

Fortify Rights

**Fortify Rights
Submission to
the United Nations
Committee on
the Elimination of
Discrimination
against Women**

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2025



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Review of Thailand

We write to the U.N. Committee on the Elimination of Discrimination against Women to submit information in advance of the consideration of Thailand's state report during the Committee's 91st Session. This submission addresses articles 1, 2, 3, 5, and 12 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

Gender-based Violence Against Women

In its state report, Thailand notes that it has “made significant progress in taking continuous measures to eliminate violence against women and promote gender equality.”¹ While progress has been made by Thailand to tackle gender-based violence against women, this progress has too often been characterized by weak enforcement and poor implementation of relevant laws and policies, further compounding the vulnerability of survivors of abuse.

A 46-page Fortify Rights report published earlier this year, resulting from a two-year investigation and drawing on 51 interviews including with 32 women survivors of domestic violence, highlights the inadequacy and convoluted development of Thailand's legal framework, particularly around the shift from the 2007 Victims of Domestic Violence Protection Act to the 2019 Family Institute Development and Protection Act, and the suspension of the latter shortly after its enactment.² Further complicating matters is the inconsistent application of laws by law enforcement, with many survivors encountering victim-blaming attitudes, lack of support, and procedural obstacles when seeking help.

¹ Government of Thailand, “Eighth periodic report submitted by Thailand under article 18 of the Convention,” https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FTHA%2F8&Lang=en.

² Fortify Rights, “Just Stay Silent: Lack of Access to Effective Remedies for Women Survivors of Domestic Violence in Thailand,” <https://www.fortifyrights.org/downloads/Just%20Stay%20Silent%20-%20Fortify%20Rights%20Report%20%28ENG%29.pdf>.

a. Shifts in Domestic Violence Legal Framework

The suspension of the 2019 Family Institute Development and Protection Act and reinstatement of the 2007 Victims of Domestic Violence Protection Act in 2019, while substantively a positive move, has resulted in legal uncertainty for survivors of domestic violence. The emergency decree suspending the 2019 Act emphasized the need for proper preparation so that the intent of any law on domestic violence can be realized. The decree also called for “an improvement of the mechanisms, roles, powers and duties of officials at the operating unit level, as well as an improvement of operations in the justice process from the investigative officer level to court process.”³

In December 2022, a government drafting committee published a new draft domestic violence law, which expands the definition of domestic violence to include sexual violence and actions intended to humiliate or ruin a person’s reputation.⁴ Between January and November 2023, the drafting committee facilitated two rounds of public hearings on the draft legislation.

Key points raised during the consultation included concerns related to the extent of involvement of Thai authorities and adequacy of measures to ensure appropriate protections and effective remedies for survivors of domestic violence. For instance, the proposed six-month statute of limitations may continue to prevent accountability, particularly for crimes committed against children who often only realize they were victimized when they mature. While allowing officials to issue immediate relief orders is expected to improve access to urgent protections, the legislation lacks long-term support mechanisms, such as counselling or economic empowerment programs, to facilitate sustainable recovery. Moreover, the legislation lacks clear inter-agency coordination protocols to prevent inefficiencies.

b. The Royal Thai Police

Under the 2007 Act, the Royal Thai Police are considered “competent officials” and are responsible for investigating incidents, ensuring cases proceed, and facilitating provisional remedial measures. Thailand’s Criminal Procedure Code also outlines key actions that the police should follow when crimes are reported.⁵ However, in practice, the response by Thai police to domestic violence has not always met legal standards or the needs of the survivors.

In one example documented by Fortify Rights, following a serious assault at the hands of her father, “W,” 27, went to the police and described what happened. She told Fortify Rights: “[The police officer] just said, ‘Well, nothing serious happened. But now that you’re a grown-up, you should listen to your parents.’ So, he just mediated and told me to tolerate the situation. Then, [the police] left [our house.]”⁶ She went on to say:

This repeatedly happened two to three times. [According to the police,] I was at fault every time. ... They listened to my mother and told me that I was their child and that I shouldn’t fight her. I should listen to them. ‘Be a good kid, and don’t lose your temper. When they get angry, just stay silent.’ Every police said the same, for me to stay calm.⁷

³ Emergency Decree Amending the Family Institute Development and Protection Act B.E. 2562 (2019).

⁴ Draft Victims of Domestic Violence Protection Act.

⁵ Thailand Criminal Procedure Code, B.E. 2499 (January 1, 1957).

⁶ Fortify Rights interview with “W,” January 31, 2023.

⁷ Ibid.

c. Well-Being Protection Orders

The Juvenile and Family Court in Thailand is the primary court responsible for facilitating protection and ensuring accountability for survivors of domestic violence. For domestic violence survivors, often the first interaction with the court is to secure well-being protection orders, which include provisions to restrict the perpetrator's contact with survivors, remove them from shared residences, prevent harassment, arrange child custody and financial support arrangements, and monitor compliance with the order.⁸

According to the latest report by Thailand's Ministry of Social Development and Human Security (MSDHS), in 2022 Thai courts issued only 16 well-being protection orders.⁹ The relatively low number of orders issued reflects a lack of familiarity on the part of lawyers and judges with such orders. Domestic violence survivors have also reported specific challenges with the implementation of such orders.¹⁰

d. One Stop Crisis Centers

Thailand's submission to the Committee notes that the:

One Stop Crisis Centre [network]...has been created to provide assistance to women and children in crisis situations resulting from violence. The centre [sic] is a coordinated effort of interdisciplinary teams both within and outside hospitals which offers immediate and holistic support to the victims.

While Thailand has built an extensive network of over 10,600 One Stop Crisis Centers (OSCC), academic research and survivor testimony indicates that OSCC staff sometimes lack appropriate training to meet the needs of domestic violence survivors. For example, a doctoral thesis examining Thailand's OSCC included interviews with OSCC workers who "expressed the view that the training that they receive to conduct their roles is insufficient." The study found that OSCC workers in an urban community hospital in northern Thailand "don't really have any training especially for the OSCC, maybe because they're a small hospital, there are not so many cases, so they don't really pay attention [to the] training [of] the staff."¹¹

Recommendations

Fortify Rights recommends that the Government of Thailand:

1. Revise Thailand's domestic violence legislation to align with international standards by expanding the definition of abuse, extending the statute of limitations, removing mediation as a legal option, adjusting penalties, and ensuring victim-centered relief measures. Introduce comprehensive sentencing guidelines and make protective orders accessible and enforceable.
2. Develop a national, inter-agency framework for addressing domestic violence that includes coordinated responses across the Ministries of Social Development, Justice, Public Health, and law enforcement.

⁸ Regulation of the President of the Supreme Court on the Proceeding in Well-Being Protection Case.

⁹ MSDHS, "Report on the Situation of Domestic Violence B.E. 2565."

¹⁰ Fortify Rights, "Just Stay Silent: Lack of Access to Effective Remedies for Women Survivors of Domestic Violence in Thailand," <https://www.fortifyrights.org/downloads/Just%20Stay%20Silent%20-%20Fortify%20Rights%20Report%20%28ENG%29.pdf>, pp. 30-31.

¹¹ Robert James Torrance, "Assessment of the Use of One Stop Crisis Centers to Help Survivors of Violence Against Women and Girls: the Case of Thailand," DrPH thesis, London School of Hygiene & Tropical Medicine, February 2024, <https://doi.org/10.17037/Pubs.04672609> (accessed October 17, 2024); Nareerat Boonnate and Hathaichanok Phaowiriya, "Screening for Intimate Partner Violence in Women: Perspectives from Health Care Providers," *The Journal of Faculty of Nursing, Burapha University*, Volume 26, No. 4, 2018, pp. 80-89, <https://he02.tci-thaijo.org/index.php/Nubuu/article/view/211693/146660> (accessed October 17, 2024).

3. Provide regular, specialized training for all relevant officials—including police, healthcare workers, judicial officials, and crisis center staff—on the survivor-centered approach and proper legal and procedural handling of domestic violence cases.
4. Implement systems to monitor the handling of domestic violence cases, address procedural delays and biases, and ensure legal compliance. Hold officials accountable for misconduct or negligence in dealing with such cases to reinforce institutional integrity and public trust.

Refugee Women

In its report to the Committee, Thailand states that it “aids refugees and asylum-seekers in accordance with human rights principles.”¹² Several years-worth of investigations by Fortify Rights has found, however, refugee women, especially those escaping violence and persecution in neighboring Myanmar, have been subject to various abuses at the hands of Thai authorities.

Without an effective legal framework to recognize and protect refugees in Thailand, refugees face criminal penalties under Thailand’s 1979 Immigration Act, which prohibits unauthorized entry or stay in Thailand. As a result, refugees in Thailand are subject to arbitrary arrest and detention. A lack of legal status in Thailand also means that refugees are unable to get coverage from the public health insurance schemes.

Legal Status of Refugee Women

Thailand is not party to the 1951 U.N. Refugee Convention, so does not formally recognize refugee status as defined by the Convention. After almost four years of delay, in September 2023, Thailand launched a domestic system to identify and offer limited protections to refugees, known as the National Screening Mechanism (NSM). Refugees granted “protected person” status under the NSM are protected from arrest and detention and are also afforded other basic rights. According to an update provided by the Thai government to the U.N. High Commission for Refugees’ executive committee, as of October 2024, only seven individuals had been granted protection under the NSM in the year following the establishment of the mechanism¹³—a minuscule number compared to the more than 90,000 refugees, the vast majority of whom are Myanmar nationals, living in Thailand.

Fortify Rights has consistently called for reforms of the NSM to ensure the widest possible coverage of protection for refugees in Thailand. In particular, Fortify Rights has raised concerns with the government that vulnerable groups of refugees, including the Rohingya, could be arbitrarily excluded from the NSM on broadly defined “national security” grounds.

A letter, seen by Fortify Rights, sent by Thailand’s Office of the Council of State to the Office of the Secretary of the Cabinet, dated December 18, 2019, explicitly argued for the exclusion of Rohingya, Uyghur, and North Korean refugees on national security grounds, a policy which appears to remain in place. Indeed, the recent forced return of 40 Uyghur refugees from Thailand to China exemplifies the abusive nature of blanket exclusions of vulnerable groups from legal protection.¹⁴

¹² Government of Thailand, “Eighth periodic report submitted by Thailand under article 18 of the Convention,” https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FTHA%2F8&Lang=en.

¹³ UNHCR, “Statement of delegation of Thailand By LT General Nuttapong Praokaew Director, Department of Border Affairs, Royal Thai Armed Forces Headquarters, Ministry of Defence of the Kingdom of Thailand At the 75th Plenary Session of the Executive Committee of the High Commissioner’s Programme,” <https://www.unhcr.org/sites/default/files/2024-10/51-Thailand.pdf>.

¹⁴ Fortify Rights, “Thailand: Hold Officials Accountable for Forced Return of Uyghur Refugees to China,” <https://www.fortifyrights.org/tha-inv-2025-02-28/>, February 28, 2025.

Forced Return

As well as the recent case involving Uyghur refugees, Fortify Rights has documented frequent instances of forced return of refugees fleeing violence and persecution in Myanmar. In one example, in January 2022, Thai police and military forcibly returned approximately 100 ethnic Karen students who had sought safety with their teachers in Phrop Phra District, Thailand. Fortify Rights spoke with 13 Myanmar refugees, including the three ethnic-Karen teachers who accompanied the children.

“Many [Thai] military personnel and police came,” said “N. S.,” a 31-year-old ethnic-Karen teacher, describing how Thai authorities apprehended her and approximately 100 of her students in January 2022 in Phrop Phra District, Thailand, near the Myanmar border. “All of them were carrying guns. There were over 20 [military and police] . . . They said, ‘You are all illegal. So, you have to go back [to Myanmar].’”¹⁵

“N. E.,” 52, another ethnic-Karen teacher, describing the same incident said: “[Thai authorities] came and ordered everyone to line up. They told the children not to run. Woken up in the middle of the night, some of the children cried and urinated on themselves.”¹⁶

The teachers shared how the Thai authorities herded the group onto trucks and forced them across the border to Myanmar the following day. Forty-year-old “N.W.,” who was also a teacher with the group, told Fortify Rights:

There were different groups of military and police stationed by the road, like it was planned beforehand. They were all carrying guns and watching us . . . They dropped us at the riverside, and many soldiers surrounded us with guns. “Go!” They said to us. We couldn’t do anything. All of us went back [to Karen State, Myanmar].¹⁷

Immigration Detention

As Thailand’s report to the Committee states, in 2019, the government established a memorandum of understanding between seven government agencies intended to halt the long-term immigration detention of refugee children and their mothers. Instead of being detained, these refugees are often housed in government-run shelters. While this is a step forward in Thailand’s respect for refugee rights, without access to appropriate protective legal status and attendant rights, refugee women and children face languishing in institutional care facilities for years. A recent Fortify Rights investigation into the situation of unaccompanied Rohingya refugee children being held in a government-run shelter highlights the lack of adequate protections for vulnerable refugees and genuine human rights-based alternatives to detention.¹⁸

On March 21, 2025, six unaccompanied Rohingya refugee children, including five girls, disappeared from a government-run shelter in Chiang Mai, Thailand. These children, aged between 14 and 17, had been arrested in December 2024 for “illegal entry” after being abandoned by human smugglers who had promised to transport them from Myanmar to Malaysia. Following their arrest, they were detained and later moved to the Chiang Mai Children and Family Shelter in accordance with the 2019 memorandum of understanding. Fortify Rights believes that the children may have been smuggled out of the shelter and through a well-established human smuggling and trafficking route to Malaysia.¹⁹

¹⁵ Fortify Rights interview with “N.S.,” October 26, 2022.

¹⁶ Fortify Rights interview with “N. E.,” October 25, 2022.

¹⁷ Fortify Rights interview with “N. W.,” October 26, 2022.

¹⁸ Fortify Rights, “Thailand: Protect Unaccompanied Refugee Children, Provide Legal Status, Prevent Detention,” <https://www.fortifyrights.org/tha-inv-2025-05-08/>, May 8, 2025.

¹⁹ Fortify Rights, “Sold Like Fish: Crimes Against Humanity, Mass Graves, and Human Trafficking from Myanmar and Bangladesh to Malaysia from 2012 to 2015,” <https://www.fortifyrights.org/downloads/Fortify%20Rights-SUHAKAM%20-%20Sold%20Like%20Fish.pdf>, March 27, 2019.

Access to Healthcare

An October 2023 Fortify Rights investigation, drawing on 38 interviews, found that Myanmar refugees, including refugee women, seeking healthcare faced arrest and extortion by Thai authorities in the border town of Mae Sot.²⁰

“S. Z.,” 51, from Shan State, Myanmar, was seeking treatment at a clinic for arthritic fingers on May 19, 2023 when local police stopped her. “The motorcycle taxi driver was also scared when they stopped us. We were very near the clinic . . . We could even see the signboard of the clinic when we were stopped,” said “S. Z.” Thai police then arrested “S. Z.” and her motorcycle-taxi driver, took them to a nearby police station, and questioned them for three hours. “I have not been to the clinic since then. I know my pain could be relieved from the treatment there, but I don’t want to risk it,” she said.²¹

Fortify Rights spoke with another refugee, “M. M.,” 52, from Bago Region, who experienced back-to-back arrests while seeking healthcare in Mae Sot in early 2022:

The first time I was arrested was in February 2022. I’d been having aches on the right side of my body . . . We left our house just after breakfast; we were stopped by the police around 9:30 a.m. at the corner near the clinic right off the main road. They were waiting at the corner and stopped us . . . I was in so much pain.

Thai authorities arrested “M. M.” again in March 2022, along with her husband and two children, while they traveled back from a clinic to receive the COVID-19 vaccination. “M. M.” told Fortify Rights how she changed her approach to seeking healthcare for herself and her family following back-to-back arrests in Thailand in 2022:

We try to stock up on medicine at home as much as possible. When my kids get sick, I rely on the pharmacies near our house, which are staffed by Myanmar people. Unless it’s a severe condition, we avoid going to the clinic because we’re scared to get arrested or into trouble.²²

Refugees in Thailand, Fortify Rights spoke to as part of this investigation, identified fear of arrest, lack of legal documentation, lack of access to public health insurance schemes, and language barriers as among the reasons preventing them from accessing needed healthcare, especially in public hospitals and healthcare facilities.

Recommendations

Fortify Rights recommends that the Government of Thailand:

1. Ratify the 1951 Convention on the Status of Refugees and its Protocol and ensure that domestic legislation relating to refugees is brought in line with international law and standards, including by decriminalizing irregular entry and stay in Thailand for refugees.
2. End the forced return of Myanmar refugees and grant them protective legal status in Thailand.
3. Ensure the widest possible coverage of legal protections to refugees in Thailand, whether through the NSM or any other mechanism, and refrain from using broadly defined “national security” grounds to arbitrarily exclude refugees from protection.

²⁰ Fortify Rights, Thailand: Ensure Healthcare for Myanmar Refugees, <https://www.fortifyrights.org/tha-inv-2023-10-26/>, October 26, 2023.

²¹ Fortify Rights interview with “S. Z.,” September 2, 2023.

²² Fortify Rights interview with “M. M.,” September 1, 2023.

4. Implement human rights-based alternatives to detention, including community-based alternatives, for refugee women and children.
5. Ensure that all refugees in Thailand have access to healthcare and other basic public services at an equitable level to Thai citizens.

Women Human Rights Defenders

In its report to the Committee, Thailand notes that it has “improved and amended” its legal procedure for handling instances where women human rights defenders face criminal defamation charges based on their work as human rights defenders.²³ Thailand’s report specifically notes that the government has made two amendments to the Thailand Criminal Procedure Code which allow the courts the ability to dismiss cases filed with the intent to harass plaintiffs, and which allows plaintiffs to provide evidence that cases filed against them lack merit, articles 161/1 and 161/2 respectively.

Despite these amendments, and specific requests for the courts to apply them, criminal defamation cases with the sole intent to harass women human rights defenders continued to be heard during the reporting period.²⁴ Indeed, according to a recent U.N. study, between 1997 and 2022, more than 400 people, including many women human rights defenders, were targeted by 109 instances of Strategic Lawsuits Against Public Participation cases in Thailand.²⁵

Recommendations

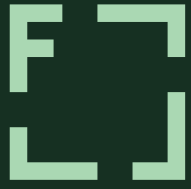
Fortify Rights recommends that the Government of Thailand:

1. Bring Thailand’s legal framework on defamation in line with international law and standards by ensuring that defamation is treated as a civil rather than criminal matter.
2. Provide guidelines and specific training to judges and lawyers regarding the implementation of article 161/1 and 161/2 of the Thailand Criminal Procedure Code.

²³ Government of Thailand, “Eighth periodic report submitted by Thailand under article 18 of the Convention,” https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FTHA%2F8&Lang=en.

²⁴ Fortify Rights, “Thailand: Drop Criminal Complaint Against Former Thailand National Human Rights Commissioner and 2019 Magsaysay Award Winner Angkhana Neelapaijit,” <https://www.fortifyrights.org/tha-inv-2022-03-02/>, March 2, 2022.

²⁵ UNDP Thailand, “Laws and Measures Addressing Strategic Lawsuits Against Public Participation (SLAPPs) in the Context of Business and Human Rights,” <https://www.undp.org/thailand/publications/laws-and-measures-addressing-strategic-lawsuits-against-public-participation-slapps-context-business-and-human-rights>, June 27, 2023.



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