



EQUALITY AND NON-DISCRIMINATION IN THAILAND

Legal Gaps, Stigma, Exclusion from Work and Services, and Barriers to Justice

Brief Assessment of the Implementation of the 3rd Cycle UPR Recommendations

Thailand has no comprehensive anti-discrimination law prohibiting direct, indirect and intersecting discrimination across public and private life or providing an accessible, independent remedy. During its 3rd UPR cycle, Thailand supported recommendations to combat discrimination against women and children and on grounds of sexual orientation and gender identity (51.45–51.46), eliminate racial discrimination (51.51), review limitations in gender-equality law (51.135 and 51.148), and prohibit disability discrimination without exceptions and advance inclusive education (51.169 and 51.178). It also supported calls to expand access to sexual and reproductive health services for migrants and education for migrant children (51.116 and 51.126). Yet constitutional guarantees of equality have not translated into accessible remedies across all sectors. MovED and its partners document exclusion based on HIV status, disability, pregnancy, nationality, economic position and civil-registration status.

There has been legislative progress, but protection remains incomplete. The Civil and Commercial Code Amendment Act (No. 24) B.E. 2567 (2024) made marriage equality effective on 23 January 2025. A parliamentary draft Act on the Elimination of Discrimination against Persons underwent consultation from 30 April to 30 May 2026, but no comprehensive anti-discrimination act has been enacted. On 22 September 2026, the Cabinet approved in principle a draft amendment to the Persons with Disabilities Empowerment Act B.E. 2550 (2007), proposing a definition of direct and indirect disability discrimination and a committee with complaint, interim-protection and remedy powers. This disability reform remains a draft, subject to legal and parliamentary review.

This assessment finds partial implementation of the 3rd cycle UPR commitments. Existing statutes, discriminatory regulations and gaps in enforcement continue to permit exclusion from jobs, education, healthcare, financial services and justice. Community evidence demonstrates why legislative reform must address both unequal rules and the obstacles people encounter when they seek work, services or a remedy.



NO comprehensive anti-discrimination law

Thailand still lacks a law prohibiting direct, indirect and intersecting discrimination across public and private life.

People in Thailand continue to face exclusion and discrimination from work, services and access to justice based on their...



HIV status



Disability



Pregnancy



Nationality



Economic position



Civil-registration status



REALITIES ON THE GROUND

Challenges

Case, Facts, and Comments



Challenge 1: No comprehensive anti-discrimination law and inadequate protection against intersecting discrimination

Fragmented legal protection. Section 27 of the Constitution B.E. 2560 (2017) prohibits unjust discrimination on grounds including race, sex, disability and health. It expressly permits measures that remove barriers to equal enjoyment of rights. However, Thailand still lacks a comprehensive law covering direct, indirect and intersecting discrimination in public and private life with an accessible, independent remedy. Existing protections vary by ground and sector.

The draft of the Act on the Elimination of Discrimination Against Persons has been in development since 2017, but has yet to come into force by the Rights and Liberties Protection Department of the Ministry of Justice. The draft act was open for parliamentary consultation in April-May 2026. Nearly a decade after drafting began, Thailand still lacks a central law prohibiting discrimination against persons.



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Challenge 1: No comprehensive anti-discrimination law and inadequate protection against intersecting discrimination

Gender-law exemption. Section 17(2) of the Gender Equality Act B.E. 2558 (2015) excludes acts based on religious principles or national security from the statutory definition of unfair gender discrimination. This broad exception may leave women from the Southern Border Provinces, Indigenous women, marginalised women, and LGBTIQ+ persons without an effective remedy, including when discrimination intersects with disability or another status.

The Empowerment of Persons with Disabilities Act B.E. 2550 (2007) contains loopholes where companies would pay state administered funds, such as the Empowerment of Persons with Disabilities, or other forms of indirect support, instead of hiring a person with disabilities without any forms of penalty. In the event a person with disabilities is hired, they receive only half wage, and are not required to report to work. For more information and cases, please refer to the UPR Factsheet on The Rights of Persons with Disabilities in Thailand, Including Persons with Psychosocial Disabilities.

Civil society calls for enforceable remedies. MovED and a network of 103 civil society organisations call for a law covering all grounds, including intersecting discrimination, with an independent complaint mechanism, protection, remedies and positive duties on the State.



Disability rights advocates participate in a disability simulation activity at the Phutthamonthon Independent Living Center to raise awareness about challenges faced by communities of persons with disabilities.

SOURCE: Peerapon Boonyakiat / HaRDstories (December 2024)



Civil society submits the People's Anti-Discrimination Bill to Parliament. Over 10 civil society networks representing persons with disabilities, people living with HIV, LGBTQ+ communities, ethnic groups, sex workers, children and youth, women, workers and older persons submitted 12,116 signatures in support of a comprehensive anti-discrimination law.

SOURCE: The Active / Thai PBS (24 November 2021)

A proposed disability-law amendment remains unfinished. On 22 September 2026, the Cabinet approved in principle a draft amendment that would include autistic people within the statutory definition of persons with disabilities and establish a committee to consider complaints of direct and indirect disability discrimination, with proposed powers concerning interim protection and compensation. The amendment has not been enacted, so these remedies are not yet available. Disability-specific protections would also need to sit alongside a comprehensive anti-discrimination law covering all groups.

Challenge 2: HIV and disability discrimination in employment, education and essential services

An explicit exclusion from police service. The Regulation of the Police Commission on Qualifications and Prohibited Characteristics for Appointment as a Police Officer B.E. 2566 (2023), annex clause 11.8.5, lists "AIDS and/or HIV infection" as disqualifying characteristics. The National Human Rights Commission called for reform in 2024; networks of people living with HIV renewed that demand in March 2026.

Workplace screening and medical stigma. The documented cases show how unnecessary disclosure or use of HIV status in medical screening can deny a qualified person employment or cost an existing worker their job. Thailand Familylink Association also reports that people with psychosocial disabilities face hiring exclusions and service barriers where procedures require hospital referral and psychiatric certification.

Seven years of work followed by dismissal. MovED documented an LGBTQ+ worker who was suspended and effectively dismissed after their employer learned of their HIV status, following seven years with the company. The case involves health-status discrimination against a person who is also LGBTQ+; the reported reason for dismissal was the disclosure of HIV status.

Qualified applicant rejected after medical screening. A woman passed the qualifications assessment, examination and interview for a public agency temporary position but was told that she failed the medical examination because she was living with HIV. She was denied employment.

Psychosocial disability treated as disqualification. A person with bipolar disorder reported that an employer refused applicants in disability "Category 4"; after learning of the person's condition, the employer dismissed them following workplace bullying and pressure.



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Barriers to school and financial services. Discrimination also affects access to education and everyday services: a child living with HIV and without civil registration was refused school admission, while an inaccessible facial-recognition requirement prevented a blind customer from using a banking application.

Accessibility of financial and mental-health services. A facial-recognition requirement without a usable alternative can exclude a blind customer from banking.

A child denied school admission because of HIV and civil status. MovED documented a girl without civil registration who was living with HIV. Four schools denied her admission or asked her to withdraw after her HIV status was disclosed, citing objections from parents and teachers. Her exclusion reflects the combined effects of health-status stigma and unresolved civil status.

Blind customer unable to use banking app. In Lopburi, a blind person could not complete a financial transaction through a banking application because its facial recognition process was inaccessible.



Challenge 3: Migrant, domestic and platform workers face unequal protection and remedies

Workplace discrimination against migrant women. Pregnancy and nationality can determine whether a migrant worker keeps her job or receives severance, even when other workers in the same workplace are retained.

Platform work without equivalent labour protection. The Freedom Rider Union reports that platforms assign jobs, impose penalties and deactivate accounts while describing riders as independent contractors. Many therefore cannot claim protections associated with employee status, including minimum wages, rest days and occupational injury coverage. In May 2026, the Ministry of Labour committed to consult platform workers on social security reform through a working group over the following year.

Old-age benefits and domestic work reform. The 2017 Ministerial Regulation on Payment of Old-Age Benefits to Insured Persons without Thai Nationality conditions a migrant worker's early old-age payment on an agreement with their country, creating a barrier for departing contributors.

Domestic workers employed by private households remain excluded from mandatory coverage under Section 33 of the Social Security Act B.E. 2533 (1990) which provides insured employees with benefits for **sickness, maternity, disability, death, child support, old age and unemployment.**

Pregnancy-related dismissal in Chonburi. A migrant worker was dismissed after her employer learned of her pregnancy and was refused severance; other pregnant workers at the workplace were retained. MovED documented her account as case 10048.

Nationality-based abuse in Si Racha. A worker reported more than a year of verbal abuse and pressure by a supervisor directed at workers of the same nationality, followed by dismissal after a conflict. According to MovED, workers of other nationalities were not treated the same way.

Riders seek equal social protection. More than 30 representatives of a platform workers' network petitioned the Ministry of Labour in May 2026 for access to social security, welfare and occupational safety. Their demand illustrates the gap between the rights workers seek and current coverage.

On **25 August 2026**, the Cabinet approved in principle a draft Royal Decree that would extend this coverage to domestic workers, including migrant workers who meet the proposed documentation requirements. The decree remains a draft, so domestic workers have not yet gained access to Section 33 through this reform.



Challenge 4: Civil status, inaccessible systems and stigma impede essential services

Legal eligibility cannot overcome administrative barriers. Children without resolved civil-registration or migration status face inconsistent school and healthcare practices. Civil society organisations call for linked procedures so that resolving legal status does not interrupt education or treatment.

Mental-health care remains difficult to access. Thailand Familylink Association describes barriers to treatment and support for homeless people with psychosocial disabilities when referrals depend on a psychiatrist's certification and hospital-based procedures. People who cannot complete those steps may be unable to obtain appropriate community support.



School-based mobile registration unit in Thailand. Mobile registration services are set up to help stateless children and children without civil-registration records navigate documentation procedures. These efforts remain limited in addressing their ability to access essential services.

SOURCE: Patinya Panyayot / UNICEF Thailand (2021)



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Access to safe abortion. Partners report that legal reforms since 2021 have not made safe abortion services available everywhere, and describe stigma, lack of provider information and conditions imposed at some facilities, including accounts of forced sterilisation. These reported practices require investigation and access to confidential, non-coercive care.

Abortion services unevenly available. Partners reported that 21 provinces lacked a safe-abortion provider and that only 10% of facilities offered such services at the time their data were collected.

Challenge 5: Discriminatory policing and blocked complaints undermine equal access to justice

Unequal enforcement and remedies. MovED records complaints by people who use drugs about searches without warrants, disproportionate charges and treatment during arrest. It also documents concerns from a land-dispute community in Thanyaburi, Pathum Thani, about officials' decisions favouring influential persons and the refusal to accept complaints against officials under Section 157 of the Criminal Code. The allegations call for an independent process to establish facts and provide a remedy.

Structural barriers require investigation. Access to justice is not secured simply by allowing a person to approach police or the courts. Safe complaint recording, accessible legal advice, independent review and protection from reprisals are necessary when the alleged discriminator is a public official.

Disputed search and drug charge. A person who uses drugs reported that five plainclothes officers entered their home without a warrant, found two methamphetamine pills and examined their phone before charging them with possession for sale. The person maintained that the evidence indicated purchase rather than sale. The facts remain allegations in partner documentation.

Thanyaburi residents unable to register a misconduct complaint. Residents contesting land mapping decisions reported disputed arrest warrants, prosecution of persons unconnected to the land, and police refusal to accept Section 157 complaints against officials. They also reported pressure to sign documents in court without reading them and threats linked to their testimony. These are residents' accounts documented at Manushya's March 2026 workshop.

Policing of a private gathering. MovED recorded complaints about the treatment of participants, many of them LGBTQ+, when police raided a private gathering in Bangkok following allegations of drug use. Participants questioned the charges and the respect shown for their dignity during arrest and prosecution.



RECOMMENDATIONS



1. On Challenge 1: Enact enforceable protection against all forms of discrimination

1.1

Enact a comprehensive Act on the Elimination of Discrimination against Persons that prohibits direct, indirect and intersecting discrimination on all grounds in public and private life; establish an independent, accessible complaints body empowered to order protection and effective remedies.

1.2

Amend Section 17(2) of the Gender Equality Act B.E. 2558 (2015) so that religious principles and national security cannot serve as blanket exemptions from protection against unfair gender discrimination.

1.3

Finalise and enact the disability-law amendment approved in principle on 22 September 2026, with meaningful participation by persons with disabilities, preserving effective complaint, interim-protection and remedy powers; ensure it complements the comprehensive anti-discrimination law.



RECOMMENDATIONS



2. On Challenge 2: End exclusion on grounds of HIV status or psychosocial disability

2.1

Repeal annex clause 11.8.5 of the Police Commission recruitment regulation B.E. 2566 (2023) that disqualifies applicants because of HIV status; prohibit unjustified HIV testing or disclosure as a condition of recruitment or continued employment.

2.2

Prohibit recruitment and dismissal practices that exclude persons with psychosocial disabilities because of diagnosis; require reasonable accommodation and accessible complaint and remedy procedures in public and private employment.

2.3

Issue binding instructions to schools and public healthcare providers guaranteeing access for children irrespective of civil registration, migration or HIV status, with a confidential complaints and referral procedure.

2.4

Require accessible alternatives to facial recognition for banking services, including a workable way for blind customers to complete transactions.



3. On Challenge 3: Protect migrant, domestic and platform workers

3.1

Reform labour and social-security laws to extend enforceable pay, occupational-injury and collective-representation protections to platform workers whose work is controlled by platforms, regardless of contractual label; publish the outcome of the Ministry of Labour's 2026 consultations.

3.2

Remove bilateral-agreement and nationality conditions that prevent migrant workers from accessing old-age benefits financed by their contributions, and investigate and remedy pregnancy- and nationality-based workplace discrimination.

3.3

Enact the draft Royal Decree approved in principle on 25 August 2026 to extend mandatory Section 33 social security to private-household employees, including eligible migrant domestic workers, and remove documentation and language barriers to effective enrolment.



4. On Challenge 4: Guarantee equal access to healthcare and reproductive services

4.1

Remove unnecessary certification barriers to community-based mental-health support, including for homeless persons with psychosocial disabilities, and ensure that public healthcare providers do not deny care because civil-registration or migration status is unresolved.

4.2

Expand safe abortion services across provinces, publish accurate referral information and prohibit coercive conditions, including sterilisation, as a condition of care.



RECOMMENDATIONS



5. On Challenge 5: Ensure independent review and effective remedies

5.1

Establish accessible and independent procedures to register and investigate complaints of discriminatory policing, unlawful searches and official misconduct, including complaints by people who use drugs and residents contesting land decisions, and provide remedies where violations are established.



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Joint UPR submission on Non-Discrimination in Thailand



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