**THAILAND**

JOINT CEDAW SHADOW REPORT

On

**RIGHTS OF**

**MALAY MUSLIM WOMEN**

**IN THAILAND’S FAR SOUTH**

TO UNITED NATIONS COMMITTEE ON ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

**85th SESSION**

SUBMITTED BY:

*PATANI Working Group for Monitoring of International Mechanisms, Thailand*

The Working Group includes women’s rights activists, individual rights advocates, academics and researchers.

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**INTRODUCTION**

As CEDAW adopted GR30 and the Southernmost provinces of Thailand need to provide legislative, policy and other appropriate measures to ensure full compliance with State obligations to protect, respect and fulfill women’s human rights. This report covers critical situations of concern which the Malay Muslim women, a major ethnic group in conflict area, raised their voices, testimonies, experiences and lived realities of women in the southernmost provinces of Thailand where armed conflict have gone on for almost two decades. Several rounds of consultations were held among women groups, civil society organizations, women’s rights leaders and academics both in Southern and Central Thailand. With concern of women in conflict and peacebuilding, the report emphasizes subsequent Resolution by the Security Council: 1325, WPS Agenda to ensure that the State processes are accountable to women’s human rights with a focus on the standards enshrined in the Convention.

Referring to Concluding Observations on the Second Periodic Report of Thailand 2017, item C. Principal matters of concern and recommendations were stated by CEDAW Committee on Section 17 (2) of the Gender Equality Act regarding exceptions to gender discrimination for religious and national security reasons, they were noted that the withdrawal of the interpretative declarations concerning articles 6 (5) and 9 (3) of the Covenant. It is also notes that the State party still maintains its interpretative declarations concerning articles 1 (1) and 20. As a result, the declaration of martial law in 2014, derogations from articles 12 (1), 14 (5), 19 and 21 do not seem to comply with the rationale and the scope of the provisions established by article 4 of the Covenant and general comment No. 29 (2011) on derogations from provisions of the Covenant during a state of emergency. The Committee is also concerned that, while those derogations raise many concerns about their compatibility with the Covenant, they have not been lifted and continue to be applied, partly by virtue of the emergency decree of 2005 (in the southern border provinces) and martial law (arts. 2 and 4).

PATANI Working Group for Monitoring of International Mechanisms, Thailand observed the State remains non-implementation of the Convention in related areas concerning, especially in the matter of reconciliation. This report initially looks at the issues of the impact of discrimination by the security forces since the Martial Law implemented in 2004. It has been granting the power to security forces to search, arrest, force for confession, and detain the suspects for investigation. These abuses negatively affected the local Malay Muslim women and children, especially their mental health. The report argues that no one should be coerced to face such violence from the security forces under the special law. Moreover, the report takes a critical look at the use of religion, culture, and tradition (RCT) to justify discriminatory law and practice. The purpose of the report is also to present the situation on the rights of women in the Deep South of Thailand, their basic human rights and fundamental freedom especially in conflict affected areas. This report focuses on specific issues: family life, violence against women, and Women, Peace and Security. In particular, the report examines Muslim family law and practices that enforce de jure and de facto discrimination against Malay Muslim women in the areas of *violence against women*.

It is anticipated that this report will create more awareness on issues affecting the Malay ethnic minority, the gaps in government response, as well as to push for increasing participation of women in decision making processes and peace networks and in ensuring State accountability and commitment towards implementing CEDAW Convention. This joint report was prepared by the PATANI Working Group for Monitoring of International Mechanisms, Thailand. The endorsing organizations are;

1. Patani Women Organization (Persatuan Perempuan Patani, PERWANI)
2. NUSANTARA
3. Center for Conflict Studies and Cultural Diversity (CSCD), Prince of Songkla University, Pattani
4. Faculty of Sociology and Anthropology, Thammasat University
5. Network of Women Against Violence in Southern Thailand (N-WAVE)

**BACKGROUND**

1. A current era of violent conflict in the Malay-Muslim dominated provinces of Southern Border Provinces (SBPs) of Pattani, Yala, Narathiwat, and parts of Songkla remain violence situation in this area. It had resulted in death, physical injury, psychological trauma and so on. Women and girls have become the major victims of conflict. It has also affected their ability to access justice mechanisms. Studies show that women have faced various forms of gender discrimination and gender-based violence, particularly Muslim women have experienced domestic violence, women were forced to collect forensic DNA, and lack of women in conflict area engage an inclusive peace table.[[1]](#footnote-1)
2. In the last decade, Thailand has taken commendable steps to advance the protection of women’s human rights and access to justice through law reform such as the Gender Equality Act B.E. 2558 (2015) and Domestic Violence Victim Protection Act B.E. 2550 (2007). However significant problems persist, especially for Malay Muslim women in Southern Border Provinces (SBPs). There are initial programs developed by NGOS and CSOs coordinated with stake holders and decision makers in government,[[2]](#footnote-2) yet it fails to provide adequate support, protection and remedies to survivors of domestic violence, especially those who are reluctant to come forward because of fear of reprisals from abusers and lack of confidence in judicial protection and legal aid services. NGOs and CSOs in the SBPs have initiated several projects and formed networks to provide support to women. These include a training center for women and a legal service for those mentally, socially, or economically affected by violence.
3. These support services deal with a wide range of problems, especially domestic violence, sexual abuse, and unjust and unequal treatment from the government. Women’s groups and civil society organizations are constrained by limited financial resources, particularly group of women which were recognized as an opposition of the government.

**CRITICAL ISSUES**

**I. DISCRIMINATORY LAW AND PRACTICE**

4. Even though Thailand signed the Convention to End All Forms of Discrimination Against Women (CEDAW) in 1995, the National Legislative Assembly (NLA) only enacted the Bill on Gender Equality on 9 January 2015. Still, the law poses many challenges and fails to provide genuine safeguards to ensure gender equality. For example, Section 17(2) of the Act allows gender-based discrimination if it is done so for safety and wellbeing, if it serves religious principles or national security. Therefore, religion, national security or safety can be cited as grounds to permit gender-based discrimination in Thailand.

5. At present, in SBPs more than 70% of students in higher education institutions such as high school and university are women. Still, their opportunities to obtain a job are slim. Malay Muslim women often find themselves deprived of opportunities to develop and empower themselves. They are often blamed by their spouses or society for going outside the home to obtain training or attend seminars for empowerment.

RECOMMENDATIONS TO STATE:

* The State should amend the Gender Equality Act 2558 by abolishing the clause on exemptions for discrimination on grounds of religious principles or national security, according to Section 17.
* Definitions on gender, gender status, gender orientation, violence from sexual cause and sexual assault should be added in the law in order that all law enforcement personnel at every level nationwide will have the same correct understanding and be able to perform their duties efficiently.

**II. APPLICATION OF ISLAMIC LAW IN FAMILY AND INHERITANCE MATTERS**

1. In the southern provinces of Pattani, Yala, Narathiwat and Satun, Muslims have been governed by **Islamic Family and Inheritance Law** since **B.E. 2489 (1946)** and Islamic Organization Administration Act (1997)**,** while the rest of the country is governed by the Civil Law. However, this Islamic law has not been officially passed by Parliament.[[3]](#footnote-3)While, the contents of the Islamic family and inheritance law for the Southern Four Border Provinces of Thailand, and its administration are articulated in the Handbook of Principles of Islamic Law and Inheritance during the legal reform initiative in 2007-2011 and subsequent studies have been deemed irrelevant to the present circumstances.[[4]](#footnote-4)
2. There have been no attempts made by the government to reform and review the contents of the Islamic family and inheritance law, despite several criticisms made by the local judges as well as academics on its lack of conformity with trends in law reform in some Muslim countries[[5]](#footnote-5). Moreover, after the failed reform initiative in 2011, no major attempts happen leading to status quo of gender advancement and inaccessible to justice.
3. However, the Thai Ministry of Justice has directed that this law is to use as the basic reference guide for conduct of court hearings.[[6]](#footnote-6) The Provincial Courts and Courts of First Instance in these provinces thus apply this Islamic law in cases involving family and inheritance matters, with the assistance of *Dato Yuthitham* (Justice Dato or the Muslim Judge), who are Islamic scholars. And **only men can be the *Dato Yuthitham*.**[[7]](#footnote-7)Since it is not formally passed by Parliament, the *Dato Yuthitham* does not uniformly apply it.[[8]](#footnote-8) The lack of clarity and certainty in the law has allowed for arbitrary interpretations based on individual *Dato Yuthitham*.[[9]](#footnote-9)

9. The justice system in the SBPs is rather complicated due to the adoption of both multicultural jurisprudence and a multicultural justice system. There is a lack of legal decisiveness. There is also a lack of strict enforcement of the Islamic Law on family and inheritance matters*.[[10]](#footnote-10)* The current justice system is a combination of the *Dato Yutitham* and the resolution of disputes concerning family and inheritance matters by the Provincial Islamic Committee plus the informal customary justice system managed by the community leaders. The decisions made either by the *Dato Yuthitham* or the Provincial Islamic Committee are more or less based on personal discretion and lack both certainty and standards as far as the adjudication is concerned.

10. The Senate Special Standing Committee has found that many women in the SBPs have their marriages registered using Islamic Law (customary practice) by declaring them to the Provincial Islamic Committee or local religious leaders. As all members of the Provincial Islamic Committee are male, it makes hard for women to give their accounts of sexual violence or domestic violence and to make those men understand their situation*s.[[11]](#footnote-11)*

RECOMMENDATIONS TO STATE:

* Amend the Islamic Family and Inheritance Law B.E. 2489 (1946) to ensure that it is in compliance with CEDAW.
* Ensure women’s rights activists are included in the process of amending the discriminatory Islamic Family and Inheritance Law.
* Provide training on CEDAW, women’s human rights and human rights based on a rights-based understanding of Islam for the Provincial Islamic Committee, religious and community leaders and women and girls in the SBPs.
* Consult with religious leaders to guarantee the appointment of women as members of the Provincial Islamic Committee and the local bodies to address domestic violence and sexual violence.

**III. RIGHTS TO DIVORCE AND ISSUES OF MAINTENANCE**

11. Muslim men have greater rights of divorce than women under the Islamic Family and Inheritance Law as it applies in SBPs. Husbands can pronounce *talaq* (unilateral repudiation of marriage) without any reason, while wives have to approach the Court or Provincial Islamic Council to obtain a judicial divorce (which is allowed only on limited grounds).[[12]](#footnote-12) Apart from *talaq*, the grounds for divorce available are *ta’liq* (if the husband breaches the terms of the marriage contract)*, faskh* (judicial divorce granted under certain specified circumstances) and *khul’* (redemption by the wife on payment of money to the husband).[[13]](#footnote-13)

12. Muslim women face difficulties in accessing their right to divorce. Given the challenges in filing their application to divorce, women seek to obtain divorce by alternate ways, such as provoking the husband to pronounce unilateral divorce or paying their husbands to divorce them (*khul’*).[[14]](#footnote-14) Even then, very few women approach the Courts and religious authorities to access this right.[[15]](#footnote-15) The divorce process is difficult, time-consuming and costly.

13. Women undergo traveling costs to the Provincial Islamic Committee offices in each province, and legal and administrative costs that they can hardly afford. Women also face difficulties in getting their side of the story believed. They need to provide circumstantial evidence as well as provide witnesses to obtain divorce. Some community religious leaders and Islamic Committee members accuse the women of being emotional and do not believe that domestic violence had occurred. They also suggest that women do not have religious knowledge and are unable to decide what is best. Women themselves also feel that men have the best knowledge on religion. Therefore, only men should hold decision-making power over marriage cases and dispute resolution.

14. Men often fail to provide maintenance to children and ex-wives after divorce. The Islamic Family and Inheritance Law and the Thai Civil Code provide for payment of maintenance, but in practice Malay Muslim women may have limited ability to enforce payment of maintenance.[[16]](#footnote-16) In spite of the fact that the Law stipulates that enforcement mechanism is with the courts of justice. While there is no regulation, the specially designed *Datoh Yuthitham* serves that purpose. The problem therefore is with another law, the Islamic Organization Administration Act, 1997, which serves as guidelines as said in this paragraph. It then becomes an issue of Islamic administration and the direct responsibility of the Ministry of Interior, *Chularajamontri* or Sheikhul Islam of Thailand and Central Islamic Committee, which are outside the mandate of the Ministry of Justice and the Courts of Justice that govern the Islamic Family and Inheritance Law.

15. The decision of the *Dato Yuthitham* in the Provincial Courtis final and cannot be appealed. Women could go to the Provincial Courts to compel husbands to pay for compensations, but this process cost money. Most women are poor and lack education, thus face many hurdles in their effort to access their rights under the law. Many women decide to raise their children on their own and not pursue maintenance.

RECOMMENDATIONS TO STATE:

* State must ensure the equal rights and access for both men and women to matters related to the dissolution of marriage, including the grounds for divorce and standards of proof.
* Abolish the husband’s right to unilateral divorce under the Islamic family law, and ensure both parties in a marriage are fully aware of its dissolution and its consequences.
* Ensure that maintenance granted to women and children after divorce is sufficient and reviewable, and based on their needs.
* Ensure that there is an effective enforcement mechanism for payment of the maintenance to women and children.
* Introduce gender sensitization training to religious and court officials.
* Undertake a wide public education campaign to raise women’s awareness on their rights under the law. And provide support services to make it easier for women to access the courts or the religious council.

**IV: POLYGAMY, SEXUAL RIGHTS AND HEALTH IN ARMED CONFLICT**

16. Polygamy is prohibited under Thai civil law.[[17]](#footnote-17) It is indirectly criminalized under the Penal Code which makes it a criminal offence to make a false declaration before a government official.[[18]](#footnote-18) However, provisions of the civil law do not apply to Muslim communities in the four Southernmost provinces. TheIslamic Family and Inheritance Law specifically allows polygamous marriages.[[19]](#footnote-19) The Committee have concluded in general recommendation No. 21 that polygamy is contrary to the Convention and must be discouraged and prohibited. A recent so-called “Matching partner for God”[[20]](#footnote-20) project, promoted by a local influencer to recruit women and men for the presence of polygamy.[[21]](#footnote-21) Private information is disclosed in social media which affect family members, especially women and children have serious emotional consequences.

17. Cases of marital rape, unplanned pregnancy, forced marriage, service providers’ negation of abortion rights and birth control. Highly recommend the need to educate service providers on gender in Islam and developed professional guidelines to advise sexual and reproductive rights. Female circumcision, in particular, exists among Malay Muslim girls in the SBPs. Most newborn girls are circumcised at birth or within seven days by local midwives (*Toe Bidae*) or even gynecologists in state hospitals[[22]](#footnote-22). Some receive it when they are two or three years old. Several girls show signs of infection of the circumcision.[[23]](#footnote-23)

18. Most ethnic Malay Muslim women in the SBPs barely have knowledge of sex education, family health, reproductive health and proper Islamic teachings about reproductive health. Thus, they have no right to reproductive health. Some women have refused to have their children delivered in hospitals and a number of them do not have postnatal care and treatment. Some suffer from cervical cancer and refuse to undergo STI screening as they fear it is against their religious teaching since the doctors and support staff are male. Maternal mortality rate (MMR) fluctuated between 2003 and 2011, but remained higher than the national indicatorof 18 per 100,000 live births. In 2012, the MMR in the southern provinces[[24]](#footnote-24) was 30.5 per 100,000 live births.[[25]](#footnote-25) Intrapartum and post partum hemorrhaging were the major causes of maternal deaths.[[26]](#footnote-26) Moreover, infant mortality rate (IMR) in the conflict-affected areas is higher than in the non-conflict areas. The rise in IMR has been observed in Pattani Province since 2005, following the resurgence of violence. The major causes of early infant death (occurring within the first 28 days of life) in 2011 were congenital abnormalities and obstetric complications, include velamentous umbilical cord, antepartum hemorrhaging and intrauterine asphyxia, while infectious diseases are the most common cause of late infancy death.[[27]](#footnote-27)

 RECOMMENDATIONS TO STATE

* State must make more efforts to abolish and criminalize Female Genital Circumcision by introducing necessary legislation and strict reporting and enforcement policies, along with awareness raising campaigns about its impacts.
* State agencies have to combine efforts to develop a strategic plan to promote the health of the people in SBPs and develop a database of communicable disease surveillance which can be retrieved for timely use. Also, collaboration should be undertaken to promote health proactively at the provincial, district, village and community levels appropriate to the health problems of the people. An effort should be made to address health problems of mothers and children, reproductive health, and preventable disease control using vaccination, which is a major problem in the SBPs.
* An effort should be made to provide sex and reproductive health and rights education based on the proper religious teachings among the Malay Muslim women and men in the SBPs to enable them to look after themselves and their children effectively and safely.

**V. GENDER-BASED VIOLENCE IN THE CONTEXT OF CONFLICT**

19. Conflict related violence in this area overlaps with gender-based violence. In many cases, women do not think that physical abuse, scolding, threats, non-maintenance, etc. constitute a violation of rights. Many of their husbands are drug addicts and some are alcoholics. Unemployment is also a major problem. When the men are unable to get any money from their wives, they resort to violence, both beatings and sexual violence. Women interviewed for this shadow report found that many of them do not know who or where to go for help. If they go to the police station to report domestic violence, the police often refuse to accept their reports as they think it is a family matter related to Islamic Family and Inheritance Law B.E. 2489 (1946). So they tell the women to complain to the Islamic Provincial Council. Most women experience domestic violence by their husbands and do not file for divorce at the Provincial Court. In worst cases, women pursue redress and justice by going to the Provincial Islamic Council Office. All of the mediators are men and the affected women view that men often believe and support what other men say or act. In cases of violence, any wound or any sign of assault cannot be disclosed to the male council members.

20. Domestic violence and instances of martial rape are crimes subject to Thai Criminal law and as outlined above constitute conduct in relation to which stringent international obligations of investigation and accountability apply. Meanwhile the women explained that in practice, in order to escape such violence they will either physically leave the area or, as highlighted above, will seek to convince their husband to divorce them. Seeking legal protection or justice does not appear to be something they consider[[28]](#footnote-28).

RECOMMENDATIONS TO STATE

* Ensure that sexual violence is regarded as serious criminal conduct and that officials and the Islamic Provincial Council must treat incidents seriously and must not encourage survivors to withdraw complaints or settle cases.
* Ensure that those subject to sexual violence must be treated with respect and appropriate sensitivity, and ensure that procedures applied during investigation and trial do not cause further harm to the person who has suffered the violence.
* Provide detailed procedural guidelines, developed with the assistance and advice of competent experts on violence against women, to assist officials dealing with instances of sexual and domestic violence.
* Administrative organizations, the Central Islamic Committee and the Provincial Islamic Council need to work together and find ways to address the misuse of community and customary rules and practices which have led to the infringement of women’s human rights and to prevent women from being subjected to acts of torture and other ill-treatment. The Thai authorities must make it succinctly clear that officials in the justice process are mandated to prevent, investigate and prosecute any act which could be construed as a grave offence of sexual harassment.

**V. WOMEN, PEACE AND SECURITY**

21. According to UNSC Resolution 1325, the recognition of women who have affected by armed conflict must be acknowledged either voices of individuals or groups who are overwhelmingly underrepresented in formal peace process.[[29]](#footnote-29) Statistic evidences in SBPs from 2004 to 2022 found 1,179 women reported of facing the ‘visit’ by the security forces. There are set of complaints regarding the State security forces’ use of special counterinsurgency laws to raid and search the houses of Malay Muslims and forcibly collecting their DNA samples. According to their information, the officers also forced women to sign consent forms.[[30]](#footnote-30) Some case details are shown below.

*“A man died in the well-known Kru-Se Incident in 2004 for extrajudicial killings. The incident and its corollary still remained for his mother and his little sister. Eighteen years passed but the sadness doubled by being threatened frequently by security forces. The sister has inevitably and continuously been seeing a phycological doctor and taking pills for her mental symptoms due to the abuse. She never lived her normal life since then.”* (Case 1 of PERWANI Report)

*“It happens in the Deep South that women did not only lose their family breadwinners. We, as a wife and a mother, and our children are unavoidably suffering from the uninvited and uninformed ‘visit’ by the abusive army and the police officers. With weapons and bulletproof vests on, the officers accused that it was just for considering compensation for loss, but in fact, they came to threaten us. Women and children experienced mental strain and were pressured by the discrimination.”* (Case 2 Case 1 of PERWANI Report)

*“I was forced to take a DNA test. I’m so scared that they came home with a document in English which must be signed. It’s a form that soldiers take with them.”* (Case 3 reported during consultation program, 24 September 2022)

*“When there was only a mother, children and a grandmother stayed at home, the security forces suddenly came for a search of the suspects after a violent incident occurred. Coming with their guns caused the elderly woman to be in shock and sent to the hospital. The officers were not accountable for any compensation to this case.”* (Case 4 reported during consultation program, 24 September 2022)

Several cases from women on the ground, in conflict effected area, reflect intersectional discrimination which is not compliance Article 2 of the Convention. It resounds legal culture which is necessary to reflect standards and international commitments that the State is obliged to. It further draws to the States’ attention that Malay Muslim women, a minority ethnicity, disproportionately secured living as cases echo the unique fundamental rights protection needs of ethnic minority who live in conflict zone.

22. The establishment of the Coordination Center for Children and Women of the Southern Border Provinces of Thailand (CCCW-SBPs) in August 2018 by the government is a good cooperative initiative in coordination to improve women’s human rights in conflict effected area. CCCW aims to act as a coordinating body to advance the WPS agenda in the Southern Border Provinces, among other tasks relating to women and children. Cases show in 21 of this report urge CCWC to put a great effort in dealing with issues regarding intersectional discrimination and gender power relations that have to be closely cooperate and support all local women groups particularly women who have been victimized and marginalized by state and non-state agencies, non-governmental organizations, civil society actors, religious leaders, local community leaders, and related agencies. There is also an urgent need to review the capacity, transparency and independent of CCWC on their mission for all women, physically, mentally and financially.

23. In SBPs women’s political participation and decision making are restricted by factors concerning the religion, culture and tradition as well as local values which underpin the belief that women are supposed to act as wives and mothers. The current restiveness has resulted in a growing number of widowed women having to assume leadership of their families. Also, there has been a rise in the number of women having access to education. Still, women’s roles have still been impeded and no effort has been made to promote their leaderships in society and to facilitate the making of their own decisions regarding issues at local levels.[[31]](#footnote-31)

RECOMMENDATIONS TO STATE

* All state sectors must cooperate to adopt the UNSC Resolution no. 1325 in armed conflict areas to promote the roles and decision-making of women in the peacemaking process. The peace process in southern conflict must include women on the peace table.
* WPS southern Thai regional plan of action must be started at village, provincial and regional levels that also need to be relevant with country-based of action or National Action Plan (which is in the pipeline of development).
* Women, civil society organization members, local influencers, state and non-state sectors, religious leaders, and security force sectors need to be trained in terms of increasing knowledge and understanding of the WPS agenda, and awareness raising of human rights principles in comply with WPS and CEDAW.
* More representation of women in the Committees or Taskforces set up by the state to develop and make decisions concerning policy issues should be encouraged. More women officials including police, community leaders and commanding officials must be deployed to give instructions and to make decisions in various areas.
1. Bangkok Post; Charoensuthipan, Penchan. (2019). *Muslim women reclaim their rights*. Retrieved from, <https://www.bangkokpost.com/thailand/special-reports/1642212/muslim-women-reclaim-their-rights> ; Marddent, A., Pollachom, T. & Promrat, M. (2019). Break the Silence: Analyzing social norms and beliefs that justify domestic violence against Muslim women in the conflict-affected Southern Border Provinces of Thailand. Bangkok: Oxfam International, and discussion from a consultation workshop regarding limitation of basic women human rights knowledge, 24 September 2022, Yala. [↑](#footnote-ref-1)
2. Public forum on “Time to take action: Multi sector united to end violence against women and girls”, 18 November 2020, Pattani. The forum was organized by Oxfam, Thailand and local organizations. It was attended by representatives from various government and non-governmental organization as well as Islamic authority, including female and youth leaders, working in the field of promoting gender equality and women’s access to justice. The workshop’s aim was to call for sustainability and continuity of state agencies particularly Department of Women's Affairs and Family Development, Ministry of Social Development and Human Security to seriously review and implement strategic plan of action in cooperative works to promote gender equality in the Deep South of Thailand and Muslim women’s access to justice during armed conflict under the Act of Implementation of Islamic laws in Pattani, Narathiwat, Yala and Satun Provinces B.E. 2489 (1946). [↑](#footnote-ref-2)
3. The Act of Implementation of Islamic laws in Pattani, Narathiwat, Yala and Satun Provinces B.E. 2489 (1946), Section 3. [↑](#footnote-ref-3)
4. Dorloh, Sulaiman (2009). The Code of Muslim Family Law and Law of Inheritance (1941) as applicable in the provincial courts of Southern Four Border Provinces of Thailand: Issues and Prospects*. Journal of Fiqh*, No. 6 (2009) 125-148. [↑](#footnote-ref-4)
5. Ibid (2009). [↑](#footnote-ref-5)
6. Mahyidin Hamat et. al., Talaq (Divorce) Procedure in the Provisions of Muslim Family and Inheritance Law of Patani Province, Southern Thailand, 22(2) IOSR *Journal of Humanities and Social Science* 98 (2017). [↑](#footnote-ref-6)
7. Discussion and interview with state justice officers in Bangkok and Southernmost provinces of Thailand, it reveals that state justice would not advance gender lens until the local Muslim community reaches a consensus of modern Islamic interpretation. While, the central policy makers, administrators, and legal studies ignore visibility of Muslim family law. [↑](#footnote-ref-7)
8. Sulaiman Dorloh, *The Code of Muslim Family Law and Inheritance (1941) as applicable in the Provincial Courts of the Four Southern Border Provinces of Thailand: Issues and Prospects*, 6 *Journal of Fiqh* 125 (2009). [↑](#footnote-ref-8)
9. International Commission of Jurists and Justice for Peace Foundation, *Women’s Access to Justice: Identifying the Obstacles and Need for Change*, (2012, 47); Muhammad Rorfee-E Musor, *The Implementation of Islamic Family Law in A Malay Muslim Society In The Three Border Provinces Of Southern Thailand*, 9th International Academic Conference, Istanbul, 13 April 2014. [↑](#footnote-ref-9)
10. Women’s Access to Justice: Identifying Obstacles and Need for Change Thailand, International Commission of Jurists and Justice for Peace Foundation, Geneva 2012, page 45. [↑](#footnote-ref-10)
11. A report on the monitoring and follow up of the solution and restoration of traditional cultures in the Southern Border Provinces, the Senate Special Standing Committee on the monitoring and follow up of the solution and restoration of traditional cultures in the Southern Border Provinces, pp. 50, March 2013. [↑](#footnote-ref-11)
12. International Commission of Jurists & Justice for Peace Foundation, *Women’s Access to Justice: Identifying the Obstacles and Need for Change*, 2012, p. 47. [↑](#footnote-ref-12)
13. Sulaiman Dorloh and Ahmad Baha hj Mokhtar**,** Right of Muslim women in Thailand under the Muslim Family Law of Inheritance Code*, 1941*, *Journal of Fiqh*, No. 12 (2015) 95-112. [↑](#footnote-ref-13)
14. International Commission of Jurists & Justice for Peace Foundation, *Women’s Access to Justice: Identifying the Obstacles and Need for Change*, 2012, p. 47. [↑](#footnote-ref-14)
15. Sulaiman Dorloh, The Position of Islamic Law in Four Southern Border Provinces of Thailand, http://guamansyariah.blogspot.com/2013/09/selatan-thailand.html. [↑](#footnote-ref-15)
16. Ibid, International Commission of Jurists & Justice for Peace Foundation, *Women’s Access to Justice: Identifying the Obstacles and Need for Change*, 2012, p. 47. [↑](#footnote-ref-16)
17. Thailand Civil and Commercial Code, section 1452. [↑](#footnote-ref-17)
18. Thailand Criminal Code B.E. 2499 (1956), section 137. [↑](#footnote-ref-18)
19. Principles of Islamic Family Law and Inheritance, section 40. [↑](#footnote-ref-19)
20. The project has been promoted on Facebook by emphasized that, "FAST TRACK" recruiting for a special matchmaking project, "Matching for a partner for Allah" POLYGYNY only for men who find a wife 2,3,4 and a woman who can accept a wife 2,3,4, Retrieved from <https://www.facebook.com/Waemahadee/posts/pfbid0weCNShFBwLTvtMSohbZc5WM8Ucm7LdXKa1SbJUXKCsZcfaogZP8REqiF3ZyFPsXsl> [↑](#footnote-ref-20)
21. Special Matching Project Application. (2022). Retrieved from <https://docs.google.com/forms/d/e/1FAIpQLSckYpVsF_4BrELt1KOzId5aby3W1vHstWZJomN6xiG1l9oUgw/viewform> [↑](#footnote-ref-21)
22. http://www.theguardian.com/global-development/2015/apr/01/thailand-muslim-south-authorities-blind-eye-fgm-who?CMP. [↑](#footnote-ref-22)
23. JPF interview Malay Muslim women during the seminar “*Access to Justice of Women in the Southern Border Provinces”* organized by the Subcommittee on operational strategies regarding human rights in the Southern Border Provinces, the National Human Rights Commission, 8-10 September 2014. [↑](#footnote-ref-23)
24. The Southern Border Provinces are comprised of Yala, Pattani and Narathiwat. [↑](#footnote-ref-24)
25. Central health Promotion Region 12, The Statistical Report 2006-2012: *Maternal mortality rates*. Yala Center for Health Promotion Region 12. [↑](#footnote-ref-25)
26. Department of Health Promotion, *Cause of Maternal Deaths: Reported from Saiyairak Project*. Retrieved from, [www.saiyairakhospital.com/newdemo/admin/user\_department\_report.html](http://www.saiyairakhospital.com/newdemo/admin/user_department_report.html) [↑](#footnote-ref-26)
27. The deep South Relief and Reconciliation [DSRR] Foundation and the Rugiagli Initiative[tRI], *Healing Under Fire: The Case of Southern Thailand*, Bangkok, page 36. [↑](#footnote-ref-27)
28. Ibid, International Commission of Jurists & Justice for Peace Foundation, *Women’s Access to Justice: Identifying the Obstacles and Need for Change***,** 2012 [↑](#footnote-ref-28)
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30. From the statistical review and report of Patani Women Organization (PERWANI), 2004 – August 2022. [↑](#footnote-ref-30)
31. Justice for Peace Foundation, *Parallel Report Submission to the Committee on Economic, Social and Cultural Rights,* April 2015. [↑](#footnote-ref-31)