



INDIGENOUS WOMEN IN THAILAND

Brief Assessment of the Implementation of the 2nd Cycle UPR Recommendations

Indigenous women face greater and multiple layers of discrimination based on gender equalities, within and outside their communities, as well as indigenous identity. Such layers further multiply when accompanied by discrimination based on social or economic status, and their patriarchal culture, resulting in severe inequalities for indigenous women in access to education, healthcare, and other services. Indigenous women also face specific difficulties different from men, particularly in relation to their traditional roles and responsibilities and needs for sexual and reproductive health services (Please refer to the Indigenous Peoples Factsheet for the challenges experienced by indigenous peoples generally in Thailand).

During the 2nd UPR cycle, Thailand did not receive any recommendation directly addressing the rights of indigenous women. As gender-based discrimination and violence against indigenous women remain common and indigenous women continue to be denied access to basic rights and services, the Thai government persistently failed to protect the rights of indigenous women in Thailand.

REALITIES ON THE GROUND

Challenges

Cases, Facts, Comments

Challenge 1: Indigenous women are continuously excluded from participation in the public sphere

The roles indigenous women are expected to play provide them with little, if any, space for autonomy, decision-making, or participation in the public sphere, resulting in severe inequalities for indigenous women in access to basic rights and services, such as education and healthcare. In 2017, the CEDAW Committee in its review of Thailand in 2017, expressed its concerns about the lack of representation of indigenous women in decision-making positions.

There is a lack of participation and representation of indigenous women in matters affecting them. In particular, indigenous women have been continuously excluded from participation in national development plans, including climate change adaptation and mitigation strategies, despite their unique experiences and invaluable contributions. In recent years, the Thai government imposed policies that have negative impacts on the well-being of indigenous communities, including the zoning of national parks and world heritage sites over indigenous territories, failing to acknowledge the intersectional discrimination that indigenous women experience. Given their gender and specific roles in the use and management of land and resources in the communities, indigenous women face greater impacts than men. Particularly in cases of relocation, indigenous women are usually denied financial compensation provided per household. They frequently face higher levels of violence, including gendered and systematic abuse, in the course of land dispossession and forced evictions.

Lack of meaningful involvement of indigenous women in the consultation process to develop the Draft Protection and Promotion of the Way of Life of Ethnic Groups Act. In mid-2021, Princess Maha Chakri Sirindhorn Anthropology Center ("SAC"), a public organization, prepared the Draft Protection and Promotion of the Way of Life of Ethnic Groups Act, which, if passed, would be the first national legislation to specifically address issues particular to ethnic minorities and indigenous peoples in Thailand (please refer to the Indigenous Peoples Factsheet for the specific issues with the contents of the Draft Act). While the SAC has solicited comments from ethnic minorities, indigenous peoples, and the general public on the Draft Act, the Indigenous Women's Network of Thailand (IWNT) reported that the consultation process is not inclusive of indigenous women and that their concerns are not incorporated in amendments to the Draft Act.

Challenge 2: Indigenous women do not enjoy equal rights as men because of patriarchal traditions and customs within their communities

The patriarchal traditions and customs reinforce gender-based discrimination against indigenous women and render them vulnerable to gender-based violence.

In 2017, the CEDAW Committee expressed its concerns about the persistence of multiple barriers impeding indigenous women from obtaining access to justice and effective remedies for violations of their rights. Such barriers include (1) social and cultural stigma, which deter women and girls from registering their complaints, in particular with regard to sexual and gender-based violence; (2) limited legal literacy and access to information on remedies that are available; (3) lack of gender sensitivity in the justice system, including negative attitudes of law enforcement officials towards women denouncing violations of their rights, leading to frequent failures to register and investigate complaints; and (4) widespread and pervasive corruption, which continues to impede women’s access to justice.

Please refer to the Survivors of Domestic Violence and Gender-Based Violence Factsheet for the challenges experienced by survivors of domestic violence and gender-based violence generally in Thailand.

Within indigenous communities, men are primarily considered as the head of the households and are thereby granted the roles of community leaders and/or representatives. Indigenous women are thus restricted from making decisions that affect their lives, including decisions regarding education, work, marriage, and sexual and reproductive health. Concurrently, indigenous women are restricted from participating in dispute resolution mechanisms, even when the dispute concerns them.

The case of land grabbing in Sireh Island in Phuket province demonstrates the lack of equal and effective participation of indigenous women within their communities. The women were excluded from the preparation and proceedings of the lawsuit and their concerns were not taken into consideration.

Men are also expected to be the main, and, in some cases, the only source of household income within indigenous communities. Since men hold access and control to private and collective property and resources, indigenous women are often left without any income or property to support themselves and their children in the event of a divorce. Ultimately, as indigenous women are economically dependent on their male counterparts, indigenous women are vulnerable to domestic violence.

Since the discussion of personal matters, such as sexual life and domestic violence, is still considered taboo within indigenous communities, indigenous women remain unable to access justice and effective remedies. Indigenous women survivors of domestic violence typically do not seek redress through the justice system, as they face social stigma while registering their complaints. Moreover, the justice system lacks gender sensitivity, and law enforcement officials often have negative and discriminatory attitudes and stereotypes towards indigenous women, leading to a failure to register and investigate complaints of domestic violence.

Challenge 3: The COVID outbreak has adversely affected the quality of life of indigenous women

During the COVID-19 outbreak, indigenous women have experienced increased obstacles to accessing basic rights and services, which put their health and lives at risk.

Please refer to the Indigenous Peoples Factsheet for the impacts of the COVID-19 outbreak on indigenous peoples generally.

The Thai government’s response to the COVID-19 outbreak is neither gender-responsive nor gender-sensitive, harming indigenous women in the process. In particular, the fact that information provided by the government on COVID-19 preventative measures, as well as treatment options, is only available in Thai, is neglectful of the circumstances of indigenous women. Since the average level of education is better for men than women and men have attained higher education than women within indigenous communities, men alone have access to information key in the fight against COVID-19, leaving the women to turn to fake news disseminated within their communities, which ultimately endanger their health and lives. Examples of fake claims within indigenous communities include the claim that the consumption of chicken feces can cure COVID-19.

During the COVID-19 outbreak, indigenous women have also been deprived of access to sexual and reproductive healthcare services such as contraception and safe abortion. Even though some organizations provide assistance to women during the outbreak, these organizations disclose that they are hindered by not having any access to indigenous women.



RECOMMENDATIONS

1. On Challenge 1: Indigenous women are continuously excluded from participation in the public sphere

- 1.1.** In line with the 2017 CEDAW Committee's Concluding Observations to Thailand, **guarantee representation and participation of indigenous women in the decision-making process for matters concerning them; and support proportional inclusion of indigenous women in all levels of State mechanisms, including through special temporary measures and affirmative actions.**

2. On Challenge 2: Indigenous women do not enjoy equal rights as men because of patriarchal traditions and customs within their communities

- 2.1.** Take concrete measures to ensure indigenous women's access to basic rights and services, including access to justice and legal remedies in accordance with the 2017 CEDAW Committee's Concluding Observations to Thailand.

3. On Challenge 3: The COVID-19 outbreak has adversely affected the quality of life of indigenous women

- 3.1.** Strengthen the gender responsiveness and gender sensitivity of the Thai government's response to the COVID-19 outbreak, while considering the circumstances of indigenous women.



REFERENCES

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