

**Additional responses to the questions raised by the Committee on the Elimination of
Discrimination against Women during the consideration of Thailand’s combined
sixth and seventh periodic reports**

1. Support for Elderly Women

The Older Persons Act of 2003 and the Older Persons Fund

The Older Persons Act of 2003 provides a key legal framework for the protection and promotion of the rights and welfare of older persons. Elderly women and men are both entitled to the benefits and rights accorded by this law on an equal basis.

The Act also established the Older Persons Fund to provide support, protection and promotion for older persons, both women and men, to enhance their security, empowerment and quality of life. The Fund provides financial assistance to individual or groups of older persons to support their employment and livelihood. The Fund also provides grants to organizations working on projects to empower or promote the rights of older persons to foster active aging and independent living. These projects include, among others, job and skills training, sports and recreational activities, and support for older persons’ networks and associations.

The Fund has produced concrete results in supporting older persons, both women and men. During 2007 – 2016, the Fund provided loans to support older persons’ employment to almost 54,000 individual older persons and 74 groups of older persons. As a result, approximately USD 46 million (THB 1,570 million) was allocated to 1,300 empowerment projects during this period.

In the first seven months of this fiscal year (October 2016 – April 2017), the Fund has provided loans to 6,220 individual older persons and financial support for 58 projects, totaling to approximately USD 5.1 million (THB 175 million).

The Old-age Allowance Scheme

The old-age allowance scheme aims to guarantee basic income for all Thai persons at the age of 60 or above, except for those who still receive salaries or government/state-enterprise pensions). Each person receives monthly allowance of approximately USD 17 – 23 (THB 600 – 800) according to their age range (THB 600 per month for those aged 60 – 69 year, THB 700 for 70 – 79 years, THB 800 for 80 – 89 years, and THB 1,000 for those 90 years of age or above).

Since 1993, the Government has provided a total allowance of approximately USD 14.6 billion (THB 500 billion) to older persons. In 2017, a government budget of approximately USD 1.9 billion (THB 64 billion) has been allocated to this scheme to benefit 8.1 million older persons, of whom around 4.5 million are women (which accounts for 55 per cent).

2. Child Marriage and Amendment of the Criminal Code

Section 277 of the Criminal Code was revised in 2015 to ensure that the perpetrator is not exempt from the punishment of having sexual intercourse with a minor even if the Court grants permission for their marriage. However, the Court may use its discretion to reduce the degree of punishment given to the offender. In addition, the Court has to set conditions to be fulfilled after such marriage. In issuing the verdict, the Court must take into consideration a

number of factors, including the offender and the girl's relationship, age, history, behavior, intellectual ability, education, health, mental health, occupation, environment and other factors for the benefit of the girl.

In 2016, Thailand accepted the recommendation from the 2nd Cycle of the Universal Periodic Review to eliminate the legal provision that states that the age limit of marriage could be lowered to 13 years old in cases where children were sexually abused and could consequently marry the perpetrators. Relevant agencies have already proposed the amendment of the relevant provision under the Criminal Code which is now in the consideration process as required by the law.

3. Prostitution and protection of female workers in entertainment establishments

Prostitution is prohibited by law under the Prevention and Suppression of Prostitution Act 1996. This law has been used for over 20 years, concerned agencies are, therefore, considering the possibility to review the Act to reflect recent developments and the changing social context in the country.

Female workers employed in entertainment establishments are protected by the Labor Protection Act, the Social Security Act, and the Workmen's Compensation Act as well as other relevant labor laws in the same manner as workers in other businesses.

Persons who are working in the informal sector may also insure themselves and be entitled to the benefits of the Social Security Fund under Section 40 of the Social Security Act, irrespective of their professions.

Legally employed unskilled migrant workers in the entertainment sector, both male and female, are also protected under labor laws.

4. Women with Disabilities

Overview

Section 27 of the 2017 Constitution of the Kingdom of Thailand provides broad protection against discrimination for various groups of persons including women and persons with disabilities. The 3rd National Human Rights Plan (2014 – 2018) identifies women and persons with disabilities as target groups of which specific action plans, including those on public health, education, economic rights, civil and political rights, and social security, were developed to cater to their different needs and natures.

The First Strategic Plan on the Empowerment of Women with Disabilities for 2013 – 2016 aims to specifically protect and promote rights of women with disabilities. It also strives to empower women and girls with disabilities, taking into account their specific needs and vulnerabilities. Its five strategies deal with issues often encountered by women with disabilities, namely 1) equal access to their rights 2) discrimination 3) violence 4) quality of life 5) empowerment and participation, and 6) attitudes and stereotyping.

The Strategic Plan covers measures to address different challenges encountered by women and girls with disabilities including education, employment, sexual and reproductive rights, and access to justice. On education, women and girls with disabilities are ensured to receive compulsory education as well as lifelong education through the provision of quality informal and non-formal education. On employment, the Strategic Plan aims to provide skill

training for women and girls with disabilities, both in urban and rural areas, to increase their chances to obtain employment which will improve their economic well-being.

Thailand is in the process of drafting the Second Strategic Plan on the Empowerment of Women with Disabilities (2017-2021) to enhance effectiveness of and ensure continuity in the protection and promotion of women with disabilities.

Forced sterilization

In Thailand, forced or coerced sterilization is prohibited by law. Section 19 of the Mental Health Act 2008 sets forth clear guidelines on the sterilization of children and women, clearly prohibiting forced sterilization to a patient. The only exception is when the patient gives written consent for treatment after he or she has been made aware of reasons, necessities, risks, and benefits of the treatment.

Accordingly, the Guidelines of the Royal Thai College of Obstetricians and Gynecologist requires that every case of sterilization must have a signed document of consent by the patient or parents or a guardian only in case the patient is a minor or adjudged incompetent by the Court.

5. Rural women

Article 71 of the 2017 Constitution provides the bases of gender-based budgeting to reach the local level and rural areas. The Government has also put in place various measures aiming to support the livelihood of women from specific groups, including women in rural areas.

The Women Development Fund was established in 2012 to provide financial support to women and loans for projects related to development of the potentials of women as well as those initiatives by cooperative groups that help increase earning opportunities of women with the aim to create economic and social stability for women in difficulty, as well as to promote autonomy and leadership of women in the community.

In 2016, the Women Development Fund provided loans for 35,375 projects. In 2017, 915,150 members have received the financial support for professional skill training and 639,099 members have received loans to start their own business. Rural women are among the primary beneficiaries of the fund.

The Provincial Sub-Committee of the Women Development Fund and the Provincial Sub-Committee of Monitoring and Evaluation have been established in all 77 provinces of Thailand to provide support for women at community levels, including rural women. The Ministry of Interior also works at the local level to build capacity of local women leaders and networks on how to utilize the Women Development Fund.

The Ministry of Social Development and Human Security also provides professional skill training for disadvantaged and rural women through the Women and Family Learning and Development Centers in 8 provinces of the country. The Centers provide trainings, such as tailoring, fashion design, cooking, hairdressing, make-up techniques and Thai massage for women, including low-income and ethnic girls and women in remote areas, as well as women who were victims of trafficking. At the same time, the centers reach out to local communities to provide professional skill training based on the specific needs of the women in communities.

In addition, the Centers also endeavor to work with local communities and schools to raise awareness on anti-violence, anti-stigmatization, gender equality and the rights of women of disadvantaged groups. They also provide assistance in finding jobs, including in private companies and also by supporting them to start their own business.

During 2014 – 2016, the Center had provided professional skill trainings for over 36,000 women. Those who have attended the training at the Centers have given positive feedback. Around 20,000 women were able to get jobs or start their own business after the training.

6. Abortion

As mentioned in paragraph 120 of the combined sixth and seventh periodic reports, abortion is illegal in Thailand. Legalization of abortion remains a contentious topic in Thai society. The Thai Medical Council's Regulation on Criteria for Performing Therapeutic Termination of Pregnancy in accordance with the Criminal Code allows for therapeutic termination of pregnancy in cases of risks of physical and mental health problems of pregnant women or pregnancy as a result of rape.

Thailand recently legalized abortion pills under the Medical Council of Thailand regulations and in accordance with criminal law, which would provide better access to safe abortion services.

7. Combating trafficking in persons

As human trafficking is the manifestation of a host of problems that are interwoven in a complex manner, no single cause predominates. Some of these causes are poverty; lack of educational access to information and opportunities; unequal gender relations; socio-cultural structures, values and belief; greed and unethical behavior of all parties concerned; lack of safe, sound and streamlined migration and immigration policies and especially procedures and practices which enable undesirable players to exploit those who are vulnerable.

Thailand is committed to sustainably and efficiently combat human trafficking. The Government has sought to involve all stakeholders in a result-oriented approach that translated policy into action and yielded tangible results in all areas, for example:

- Policy and legal frameworks
 - “Zero tolerance” policy and reform of key legislations
 - Increase in resources and budget
 - Holistic approach against sexual exploitation, forced labor, child labor, beggars and child pornography
 - Enhanced law enforcement and victim-centered approach
- Prosecution
 - Increased number of convictions with more severe sentences
 - Addressing government official complicity
- Protection
 - Better coordination and improved standard operating procedures (SOP) among key agencies and NGOs to ensure better protection, victim-centered assistance and victim identification system
 - Victim compensation

- Prevention
 - Reforms on migrant labor management
 - Adopting international labor standards
- Partnership
 - Proactive, result-oriented and more extensive partnerships

According to Thailand's Country Report on Anti- Human Trafficking Response 2016, all agencies, including the multi-disciplinary teams (MDTs), labor inspectors, and frontline officers identified 824 victims of trafficking in 2016. As a part of the effort to address important challenges during the victim identification process, the Government has worked with relevant agencies to develop the Guideline to Enhance Efficiency of Human Trafficking Victim Identification by the Multi-Disciplinary Teams (MDTs) to enhance the effectiveness and consistency of the victim identification process. NGOs also provided inputs in the drafting of the guideline. This Guideline was approved on 21 December 2016 by the Human Trafficking Prevention and Suppression Committee chaired by Deputy Prime Minister General Prawit Wongsuwan and is considered to be a more proactive approach to improve the efficiency of the victim identification process.

The Guideline includes both the part for MDTs to conduct interviews during the victim identification process and the part to improve the efficiency of interviews during the process. The SOP of the Guideline consists of the following:

- 1) Preparation before going on the field such as convening a debrief meeting between relevant agencies;
- 2) Initial screening of victims prior to interview such as preparing the MDTs and guidelines to interview;
- 3) Actions to be taken after interview in particular identifying whether the interviewee is a victim or not and allocating appropriate shelter/housing for the interviewee;
- 4) Appoint or assign focal contact point both at the agency and the provincial level;
- 5) Prepare interpreters; and,
- 6) Improve training course.

The Ministry of Social Development and Human Security is responsible for providing appropriate temporary shelters for victims and witnesses of trafficking while awaiting interview. These temporary shelters will provide all necessary assistance and care. The Royal Thai Police is responsible for providing appropriate housing for those whose identification process is still pending.

Please refer to the attachment for details on the referral system for victims of trafficking.