to eradicate trafficking rings and prosecute perpetrators (Singapore);  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Supported	A41 Constitutional and legislative framework D27 Prohibition of slavery, trafficking B51 Right to an effective remedy  <b>Affected persons:</b> - general	Status: <b>Partially implemented</b>  Source: Paragraphs 6.1-6.5
158.114 Strengthen measures to prevent and protect from trafficking in persons (Algeria);  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Supported	D27 Prohibition of slavery, trafficking  <b>Affected persons:</b> - general	Status: <b>Partially implemented</b>  Source: Paragraphs 6.1-6.5
158.115 Redouble efforts to combat forced labour and sexual trafficking (Plurinational State of Bolivia);  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Supported	D27 Prohibition of slavery, trafficking  <b>Affected persons:</b> - general	Status: <b>Partially implemented</b>  Source: Paragraphs 6.1-6.5
158.116 Reinforce the fight against human trafficking (France);  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Supported	D27 Prohibition of slavery, trafficking  <b>Affected persons:</b> - general	Status: <b>Partially implemented</b>  Source: Paragraphs 6.1-6.5
158.118 Re-enforce all laws related to combatting human trafficking (Libya);	Supported	D27 Prohibition of slavery, trafficking  <b>Affected persons:</b>	Status: <b>Partially implemented</b>  Source: Paragraphs 6.1-6.5



<b>Source of position:</b> A/HRC/33/16 - Para. 158		- general	
158.108 Ensure that Section 4 and Section 6 of the Trafficking Victims Protection Act 2008, specifically defining the term “wrongful exploitation”, comply with article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and increase the role of labour inspectors in identifying victims of human trafficking and prevent abusive working conditions, in line with the recommendations made by the 2012 report of the Special Rapporteur on trafficking in persons, especially women and children (Greece);  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Supported	D27 Prohibition of slavery, trafficking A25 Follow-up to special procedures E32 Right to just and favourable conditions of work F31 Children: definition; general principles; protection  <b>Affected persons:</b> - children - women	Status: <b>Partially implemented</b>  Source: Paragraphs 6.1-6.5
158.109 Adopt suitable measures and mechanisms, including the allocation of financial resources to prevent and combat effectively trafficking in persons (Honduras);  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Supported	D27 Prohibition of slavery, trafficking A43 Human rights policies A63 Budget and resources (for human rights implementation)  <b>Affected persons:</b> - general	Status: <b>Partially implemented</b>  Source: Paragraphs 6.1-6.5
158.23 Give priority to the implementation of the Palermo Protocol and the prosecution of persons benefiting from human trafficking (Norway);  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Supported	D27 Prohibition of slavery, trafficking B51 Right to an effective remedy  <b>Affected persons:</b> - general	Status: <b>Partially implemented</b>  Source: Paragraphs 6.1-6.5
158.111 Further intensify its efforts to combat human trafficking and ensure protection to victims of human trafficking (Islamic Republic of Iran);  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Supported	D27 Prohibition of slavery, trafficking B53 Support to victims and witnesses  <b>Affected persons:</b> - general	Status: <b>Partially implemented</b>  Source: Paragraphs 6.1-6.5

<p>158.100 Continue to strengthen the works towards preventing and combatting child pornography and human trafficking, as well as implement assistance programmes for victims (Argentina);</p> <p><b>Source of position:</b> A/HRC/33/16 - Para. 158</p>	Supported	<p>D27 Prohibition of slavery, trafficking</p> <p>F33 Children: protection against exploitation</p> <p>B53 Support to victims and witnesses</p> <p><b>Affected persons:</b></p> <p>- children</p>	<p>Status: <b>Partially implemented</b></p> <p>Source: Paragraphs 6.1-6.5</p>
<p>158.112 Redouble efforts to combat trafficking in persons and smuggling of migrants (Panama);</p> <p><b>Source of position:</b> A/HRC/33/16 - Para. 158</p>	Supported	<p>D27 Prohibition of slavery, trafficking</p> <p>G4 Migrants</p> <p><b>Affected persons:</b></p> <p>- migrants</p>	<p>Status: <b>Partially implemented</b></p> <p>Source: Paragraphs 6.1-6.5</p>
<p>158.99 Continue in its efforts to prevent, punish and eradicate forced labour, labour exploitation, including the issue of trafficking in persons, particularly for women and children who are involved in cases of sex tourism and pornography (Ecuador);</p> <p><b>Source of position:</b> A/HRC/33/16 - Para. 158</p>	Supported	<p>F33 Children: protection against exploitation</p> <p>D27 Prohibition of slavery, trafficking</p> <p>B51 Right to an effective remedy</p> <p>F13 Violence against women</p> <p><b>Affected persons:</b></p> <p>- women</p> <p>- children</p>	<p>Status: <b>Partially implemented</b></p> <p>Source: Paragraphs 6.1-6.5</p>
<b>Theme: Prevention of violence against indigenous women – domestic violence and violence against women</b>			
<p>159.35 Further address all forms of gender-based violence and abuses by revising the relevant provisions of the Penal Code, Criminal Procedure Code and Domestic Violence Victim Protection Act (Kyrgyzstan);</p> <p><b>Source of position:</b></p> <p>A/HRC/33/16/Add.1 - Para. 10</p>	Supported	<p>A41 Constitutional and legislative framework</p> <p>D29 Domestic violence</p> <p>F13 Violence against women</p> <p>D28 Gender-based violence</p> <p><b>Affected persons:</b></p> <p>- women</p>	<p>Status: <b>Not implemented</b></p> <p>Source: Paragraphs 6.6-6.7; Paragraph 10.3</p>
<p>158.84 Intensify efforts to promote policies in the area of prevention, sanction and eradication of all forms of violence against women, including measures aimed at promoting their rights regardless of its religion, race, sexual identity or social condition (Mexico);</p>	Supported	<p>F12 Discrimination against women</p> <p>F13 Violence against women</p> <p>B31 Equality &amp; non-discrimination</p> <p>B32 Racial discrimination</p> <p><b>Affected persons:</b></p>	<p>Status: <b>Not implemented</b></p> <p>Source: Paragraphs 6.6-6.7; Paragraph 10.3</p>

Source of position: A/HRC/33/16 - Para. 158		- women - minorities/ racial, ethnic, linguistic, religious or descent-based groups	
158.81 Continue to work at the provincial level to execute memorandums of understanding to combat violence against women and children (Fiji);  Source of position: A/HRC/33/16 - Para. 158	Supported	F13 Violence against women F31 Children: definition; general principles; protection  Affected persons: - women - children	Status: <b>Not implemented</b>  Source: Paragraphs 6.6-6.7; Paragraph 10.3
158.83 Step up efforts to effectively combat violence against women and children (Kazakhstan);  Source of position: A/HRC/33/16 - Para. 158	Supported	F13 Violence against women F31 Children: definition; general principles; protection  Affected persons: - women - children	Status: <b>Not implemented</b>  Source: Paragraphs 6.6-6.7; Paragraph 10.3
158.82 Establish an effective policy and legal framework to prevent and contrast all forms of discrimination and violence against women, including domestic violence, in order to ensure that women victims of violence receive adequate support and offenders are brought to justice (Italy);  Source of position: A/HRC/33/16 - Para. 158	Supported	D29 Domestic violence F13 Violence against women B51 Right to an effective remedy B53 Support to victims and witnesses  Affected persons: - women	Status: <b>Not implemented</b>  Source: Paragraphs 6.6-6.7
<b>Theme: Access to healthcare services</b>			
158.145 Extend for all access to the rights to health care, social security, and minimum wage without ethnic distinction or linguistic barriers (Paraguay);  Source of position: A/HRC/33/16 - Para. 158	Supported	E24 Right to social security E32 Right to just and favourable conditions of work E41 Right to health - General B31 Equality & non-discrimination G1 Members of minorities Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups	Status: <b>Not implemented</b>  Source: Paragraphs 7.1-7.7



158.70 Improve access to health, education and social welfare for vulnerable groups, including for those in rural areas, ethnic minorities, women, migrants and refugees (Japan);  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Supported	E24 Right to social security E41 Right to health - General E51 Right to education - General G1 Members of minorities G4 Migrants G5 Refugees & asylum seekers  <b>Affected persons:</b> - migrants - persons living in rural areas - women - refugees & asylum seekers	Status: <b>Not implemented</b>  Source: Paragraphs 7.1-7.7
158.151 Continue to develop the health system through the strengthening of the right to enjoy health for all segments of the society (Iraq); <b>Source of position:</b> A/HRC/33/16 - Para. 158	Supported	E42 Access to health-care (general)  <b>Affected persons:</b> - general	Status: <b>Not implemented</b>  Source: Paragraphs 7.1-7.7
158.152 Facilitate access to health services for all the population in the Thai territory (Madagascar);  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Supported	E42 Access to health-care (general)  <b>Affected persons:</b> - general	Status: <b>Not implemented</b>  Source: Paragraphs 7.1-7.7
158.154 Further strengthen measures to ensure equal access to health services for all, while giving special attention to the needs of children, women and the elderly (Sri Lanka);  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Supported	E42 Access to health-care (general)  <b>Affected persons:</b> - women - children - older persons	Status: <b>Not implemented</b>  Source: Paragraphs 7.1-7.7
158.153 Accelerate its efforts to achieve the targets on reducing infant mortality rate and achieving universal health-care scheme, including improving of the maternal health in remote areas (Bhutan);	Supported	E42 Access to health-care (general) E41 Right to health – General  <b>Affected persons:</b> - children - women	Status: <b>Not implemented</b>  Source: Paragraphs 7.1-7.7

Source of position: A/HRC/33/16 - Para. 158		- persons living in rural areas	
158.156 Reduce infant mortality rate and improve maternal health care in remote areas (Nigeria);  Source of position: A/HRC/33/16 - Para. 158	Supported	E42 Access to health-care (general) E41 Right to health – General  Affected persons: - children - women - persons living in rural areas	Status: <b>Not implemented</b>  Source: Paragraphs 7.1-7.7
158.155 Continue the reduction of maternal and infant mortality rates, and continue with the national plan for the development of children and youth (Bahrain);  Source of position: A/HRC/33/16 - Para. 158	Supported	E42 Access to health-care (general) E41 Right to health - General E21 Right to an adequate standard of living – general  Affected persons: - children - youth	Status: <b>Not implemented</b>  Source: Paragraphs 7.1-7.7
158.150 Increase its efforts to ensure the right to the highest attainable standard of health also to sex workers by ensuring them access to health care and services and comprehensive sexuality education (Finland);  Source of position: A/HRC/33/16 - Para. 158	Supported	E43 Access to sexual and reproductive health and services E44 Health awareness raising, access to information  Affected persons: - general	Status: <b>Not implemented</b>  Source: Paragraphs 7.1-7.7
<b>Theme: Access to education</b>			
158.158 Continue the policy of providing education for all, and work towards strengthening and developing the education sector in the country (Kuwait);  Source of position: A/HRC/33/16 - Para. 158	Supported	E51 Right to education – General  Affected persons: - general - children	Status: <b>Not implemented</b>  Source: Paragraphs 8.1-8.3
158.159 Continue efforts to implement the policy of Education for All, especially children, at all levels (Qatar);	Supported	E51 Right to education – General  Affected persons: - general	Status: <b>Not implemented</b>  Source: Paragraphs 8.1-8.3

<b>Source of position:</b> A/HRC/33/16 - Para. 158		- children	
158.160 Continue to strengthen measures to provide education of good quality, including the progressive expansion of compulsory education and enrolment for both girls and boys (United Arab Emirates);  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Supported	E51 Right to education – General  <b>Affected persons:</b> - girls - children	Status: <b>Not implemented</b>  Source: Paragraphs 8.1-8.3
158.161 Continue to pursue successful education programmes for all with an emphasis on the most vulnerable segments of its population (Bolivarian Republic of Venezuela);  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Supported	E51 Right to education – General  <b>Affected persons:</b> - vulnerable persons/groups	Status: <b>Not implemented</b>  Source: Paragraphs 8.1-8.3
158.162 Continue its efforts to ensure that all children have access to education at all levels and all categories (Brunei Darussalam);  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Supported	E51 Right to education – General  <b>Affected persons:</b> - children	Status: <b>Not implemented</b>  Source: Paragraphs 8.1-8.3
158.165 Ensure equal access to education of vulnerable people including women, children and persons with disabilities (Lao People's Democratic Republic);  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Supported	E51 Right to education - General F4 Persons with disabilities  <b>Affected persons:</b> - women - persons with disabilities	Status: <b>Not implemented</b>  Source: Paragraphs 8.1-8.3
<b>Theme: Indigenous peoples and the environment</b>			
158.181 Monitor enforcement of environmental legislation to protect the rights of local communities and prevent environmental degradation (Maldives).  <b>Source of position:</b> A/HRC/33/16 - Para. 158	Supported	B71 Human rights and the environment Affected persons: - general	Status: <b>Not implemented</b>  Source: Paragraphs 9.1-9.10



Theme: Protection of indigenous women's rights - general			
<p>158.31 Continue to provide adequate human and financial resources to fully implement its domestic laws protective of women's rights (Philippines);</p> <p><b>Source of position:</b> A/HRC/33/16 - Para. 158</p>	Supported	<p>A41 Constitutional and legislative framework F11 Advancement of women F12 Discrimination against women</p> <p><b>Affected persons:</b> - women</p>	<p>Status: <b>Not implemented</b></p> <p>Source: Paragraphs 10.1-10.4; Paragraphs 11.1-11.3</p>
<p>158.163 Continue its efforts in strengthening policies and measures to promote and protect the human rights of its people, in particular those of vulnerable groups such as women, children, poor people, and migrants (Cambodia);</p> <p><b>Source of position:</b> A/HRC/33/16 - Para. 158</p>	Supported	<p>F31 Children: definition; general principles; protection G4 Migrants E25 Human rights &amp; poverty</p> <p><b>Affected persons:</b> - vulnerable persons/groups - migrants - persons living in poverty</p>	<p>Status: <b>Not implemented</b></p> <p>Source: Paragraphs 10.1-10.4; Paragraphs 11.1-11.3</p>

## Endnotes

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- 4 Constitution of the Kingdom of Thailand 1997, Section 46, available at:  
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- 6 Constitution of the Kingdom of Thailand (2017), Sections 41 and 58, available at:  
[https://constitutionnet.org/sites/default/files/2017-05/CONSTITUTION+OF+THE+KINGDOM+OF+THAILAND+\(B.E.+2560+\(2017\)\).pdf](https://constitutionnet.org/sites/default/files/2017-05/CONSTITUTION+OF+THE+KINGDOM+OF+THAILAND+(B.E.+2560+(2017)).pdf)
- 7 Manushya Foundation and the Indigenous Women's Network of Thailand, *Raising our voices to save our future*, (September 2019), p. 21, available at:  
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- 8 Royal Thai Government, *Summary of the answers to the questions at the Senate Meeting on Monday, 20 July 2020 re: Preparation of legislation on the promotion and conservation of the way of life of ethnic groups* (in Thai), (July 2020), available at:  
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### About IWNT

The Indigenous Women's Network of Thailand (IWNT) was founded in 1996 as a part of the Inter Mountain Peoples Education and Culture in Thailand (IMPECT) to provide a gender perspective to development activities affecting indigenous peoples in Thailand. In 2011, IWNT was established as an independent organization to work towards improving the lives of indigenous women in Thailand, working with the following groups or "chon paos": Karen, Lisu, H'mong, Lahu, Akha, Dara'ang, Taiyai or Shan, Lua, Kachin, Mien, Moken, Urak Lawoi. IWNT aims at advancing indigenous women's rights as Women and as Indigenous Peoples, promoting national and international instruments for women's protection, strengthening indigenous women's participation in local government, natural resource management sector and other decision-making bodies, for them to acknowledge and support indigenous women's rights and traditional knowledge.



### About Manushya Foundation

Manushya Foundation is a women-led and innovative non-profit organization with the goal to reinforce the power of local communities, in particular women human rights defenders, so they can advance their human rights and fight for equality and social justice. Manushya means "Human Being" in Sanskrit; it was founded in 2017 to engage, mobilise and empower local communities across Asia to be at the center of decisions and policies that affect them by: connecting humans through inclusive coalition building and; by developing strategies focused at placing local communities' voices at the centre of human rights advocacy and domestic implementation of international human rights obligations and standards. Manushya Foundation strengthens the solidarity and capacity of communities and grassroots to become Agents of Change fighting for their rights and providing solutions to improve their lives, their livelihoods and the human rights situation on the ground.

## CONTACT US

5/4 Thanon Sutthisan Winitchai 1, Samsen Nai,  
Phayathai, Bangkok 10400, Thailand

[contact@manushyafoundation.org](mailto:contact@manushyafoundation.org)

+66 (0) 9517 65921

[www.manushyafoundation.org](http://www.manushyafoundation.org)



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