



## **Report on the Situation on The Rights of Ethnic Minority Women in Thailand**

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with collaboration from  
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## **Background**

The purpose of the report is to present the situation on the rights of ethnic minority women including their citizen's rights and nationality rights, political participation, violence against women, reproductive health and the rights to education. The report would like to monitor the implementation of the Thai government in protecting and promoting the rights of ethnic minority women under the Convention on Elimination of All Forms of Discrimination against Women (CEDAW) framework. It is anticipated that this report will create more awareness on ethnic minority women's needs and issues among government officials and to increase participation among ethnic minority women's networks in keeping the State under surveillance for their actions in response to CEDAW. Moreover, recognizing the challenges that ethnic minority women are fiercely facing, the report helps reflect the real situation on the women's place and power in their gender relations as affected by local customs, traditions, beliefs and practices in their communities and society as a whole.

The report was completed by the writer as an Expert at the Centre for Multiculturalism and Education Policy, Faculty of Education, Chiang Mai University, in co-operation with the Indigenous Women Network of Thailand (IWNT); with support from the CEDAW Non-Governmental Organization (NGO) Report Working Group; and the Network for the Advancement of Women and Peace. We would like to thank UN Women for their kind support. In addition, we greatly appreciate the wisdom, time and consideration from all 10 ethnic minority women leaders from the Inter Mountain People Education and Culture in Thailand (IMPECT) Association and many other partners who spent on the report, including arranging the meeting venues, coordination and other logistical related matters. These collaborations have significantly contributed to the completion of this report.

## **Development Processes of the report**

The report was prepared from primary information, collected by representatives from different ethnic minority women leaders in the form of case studies to reflect the real "insider" perspectives. After the data collection processes were completed, several meetings were organized for a presentation of those

cases studies followed by an open forum for feedback and additional comments to complete the report. The processes are detailed in following steps.

- 1. Workshops:** two induction workshops were organized during October – December 2010 by IWNT. The workshops started with a participatory approach to study the content of CEDAW, with an open platform for discussion and dialogue where all the ethnic minority women could indicate the topic of their interest for their case studies. The workshop helped create the context and methodology for the identified case studies and also identified the monitoring and evaluation framework to assess the success of governmental organizations at different levels.
- 2. Fieldwork:** the work covered interview and data collection from the nine ethnic minorities, namely Pakakoeyao (Karen), Lisu, Akha, Shan (Tai Yai), Kachin, Hmong, Lahu, Eaw Mien, and Luar in 16 villages<sup>1</sup> in 4 provinces (see Table 1). The fieldwork was done during September – October 2010 and additional work was done in March 2011. We cannot conclude as to the overall ethnic minority women's status, as there has not been a specific set of data or information on them and there is no demographic information with sex segregation for hill community populations. Therefore, all the information that was derived from the field by the ethnic minority women leaders will be significant in assessing the State actions as responding to CEDAW.
- 3. Meeting:** consultation meetings were organized to present the report content and case studies and then to gather additional relevant secondary information for the report.
- 4. Seminar:** several seminars were also organized to present the report and gather feedback from relevant organizations.

## **I General Situation of Ethnic Minority Women**

There is no direct discrimination against ethnic minority women according to policy and legal framework. However, there were several forms of indirect discrimination, as many women have not benefitted from governmental services and policies. During the past decades, ethnic communities have been negatively affected by several governmental policies that changed the way of life of ethnic minority people including women. The policy on resettlement stated<sup>2</sup> that 1,115 communities are not allowed by the government to permanently settle and had to be relocated. This statement limited the hill community's access to cultivated lands as they could be prosecuted for invading the Conserving Forest. The State's urgency in conducting land surveys in the forest to draw up the line between the land for cultivation and settlement also created conflicts between government officials and the ethnic minority community members.

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<sup>1</sup> These are the villages of the ethnic minority women leaders who did the case studies as the information is accessible and the informants trust the interviewers to gave in-depth information.

<sup>2</sup>The 2004 Master Plan for Community, Environmental Development and Narcotic Plan Control # 3 (2002-2006)

Migration among ethnic minority women is growing and there are several contributing factors including consequences arising from government policies; and the impact from an expansion of the “Green Revolution” that focused on a single crop scheme for commercial purposes. Like other farmers, the hill communities were equally affected by this scheme that caused them to lose cultivated lands to the big companies and capitalists. More hill community populations therefore migrated to work in big cities that greatly affected their traditional way of living, their customs and their livelihoods. Many women have been induced to work as traditional Thai masseuses or sometimes domestically trafficked to work in massage parlors that offer sexual services in disguise. Moreover, there were reports that several women who worked in the massage parlors become victims of international sex traffickers.

During the meeting for the Thailand Country Report in 2006, the CEDAW committee had expressed their concerns about women’s status in rural areas and the highlands particularly on the issues around their access to nutrition, health, public health services, education, and other income generated activities. The Committee called for urgent and widespread attention from State parties on the needs of these women in rural areas and the highlands and to seek different measures to ensure complete and sufficient access to the opportunities and services mentioned above.

Despite these recommendations, the assessment on States’ actions on the specific issues affecting lives of ethnic community women in rural areas indicated that no action had been taken on this matter to date.

#### **Access to Rights for Nationality and Citizenship of Ethnic Minority Women**

Many hill community people did not have an identity card in 1997 with an estimated number being as many as 496,245. In other words, more than half of the total number of the hill community population in Thailand did not have an ID card. However, a recent survey indicated that more hill community people had an ID card than those without one, with this number being reduced to 480,000 people in 2005. Of the 480,000 people, 120,000 highlanders who hold a blue card are considered a person in the process of proving their nationality, while the other 360,000 people hold a green card with golden rims. This group was surveyed and registered with the government officials as a controlled group who were allowed to live in Thailand temporarily. However, there were reports of about 60,000 stateless children who have not been registered and were studying in different schools<sup>3</sup>.

Although, the above statistics do not apportion gender, the report from the ethnic minority women leader network indicated that those who did not have a nationality were mostly women. The leader network explained that this may result from the State’s past provision that required everyone who applied for Thai nationality must be able to “read write and speak Thai language well.” Although the rule was withdrawn in 2000, this still limits the chance that hill community women would apply for the nationality proof of process as many women aged more than 35 years old cannot speak, read and write Thai with confidence. This was due to the distance between the villages and schools that hindered education opportunities for ethnic minority girls due to the families’ fear of harm and sexual violence being committed against the girls. Some more fortunate girls received primary education but their lives after school were still limited to household work that did not allow them to study the

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<sup>3</sup>Ethnic group situation in Thailand. 2006 (23 May 2007) source:  
[http://www.chonpao.com/index.php?option=com\\_content&task=view&id=26&itemid=2](http://www.chonpao.com/index.php?option=com_content&task=view&id=26&itemid=2)

national language, including practicing their listening and speaking skills, that later made them lack confidence to communicate in Thai.

These issues of distance and potential harm to the girls, especially the threat to their virginity, has been inherited within ethnic minority communities, but does not limit access to education and a social life for men in these remote areas. Instead, men are often exposed to different people outside the communities through meetings and trainings with different organizations. This allowed them to practice their Thai language and become adept at speaking and listening. The result was that many ethnic minority women cannot access social security schemes or other benefits, as male citizens can, as a direct result of these nationality related problems. The chances can be even more diminished due to economic limitations and a lack of awareness of the process especially for those communities in the remote areas.

Thai government policies on nationality coverage are slowly expanding, with each community having a quota set for the person who will be selected by the village headmen. However, mostly men are the priority in the selection process while women are often told to wait for the next round. The thinking is that men are the bread winners and they are the ones who have more chance in communicating with different government agencies. Therefore, the ID card is perceived as a passport to the outside world needing to be delivered to the person who is best positioned to actively deal with the world outside the communities. The nine case studies can be interpreted as a reflection on the situation where men are recognized as being more important than women in different ways, for example the monopoly of decision making power both at family and community level. This can be regarded as an important contributing factor to women's limited access to obtaining and receiving nationality.

This is especially so in cases where most families do not have enough resources to bribe government officials, and so their limited resources need to be allocated to the head of the family as a priority. The remaining resources are then allocated to the boy, who is expected to get more education so that they can work outside the communities. So the ID card is needed to fulfill this plan to ensure the boy can be safe from governmental officials who may threaten, abuse, falsely accuse them of crimes including drug smuggling, and otherwise exploit them in numerous other ways.

Although, there is no formal survey on this matter, the fact that the girls are expected to be responsible for all the household chores is like a form of domestic imprisonment for them. Therefore, women are not treated as a priority and form the majority of the population groups who do not have Thai nationality.

However, considering the information gathered from the field, it found that the government has not paid attention to the situation where several women have not been given a nationality. Moreover, there is no sex segregate data that can depict an overall picture of the access to nationality of the hill communities and indigenous groups.

### **Life without Citizen Rights**

Gender discrimination to access citizen rights makes hill community women invisible in national communities. This is a violation of their basic human rights. Different forms of discrimination also deprive them of their rights to education, health services, occupations, and human dignity. For women who have no ID card, they fear every time they have to go outside the community. This often prevents many women accessing prenatal care and services, especially when they have abusive or drug /

alcohol addicted husbands who have the ID card, who then refuse to take them to prenatal care or hospital appointments.

Having no nationality for many women means a form of imprisonment in their own communities. When there are limited economic opportunities in the communities and the traditional security measures fail to protect these women, many of them decided to enter into the sex industry or perform illegal work in order to make a living and to have access to the resources that will help them get nationality for their families and themselves, particularly for those who are widows and have children to take care of. In many cases, they are arrested for illegally leaving the controlled areas and sometimes in order to get bail, they are forced to provide sexual services as a bribe for the officials.

The unregistered women are recognized as illegal immigrants when they travel outside the controlled areas and if they get arrested they will be later deported. Most women are arrested when they go working in another communities, so if they get arrested there are not many other options. If they have enough money to pay the fine they can return to their community. However, some of them especially if travelling alone, were often forced to have sexual relations with the officials in exchange for their freedom. In the case of sexual violations, there is no prosecution against the offender, as those women fear the legal process and they are then deported back to the border.

Currently we found that the majority of the female inmates at Chiang Mai prison are ethnic minority women. The allegations are diverse, ranging from fleeing from the controlled areas to drugs smuggling. Many women are imprisoned when they are pregnant or have to raise their small children in the prison. There are no appropriate measures/ specific codes of practice or standard operating procedures existing for the imprisoned pregnant women's cases.

### **Recommendation to the Government**

Having no nationality hinders ethnic minority women from accessing government health services including relevant medical facilities and family planning services. The government should arrange special measures to ensure that the women can directly benefit from the social security scheme, public services, social services, and other special measures including the specific measures below:

1. Expand the number of service points for the nationality application process and make them simple, comprehensive, and efficient in providing the services. This includes developing a system that is easily accessed by the women from ethnic communities, including providing assistance from trained people who speak the native languages and who can then help the women understand and complete the requirements.
2. Educate, ethnic minority leaders on gender equality and equal access to the right to a nationality and the need to promote and raise awareness of women's human rights amongst the communities.
3. Allocate relevant measures that help secure access to protection as stipulated in the Cabinet Resolution on 20 November 2007 on "the recognition of the measures and manual on welfare promotion and rights protection for children, youth marginalized persons, handicapped, and elders as proposed by the Ministry of Social Development and Human Security."

## **II. Women's political participation and their roles in the public space**

Traditional belief systems have limited the way women express themselves, their identities, and opinions. One clear example is in the community meetings where community development plans and resource allocations are considered. These are the platform where real participation can happen as there are processes for decision-making and budget allocations for community development. However, according to the information from the field, women cannot yet fully participate or express their opinions at these meetings.

From one of the IWNT workshops, it found that although the law allows for more opportunities to participate in the public space as a citizen, women are only physically accepted. For example, they can be present at community meetings, however their concerns and demands have been listed only at a certain level. It is often presumed that women's concerns are mostly about livelihood issues such as occupations, children's education, and family economy, which are all issues in the private space and not the public space. Some women were even blocked from decision-making processes on the issues related to community management. The meetings were often led by the Sub-district Chief or community headman where women's opinions were neglected. In some places, the announcements were "today there is a decision to be made; the male family member should show up at the meeting to vote"<sup>4</sup>. As women were blocked from the decision making process, they often lost many benefits, for example elder welfare that was often given to the elder man as priority.

### **Ethnic Minority Women and the New Politics**

In the past, ethnic groups had their own informal governing structure in the communities where community leaders were mostly the senior persons as they had roles in managing the livelihood and supernatural power, including handling conflicts in the communities.<sup>5</sup> Later, the Thai government tried to manage the way of life of the ethnic groups, thinking that this could prevent several problems that they believed were caused by the ethnic groups, such as national security, deforestation, and the drugs trade. Therefore, several policies were issued to control the ethnic groups especially the highlanders in particular. When the Master Plan for Community, Environmental Development and Narcotic Plan Control on the Highland were launched, the earlier informal community governing structure was transformed to a formal village-based structure. The governing and conflict resolution roles that once belonged to the senior people who were respected community members whose decisions were accepted, were changed to an election model formally appointed by the government.

The local administration approach allows men to be an official leader while the State has not created opportunities for the native ethnic women to become an official female leader, especially when the communities of the ethnic groups were only an affiliate of Thai villages. In 2010, the Female Hmong Network did a survey and found that only one community had a woman as the village head. Like

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<sup>4</sup>Information from interviews.

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TawichJatuworapleuk, 1998, the Reconstruction of Ethnic Identity of the Urbanized Highlanders: A Study of Cultural Transformation of the Migrant Lisu in Chiang Mai, Hill Tribe Research Institute.



other ethnic groups, traditional belief system that determines gender roles that hinder women from the public space especially as a political leader, are still hidden in the way of thinking of the ethnic groups. This is an obstacle despite the fact that now many women are confident to be selected for elections as a local leader..

At community level, many times several women support their peers in going for elections as things have also changed in the communities. However, many men in the communities do not accept these women who come to work in politics. They believe that this practice is against traditional belief, or fear losing some benefits, so they use different approaches to block these women entering into politics. For example, they may plea, threaten and trick female candidates to withdrawing from the competition. These include telling voters such as the elders, illiterate people and those who do not understand the process,<sup>6</sup> the wrong numbers for the female candidates. Furthermore, the new local administration that gives power to the “elected” official leaders that allow men to have more roles as community leaders, reinforces the substandard social status and the reduced role of women in the public space. In the past, the ethnic minority custom and cultural context allowed some significant and outstanding roles for women in the families. Elder female groups in particular, had roles in teaching about life and living for their descendants. This had been a behaviour control mechanism for the family members and the whole ethnic society in general. However, these roles for the women are diminished and the communities at present do not have a space for them to participate in activities for the public good and even prevent communication with the world outside, especially for the remote communities that are difficult to access.

The discriminations are visible at several levels. In the households, women are not supported by their husbands, relatives or family members, to have roles in the public space, due to the belief that the space for women is limited only to the home. There is an example from a Lisu community where a mother in law hid the children of her daughter in law when she went to meetings with the village health volunteers (Aor Sor Mor) or went working outside the community, in order to make her daughter in law look like a “bad mother”, as she did not have enough time to take care of her children.

It can be said that the State does not have temporary special measures to promote the rights of ethnic minority women in political participation. This includes the lack of relevant measures to empower women for more roles in the public space. There have been efforts to set quotas for the proportion of male and female Tambon or Sub-District Administrative Members (Aor Bor Tor), however, so far the government has not enacted any. The drafted Local Administration Organization Act (public issue) with a petition to push this Act for consideration during the previous Administration failed and it seems neglected during YingLuk’s Administration as well.

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<sup>6</sup> A case study from Mian tribe – Mrs. M. went for local administration election rally 3 times. She was hampered by her rivals in different ways, for example she was asked to withdraw from the elections with the reason that her practices were against the ethnic custom as ethnic minority leaders are always men. When she refused they used other tricks like threatening people around her, giving wrong candidate numbers to the elder women who wanted to elect her. All of these practices were done by the official leaders. In any event Mrs. M was elected and became Tambon Administrative Member or AoR Bor Tor on 6 September 2009.

### **Rites and Women's Bodies**

Women's participation in community rites is very important for their presence in the public lives of their tribes / ethnic groups. Community rites are symbolic actions that can gather community members together as "ethical communities"<sup>7</sup>. Community rites thus have a direct impact on ethnic minority women's lives. The case studies indicate that women are not recognized in their own important rites. The absence of ethnic minority women in community rites also limits their opportunities to make official decisions in the public space. The rites have reinforced the same fixed norms values and beliefs about women's roles as mother and wife.

Community rites and beliefs are always linked to ethnic minority livelihood. The ethnic groups have similar beliefs about supernatural forces that have influence over human beings. This natural force inhabits trees, plants, rivers, rocks, mountains, villages and households. This force is invisible, untouchable and has a supernatural power that can bring sickness and disaster to human beings. There are ways to please this force such as giving offerings that symbolize asking for forgiveness or paying respect. The offerings can be rice, alcohol and domestic animals like chicken, dogs, buffalos, pigs<sup>8</sup> and so on. The worship also covers appeasing the ancestor spirits that have roles in protecting all the family members, for example the Oua Lu Young ceremony is an example of Hmong parent's spirits appeasing ceremony or Lisu's ancestor spirit appeasing ceremony during their new year.

Although the livelihood of the many ethnic groups were changed due to diverse factors and some ethnic group members become Buddhist or Christian, their original rites and ceremonies that signify their symbolic respect to the supernatural powers are still present, as these link their tribal members and relatives together as a community. According to a study called "Ethnic Way of Life in the City"<sup>9</sup> this indicated that "the ceremony (referring to the eating new rice ceremony in the Christian church) tightens the relationship of the Akha people in the cities. This ceremony was adapted from the original cultural traits that can bring a lot of Akha people together".

The ceremonies are mostly conducted by the wise man in the community or the family leader who is always a man. According to case studies from Lisu, Karen, Kachin and other tribes, the "Lisu belief system always refers to male gods, cultural leaders including ceremony conductors are always men. Women are placed as the helper in arranging things for the ceremonies in the families".

### **Belief on Gender Roles**

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<sup>7</sup>James M. Henslin. (1999). *Sociology: A Down-to-Earth Approach*. Edwardsville: Southern Illinois University, P.497.

<sup>8</sup>Ampaka Mata. Mekong River Basin International College (online system). Source <http://icmr.cru.in.th/journal/133255110245.pdf>

<sup>9</sup>Prasit Leepreecha and team (2003). *The Ethnic Way of Life in the City*, Chiang Mai, Ming Muang Publishing House, page 10.

Besides community rites, different ethnic minority belief systems also influence ethnic minority women's status. Most ethnic minority belief systems have clearly defined and fixed gender roles for men and women. Also, they reject anything that does not comply with traditional beliefs.

The Tai Yai member indicates "...Tai Yai culture rejects Tai Yai women from 3 powers that are, the decision-making power, negotiation and refusal power, and thinking power..."

According to information from a member from the Lua tribe, "...Lua culture and tradition says that women are inexperienced and cannot lead a community as they are mentally retarded. If they lead a village, the village will not become developed. Also women should not be in politics as they are supposed to follow men as men are the leaders in the family, especially on the issues related to money and assets; women can be the keepers but men are the main spenders. Women are not vocal but men are. Therefore, Lua women rarely go to the outside world but men do..."

Kachin believe that politics are preserved only for men. The roles for Kachin women are limited only to the household. They have very little or no participation in local politics. "Kachin have a culture and custom that value men as family leaders, while women have to follow whatever the family leader commands. The commands are that women have to stay at home to take care of their children and descendants; they should not work outside the household; their chores involve only children, food and cooking. This culture has dictated Kachin women's role as followers. Should they have any role outside the household, it would be merely among their women group that get together to work on knitting, needle works, and making dolls for a small income..."

#### **Recommendation to the Government**

1. The government should promote relevant measures to address and eliminate the discriminatory and harmful cultural concepts and practices including community ceremonies/rites that value men over women as a human being; and the belief that prefers male successors over females both on inheritance, cultural rites and as cultural leaders.
2. The government should seriously support the establishment of different women's groups in the communities to strengthen and advocate for more awareness of women's participation in politics.
3. The government should make a policy or prescribe promoting measures for more women to participate in politics and at the community level decision-making. The special measures should include an establishment of a quota for female candidates in local administrative elections.

### **III. Education and Training**

Ethnic minority women cannot yet access formal education either in schools or outside school, including other forms of informal education such as training. The contributing factors are mainly due to the location of the schools being of significant distances from the communities and other challenges, namely the stigma and limitations of what it means to be a 'good woman', and the lack of having a Thai nationality.

At present, the development of highland infrastructure particularly on roads, electricity and telecommunications, has expedited travelling and simplified communication and access to the outside world, with almost every village in the rural areas having a primary school located within the communities. However, secondary education is still limited. Many children still have to travel to other villages or move to the big cities to continue their education at the higher level.

The limitation on access to a higher level of education does not affect boys but limits the girls to the school boundary. The values and customs about a 'good woman', directly links to the belief of virginity which is one of several contributing factors that makes ethnic groups cautious about letting the girls go outside the communities by themselves. This has to be done to avoid criticism and to protect the woman's honour, including family reputations. Therefore, the parents prefer to keep the girls under community surveillance. Keeping the girls at home is also linked to the attitude and belief that a fulfilling future for a girl is marriage and a happy family life. Several communities follow similar customs and practice that prefer the girls to get married when they are still young, mostly starting right after they have left primary school, as marriage is an indication of a fulfilling life for a good woman. It found that some girls have to quit their school at secondary level to get married and have a family even before they have an ID card. Beside the values that disaggregate a 'good woman' from a 'bad woman', the stateless status is also contributing to more dropout issues among girls. It is almost impossible for an ethnic minority girl with no nationality to receive higher education after primary school, as it is getting more complicated financially. During the time before 2005, investment in secondary education for the highlanders was challenging. From a story of Molay a Lahu woman, most girls do not have an ID card. Molay said that in her classroom there are 30 students, 5 do not have ID cards and all of them are girls; she is one of them.

The stateless people in the highlands cannot move around as they have to live in the areas that were demarcated by government officials. This greatly affects the access to training for the women as they are not allowed to travel outside the controlled areas. Therefore, the organizations that host the meetings or the seminars, decided to simplify the process by inviting only the people who can travel outside the controlled areas. Also, this means that the children mentioned above can rarely continue higher education beyond primary school (level 6) despite their right to the expanding 15 years compulsory education (early secondary school). In addition, information from several villages indicate that women who have no nationality also have no access to education and training, including meetings and seminars both at village and sub-district level, as the state policies limit government services only to Thais.

In conclusion, the partial services for secondary level education, the values that give priority to men and the issues related to nationality, led to inequality to access to education and training. This all contributes to in-accessibility to nationality and thus language limitation.

### **Illegal & Undocumented Migration of Ethnic Minority Women and Girls**

Another major concern resulting from a lack of education for girls, is that there are fewer job options leading to an increasing number of them migrating domestically and internationally. Reports suggest

that girls aged 15-18 are migrating to the cities either locally or further afield, such as Bangkok, usually with the aid of unregistered brokers / agents. For those with ID's the process is easier than those without. However, all of them are still vulnerable to exploitation upon arrival at their destination, as they are unaware of life outside of their communities and have difficulty in communicating. Often they are trafficked for sex; promised jobs that do not exist and are forced to work in slave like conditions in other forms of work; or exploited in other ways. If they migrate internationally, the destination countries are usually Korea and Taiwan, as there is a visa upon entry for 1 month, and this is often for factory work. However, they then overstay and become illegal migrants and are then vulnerable to exploitation by their employers and the authorities. Arrest leads to them being detained and at the mercy of the authorities. Furthermore, Bahrain is becoming a common destination for sex work. Reports from the Akha communities are that the number of girls and women migrating from their ethnic communities is increasing and is a growing problem.

### **National Language – Ethnic Language**

Language limitation makes women powerless in negotiating and participating both for themselves and community development. Although some new generations get basic education and understand Thai including developing some skills for writing and reading, they have not felt confident to speak Thai due to their ethnic accent that was perceived as funny and became a joke for the lowland Thais. This makes both women and children feel incompetent to speak even with their teacher, as he/she is also not a member of the community. Considering this contributing factor to the fact that most girls and women tend to have limited access to continue their education after the 15 years of compulsory education before having a family in the community, language limitation can be perceived as a big stumbling block for their participation in the upcoming intensive development.

### **Education for women's empowerment**

At the three workshops organized by IWNT, the participants were frustrated at the fact that they cannot apply their knowledge and education gained from trainings to create any change and make an impact to the life of women, as they are still treated as a subsidiary class in the village. They also felt powerless in creating changes in their cultures and customs that favour men over women both in private and public lives. School curriculums reinforce traditional gender roles and relations. There is a need to teach boys to expose to gender equality and stop harmful traditional practice against women. Adult learning centers for women and girls always offer courses that were mainly about dress making, cooking and home care

The data on ethnic minority students in higher education<sup>10</sup> show the numbers of women who continue their higher education in agriculture and technologies and as technicians, were lower than men (see table two). The figure reflects the traditional gender framework that dictates that men are more suitable to technical and technological works than women, while women should be promoted for caregiving and other miscellaneous work. Moreover, for the empowered women who were vocal and strongly participated in communities, they will be perceived as misbehaved women, as they did not follow the traditional traits. These traditional beliefs on gender relations remain unchanged and persist

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<sup>10</sup>Data analyzes and processing by Tribal Research Institute (TRI), service and distribution unit, Ministry of Labor, Public Welfare Department.

as they have always been reinforced by modern education that does not help change women's status in the communities.

**Table 2:** Number of ethnic students who continued their education in Agricultural Technologies and Mechanics

Education Institute	Vocational Diploma		Higher Vocational Diploma	
	Male	Female	Male	Female
Agriculture and Technologies Colleges	487	271	114	27
Technical Colleges	29	10	14	0
Vocational Schools	53	46	17	29
Rajamangala University of Technology	20	6	6	0

### Recommendation to the Government

1. Arrange for more accessible educational institutes for women in the rural areas or offer more training that encourages more female participation. This can be done through financial support at community level (through informal education and so on) so that the communities can arrange their own training with a focus on nationality issues as well.
2. Encourage more gender sensitive curriculums.
3. Promote more female participation both at policy and operational level on education management related issues.
4. Introduce more options for vocational subjects to study
5. Introduce quotas in higher educational institutions for a minimum number of female students and provide scholarships for accommodation and living expenses to female students
6. Promote safe and legal migration, including rights to a nationality; MOUs between leaving and receiving countries; migrant labour rights; employers liability for safety and legality of workers

### IV. Reproductive Health and CEDAW

The Universal Coverage health care is available only for Thai citizens but not fully for the ethnic community groups. There are limited highland health facilities and their qualities are still substandard due to problems around budgeting, human resources and modernized medical equipment. These make many highlanders have to travel a long way to the big cities for the more complicated health services. This becomes more difficult for those highlanders who have no nationality, as they cannot travel outside the controlled areas. Access to health services are therefore important for the women as they have been raised to be afraid of the outside world and travelling alone. Moreover, the fact that they

have no nationality and cannot communicate in Thai makes things more complicated for women as they are afraid of accessing the services by themselves. Therefore, once they have accidents or become very sick, they tend to receive very delayed treatment.<sup>11</sup> Moreover the inaccessibility to services and the fact that they cannot rely on the available service, led to more of a burden for women as they have to take care of the sick family member(s).

### **Prejudice and language barriers**

There are significant language barriers between ethnic groups and government officials as they cannot understand ethnic languages, while the ethnic groups cannot communicate in Thai. Incomplete communication often led to misinterpretation and can result in maltreatment; mistaken diagnosis and incorrect prescriptions. Additionally, women who lacked confidence to communicate in Thai tend to be afraid to ask questions about treatment and side effects. Women's health therefore tends to depend on men, and in many cases where men with ID cards ignore women's health, many pregnant women cannot access prenatal care.

Information from the field studies also indicate that many health service providers, such as nurses and doctors, are unwilling to provide services due to their prejudice and discrimination against ethnic minority people, as they were perceived as dirty and being ignorant about basic self-care.

### **Traditional beliefs and their effects on reproductive health**

Social foundation on gender does affect ethnic minority women's reproductive health. This is well perceived in the issues around bargaining power, responsibilities about sex, including decisions on the use of contraception and family planning etc. In ethnic communities, most men were raised to be more powerful in gender relations. This results in no control over the reproductive health among women, for example, the Hmong tribe give priority to males. They believe that having a son is a guarantee that they will have someone to take care of them when they get old and there will be someone to arrange a funeral for them. Moreover, a son is the descendant and he is the caretaker including arranging for their parents' funeral and organizing the ancestor spirits appeasing ceremony. Therefore, women are expected to give birth to a son, otherwise their marriage would be ruined as the man will have other wives so that they can have a son. In Pakakoeyao, family planning and birth control are rare. Family planning is a woman's responsibility while man can control how many sons they can have. In Hmong tribe, we found cases of women who faced unwanted pregnancies that ended with abortion as they cannot communicate with their husbands on this matter. Many housewives had several abortions as they have no control over their reproductive health.

Social expectation on sex is a contributing factor of women's ignorance about their sexual health. Several women at reproductive age seemed not to have enough knowledge when we measured that against the lowland or westernized standards i.e. no cervical cancer or breast

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<sup>11</sup>The issues around accessing universal coverage for ethnic community groups has been proposed to the government at the policy making level for "melting all the diverse networks into one universal health coverage to gather creative forces for the sustainability of the health coverage " 25-26 January 2005 at IMPACT Bangkok, source: [http://www.chonpao.com/index.php?option=com\\_content&task=view&kid=28&itemid=2](http://www.chonpao.com/index.php?option=com_content&task=view&kid=28&itemid=2)

cancer check-ups including other pelvic examinations, as they were ignorant and / or shy. For example, Hmong believe that sex is taboo as women's bodies are reserved only for their husbands. Therefore, a pelvic examination becomes complicated and neglected. Women do not deserve to know about their own reproductive health. Similarly, the women who have limited interactions with the outside world can barely imagine about the harm of HIV/AIDS infection. In some cases, ignorance and being powerless in negotiations also exposed women to being infected with HIV / AIDS. In several ethnic communities, their knowledge about giving birth is not relevant with modern practices. Some families prohibit their women from coming to the hospital for delivery. The rationale includes beliefs such as that the baby may have deformed eyes if their head was exposed to the wind. Some refuse the food arranged by the hospitals.

For the women who chose to come for services at the hospitals, they face unfriendly service and the service providers' ignorance to ethnic diversity, such as sending male doctors to undergo pelvic examinations on the women. In some cases, the examinations were roughly done and incomplete. This made several women reluctant to come for health and reproductive health services.

#### **Recommendation to the Government**

1. Arrange for comprehensive and gender sensitive health services where service providers are sensitized to ethnic cultures, specifically minority women
2. Arrange for communication services where their staff are selected from ethnic groups or have an interpreter who can communicate in tribal language(s) when ethnic women come for services.
3. Arrange for proportional and gender balanced community based health volunteers who can develop integrated health education systems and service provider's roles that include both local wisdom with modernized medical knowledge.
4. Provide training on basic health care in the relevant tribal languages so that women can understand and acquire knowledge on basic health care.
5. Disseminate knowledge about ethnic populations and groups to the lowland population.

#### **IV. Violence Against Women (VAW)**

IWNT believe there are several forms of VAW spread in ethnic minority communities, namely rights to decision making on marriage and relationships in the family. Patriarchal culture is the root cause that makes VAW persist. The lack of freedom to choose one's partner and being forced into marriage, stem from patriarchal culture. Several case studies indicate cases of forced marriage for girls who would be forced out of school and married as a minor, despite their dreams and hopes of higher education and a better life with financial stability.

##### **The carry off tradition**

Women and girls in some tribes face both physical and mental violence. The carry off tradition or abduction in the Hmong tribe is an example of violence against women that targets the rural and poor women in the tribe. Carry off is a tradition that is considered an acceptable practice preserved solely for Hmong men who can carry off Hmong women and make her his wife through intercourse and / or



rape. The woman is then considered a member of the man's family. After that, the man will return to the woman's family and ask for forgiveness. The women will become the man's wife regardless of her parent's consent. Moreover, according to Hmong custom, the woman who has been carried off would be cut off from her clan and cannot return to her family. The return to her clan is considered a practice in breach of the communities' code of practices.

At present, the 'carry off' custom has become debated, as it has been objected to both within and outside Hmong communities especially if the victim is a 'minor'. Several communities started reviewing this custom as it is now known that the practice is against law. The review led to a memorandum among 12 Hmong communities in Chiang Mai that decided to prohibit the 'carry off' tradition and if there is a violation, the man who practices this custom will be prosecuted and put on trial. However, in many other far away communities, there are still Hmong women who are still a victim of this custom and cannot ask for justice.

### **Polygamy and the iron rules for widows**

Besides the 'carry off' custom, information from the Hmong communities also report a different form of domestic violence that allows polygamy. The custom causes psychological abuse to several women in the tribe. Several Hmong women who were carried off became secondary wives or tertiary wives and they have no protection from the law. Moreover, kinship custom that worships ancestor spirits can lead to suppression and an unequal relationship. Although a divorce is allowed in Hmong society and the divorced women can return to their family, she can no longer use her clan's name. She can only use her former husband's name, but has no right to any assets or inheritance that were accrued during their marriage. Moreover, the guardianship of her children is transferred to the former husband's family. The divorce is like walking away with less than nothing.

Therefore several women tend to bear the oppression and unhappy relationship as they fear that if they die there will be no one to arrange their funeral. Moreover, they may become an outcast in the society for the rest of their lives, and the divorced women will lose all assets and property rights that they have gained during the marriage. If a Hmong woman has to remarry, the man is normally a member of her former husband's clan, like a brother in law, who may already have a wife. The custom often leads to family conflicts and mental distress both for the woman who is losing her husband and the woman whose husband is going to be shared with her sister in law. Some widows have to marry a drug addict and becomes involved with fights with the wives of her new husband. Therefore, getting into a second marriage does not have any benefits for a woman. In the case of Lua tribe, a woman is not allowed to remarry if her husband dies. While Akha custom puts pressure on the divorced woman to remarry within 13 days (1 week according to Akha calendar).

The remarrying, according to the custom above, may be based on a good intention to help secure access to assets for a woman and to protect a widow from being cut off from her husband's clan. As the man is the only link to everything in her life, and then dies, the woman would then be cut off from her rights to assets, home, and her own identity. In practice, remarrying for a widow provides no benefit apart from being cut off from her husband's clan.

## **Domestic Violence and Male Chauvinism Culture**

Domestic violence<sup>12</sup> as a direct form of violence against ethnic minority women and structural violence through tradition and custom is another form of violence that was reported through case studies and induction workshops. Current community social structure is an environment that enables domestic violence and causes fear and suffering for the women and girls. In other words, the community leaders, rather than ensuring justice in the community, tend to overlook this violence. Policemen also follow this practice despite the existing legal framework that can be used to protect the person who is harmed by domestic violence. Policemen still follow the traditional practice of the Office of Royal Thai Police that allows physical harm and violence between husband and wife if that keeps things in order.<sup>13</sup> It can be said that the State has not given enough attention to violence against ethnic minority women. This reinforces violence against women both in the families and communities as they are not protected by the law. Although, there were complaint systems in the community, traditions and customs discriminating against women, often ended with impunity. There were reports from several cases where women and girls were sexually assaulted, community leaders only ordered a punishment of a fine of 10,000 baht. Moreover, both women and girls are legally discriminated against and have no access to appropriate mental or physical healing and recovery. Violence against women in the ethnic communities is also ignored by the State as they allow this issue to be handled under community values and traditional beliefs. Also, there has not been any survey on the issues including the effects on women. Moreover, the fact that those ethnic communities are located in very remote areas, most affected women and girls do not have access to services from the multi-disciplinary teams in the hospital at present.

## **Recommendation to the Government**

1. The State has to arrange for strong and absolute measures to eliminate discrimination so that these legal frameworks can comprehensively replace bias traditional rules and practices.
2. The State should arrange for education on the law in daily life for those people in the remote areas so that they can use this knowledge in protecting themselves from being a victim of discriminating customs like the ‘carry off’ tradition.
3. The State should arrange for a mechanism that guarantees access to legal protection and access to justice for all women and girls.
4. The State should arrange for a controlling mechanism to monitor the formal leaders for the misuse of their State power. They should also encourage the promotion of women as community leaders.
5. The State should have implement effective communicating tools, that creates more of an understanding and awareness raising about domestic violence issues among the public and the community leaders. The advocating media on domestic violence issues need to be more

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<sup>12</sup>Domestic violence is a common form of violence for every woman in society. According to a survey by Woman Foundation and the Institute of Population and Society Research, Mahidol University in 2000, found that 4% of the women who had or had had a partner have been physically harmed or sexually assaulted by her husbands or lovers.

<sup>13</sup>Office of the Royal Thai Police’s regulation on special code of practice (issue 2) 2000 dated 1 January 2000 on fighting between husband and wife.

concentrated in creating more understanding among ethnic communities and the general public that domestic violence is not a private issue, it is a public abhorrence.

### **Conclusion and Recommendations to the Thai Government**

A report on the human rights of ethnic minority women reflects some consequences of the prejudice and discrimination caused by the traditional belief system that leads to rights violations in several aspects, including a lack of opportunity and rights in making decisions in their own lives. Critical areas of concern for ethnic minority women are namely regarding socio-economic issues; access to nationality and political participation; education and training; lack of reproductive health and protection from violence committed against women. The reality and frequency of these situations reflect that the Thai government does not develop appropriate policies or measures to mitigate discrimination against ethnic minority women. Moreover, most data collection has not been done using a gender specific approach although specific ethnic information exists. Responsible offices have not been aware of the importance to follow up on whether ethnic minority women were benefitting from the government policies and measures. This shows that the National Women's Machinery has failed to mainstream gender in the relevant government agencies. Moreover, these offices are not aware of specific issues that ethnic minority women are facing.

Ethnic minority women are under the protection of Thai laws, however, the Thai government has failed to provide effective law enforcement to protect them from being discriminated against and from gender based violence. It can be said that the Thai Government is still indirectly discriminating against ethnic minority women, despite their obligation under CEDAW section 2. Reports from the field have confirmed that both formal and informal education in ethnic communities has not addressed this; it's failed to help eliminate harmful traditional beliefs and practices; nor has it raised awareness to the new generation. Therefore, women and girls in ethnic minority communities are still negatively affected by these discriminatory beliefs and practices.

The Thai government should promote gender equality in a formal and informal education system and address the issues on harmful traditional beliefs / practices. Ethnic minority women also have no access to information that can help ensure their rights to health including sexual and reproductive rights. Ethnic minority women are still facing risks for unwanted pregnancy, unsafe abortions and HIV infections from their husbands.

Lastly, we very much hope that the recommendations for all five issues will be considered by the Thai government and turn them into appropriate measures to create positive changes for ethnic women, in accordance with the spirit of CEDAW that the Thai Government has ratified as a member of the State parties.

### List of the villages of the tribal women leaders

Tribe	Studied by	Study site
Karen	1. Ms. Naw Aeri Thungmuangthong	1. Ban Huay E-Khang Moo 1 Tambon Mae Win, Mae Wang District, Chiang Mai 2. Ban Pong Samit Moo 18 Tambon Mae Win, Mae Wang District, Chiang Mai
Lisu	1. Ms. Ornanong Saenyakun  2. Ms. Wipa Srilimpanond	1. Ban Doi Laan Tambon Wawee, Mae Sruay District, Chiang Rai  2. Ban Huay Kone, Tambon Pah Tum, Prao District, Chiang Mai
Akha	3. Ms. Pairoh Yurbao	1. Ban Saen Jai Mai, Tambon Mae Salong Nai, Mae Fah Luang District, Chiang Rai  2. Ban Saensuk, Tambon Sri Kham, Mae Chan District, Chiang Rai  3. Ban Pah Du, Tambon Pah Sang, Mae Chan District, Chiang Rai
Shan	4. Ms. Wanitchaya Kanthayuang	1. Ban Tor Phae, Moo 1 Tambon Mae Ngao, Khun Yuam District, Mae Hong Son
Kachin	5. Ms. Phattharinaya Jomduang	1. Ban Mai Sammakhi, Moo Tambon Muang Na, Chiang Dao District, Chiang Mai
Hmong	6. Ms. Rassamee Thorsaengsirichuch ai  7. Ms. Naengnoi Seng	1. Ban Nong Hoi Mai, Moo 11 Tambon Pong Yaeng, Mae Rim District, Chiang Mai  2. Ban Mae Sa Mai, Moo 6 Tambon Pong Yaeng, Mae Rim District, Chiang Mai
Lahu	8. Ms. Lakaela Jatho	1. Ban Nong Khiaw, Moo 12 Tambon Muang Na, Chiang Dao District, Chiang Mai  2. Ban Huay Madua, Moo Tambon , Wiang Pah Pao District, Chiang Rai  3. Ban Pha Tai, Moo 13 Tambon Tha Ton, Mae Ai District, Chiang Mai
De'ang	No case studies	Owing to budget constraints and difficulty to participate in

(Palaung)		meetings since they have no Thai ID cards
Mien	9. Ms. Fey Srisombat	Ban Pang Kha, Tambon Pha Chang Noi, Pong District, Payao
Lawa	10. Ms. Taen Wittayapa-ngam	Ban La-ang Nua, Tambon Huay Hom, Mae La Noi District, Mae Hong Son