



INTERSECTIONAL FEMINIST CHALLENGES: MARGINALISED WOMEN AND STRUCTURAL INEQUALITIES IN THAILAND

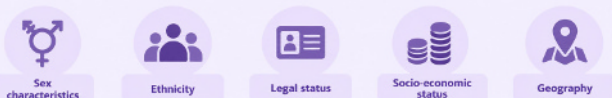
Brief Assessment of the Implementation of the 3rd Cycle UPR Recommendations

Marginalised women and LGBTIQ+ persons in Thailand face intersecting forms of discrimination based on gender, sexual orientation, gender identity and expression, sex characteristics, ethnicity, legal status, socio-economic status and geography. This factsheet examines the gender-specific and intersectional dimensions of the human rights situation of women and LGBTIQ+ persons from historically marginalised groups, including Indigenous, ethnic minority, Isaan, Malayu Muslim, rural, migrant, stateless, informal and sex worker communities. It supplements the companion factsheets on the Rights of Indigenous Women, LGBTIQ+ Rights, Sex Workers' Rights and Abortion Rights in Thailand.

During the 3rd UPR cycle in November 2021, Thailand received 119 recommendations directly relevant to the rights of marginalised women and LGBTIQ+ persons; 85 were supported and 34 were noted. Civil society assessment finds that only two of these have been fully implemented, both relating to marriage equality. Thailand is a State party to CEDAW and CERD, has supported the UN Declaration on the Rights of Indigenous Peoples, and received the 2025 CEDAW Concluding Observations (CEDAW/C/THA/CO/8) and the 2021 CERD Concluding Observations (CERD/C/THA/CO/4-8) which addressed intersecting discrimination against marginalised women.

This assessment shows that marginalised women and LGBTIQ+ persons continue to face structural barriers across legal recognition, political participation, protection from gender-based violence and reprisals, healthcare, economic rights, and access to justice. While Thailand adopted the Marriage Equality Act (2024) and the Ethnic Way of Life Protection and Promotion Act B.E. 2568 (2025), and criminalised sexual harassment through the Act Amending the Penal Code (No. 30) in December 2025, the Gender Equality Act B.E. 2558 (2015) still contains an exception under Section 17(2) on grounds of religion or national security, the Gender Recognition Bill was rejected in February 2024, and no comprehensive anti-discrimination law or gender-responsive protection framework for human rights defenders has been enacted.

Marginalised women and LGBTIQ+ persons can face multiple, overlapping forms of discrimination based on their...



Key Legal and Protection Gaps remain, including:



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Challenge 1: Fragmented legal frameworks on gender equality and non-discrimination

Thailand still lacks a comprehensive legal definition of discrimination.

Section 27 of the 2017 Constitution provides that “men and women shall enjoy equal rights” and prohibits “unjust discrimination”, but does not recognise direct, indirect, structural or intersectional discrimination and omits key grounds including gender identity, sex characteristics and ethnic background.

Draft Act on the Elimination of Discrimination against Persons.

Following the 2025 CEDAW and 2021 CERD Concluding Observations, Thailand has taken initial steps toward a stand-alone anti-discrimination law. Consultations with affected communities were held in partnership with the MovED network between January and March 2026, with close to 1,000 participants nationwide. Until the law is adopted and fully implemented, affected communities lack enforceable protection.



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The **Gender Equality Act B.E. 2558 (2015)** is Thailand's primary anti-gender-discrimination instrument, but Section 17(2) still permits exceptions on grounds of "national security" and "religious principles", which weakens protection for transgender women and Muslim women in the Southern Border Provinces of Pattani, Yala and Narathiwat, where Islamic law governs personal and family matters for Muslim communities. Although Thailand's 2024 State Report states the Act is under review, there is no clear timeline or transparent update.

The **Gender Recognition Bill** was rejected by Parliament in February 2024. Without legal gender recognition, trans, non-binary and gender-diverse persons continue to face barriers in accessing social services. The Intersex Protection Bill proposed by Intersex Thailand in May 2025 remains unaddressed.

Marriage equality under the Amendment to the 2024 Civil and Commercial Code Act (No. 24) is an important legal gain but remains a partial inclusion in the absence of legal gender recognition, and access is limited for foreign and binational LGBTIQ+ couples, especially where one partner is stateless, a refugee, or from an Indigenous or ethnic minority community without complete nationality documentation.

Chiang Mai binational couple denied marriage registration, 14 February 2026.

A same-sex couple in Chiang Mai were unable to register their marriage on 14 February 2026 because one partner, a Myanmar national, lacked official identification documents, illustrating how the Marriage Equality Act's benefits are not extended to LGBTIQ+ persons without complete documentation.

Testimony on the invisibility of the Gender Equality Act.

Oh from EMPOWER Foundation commented on the lack of meaningful civil society participation in the Act's creation: "this 'invisible gender law' is barely implemented and ill-adapted to the realities of marginalised women and LGBT people."



Testimony on the erasure of intersex persons. Intersex Thailand's Founder Nada Chaiyakit:

"We are not criminalised, but we are erased. The law doesn't mention us, the schoolbooks don't teach about us, and the hospital consent forms do not ask us."



Challenge 2: Barriers to political participation and criminalisation, surveillance and reprisals against women and LGBTIQ+ human rights defenders

Participation of marginalised women and LGBTIQ+ persons remains constrained by patriarchal power structures that privilege masculine leadership.

This was starkly illustrated in 2024 when the Move Forward Party, which had championed gender and LGBTIQ+ rights, was dissolved by the Constitutional Court after winning the most seats in the 2023 general elections.

Women and LGBTIQ+ persons are often excluded from peace and security processes in Southern Thailand, and from environmental decision-making structures, including under the Community Forest Act B.E. 2562 (2019), where provincial and national representation is often limited to a single representative per jurisdiction and in practice tends to favour men.

There is still no specific legal or institutional framework that recognises the role of women and LGBTIQ+ human rights defenders (WHRDs) or provides gender-responsive protection.

Defenders continue to be targeted under laws used to suppress dissent, including criminal defamation (Sections 326 and 328 of the Criminal Code, carrying up to two years' imprisonment and fines up to 200,000 THB), the Computer Crimes Act, the Emergency Decree, and Section 112 (lèse-majesté). Since 2014, over 200 women human rights defenders have faced SLAPPs and judicial harassment.

The consultation process for the draft Act on the Prevention of Strategic Litigation to Suppress Public Participation (SLAPP) was dominated by government actors with minimal civil society participation, and the draft focuses mainly on defamation, failing to address other legal grounds commonly used to silence defenders.

Netiporn "Bung" Sanesangkhom, death in State custody.

Netiporn "Bung" Sanesangkhom, a young pro-democracy woman human rights defender, died in State custody after undertaking a hunger strike to protest her unjust detention. Her case has come to symbolise both the cost of resistance and the State's failure to protect those who speak out.

Phichit: over 40 SLAPPs by Akara against gold mine defenders.

Mine operator Akara has filed more than 40 defamation cases against villagers, academics and defenders speaking out about the Chatree Gold Mine's harms in Phichit, Phetchabun and Phitsanulok provinces. On 24 March 2026, after a decade-long legal struggle, the Environmental Division of the Ratchada Civil Court ordered remedies against Akara, a landmark corporate accountability ruling.

Pegasus spyware: 12 of 30 known targets were women.

The Thai government used Israeli-made Pegasus spyware against Thai human rights defenders, with at least 12 of the 30 known targets being women. Malayu Muslim women defenders, including Anchana Heemmina, have faced constant surveillance and online harassment for documenting torture in the Deep South.

Testimonies on the gendered nature of repression.

Queer WHRD Tanruthai 'Pim' Thanrut, charged under Section 112 for advocating monarchy reform: "They surrounded my house and told my parents to make me 'be a good girl.'"



Isaan land defender Nittaya Muangklang (Sab Wai Villager):

"Right now, there's still no legal framework that recognises our role or ensures our safety. We're left vulnerable simply for standing up for our rights."



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Challenge 3: Gender-based violence, femicide, and unequal access to healthcare, including sexual and reproductive health rights

Thailand's response to gender-based violence remains fragmented.



Activists hold up placards with messages against domestic abuse during a campaign in Bangkok. SOURCE: Bangkok Post (25 November 2020)

The Domestic Violence Victim Protection Act B.E. 2550 (2007) prioritises family reconciliation over survivor safety: Domestic violence remains a compoundable offence, survivors face short time limits to report abuse, investigations are not routinely initiated by authorities, and pressure to reconcile with perpetrators is widespread.

The Government's draft bill, submitted for public consultation between 18 February and 4 March 2026, retains family reconciliation as a central principle and limits protection to spouses or partners who are or have been cohabiting, excluding intimate relationships where partners do not live together. Thailand also lacks a comprehensive femicide monitoring mechanism, despite UN Women and UNODC reporting in 2025 that at least 17,400 women were killed by partners or family members in Asia in 2024.

The Act Amending the Penal Code (No. 30) criminalised sexual harassment, including through electronic communications, in December 2025, but its legal definition remains overly broad and lacks clarity, creating inconsistent interpretation and weak enforcement. Technology-facilitated violence, workplace sexual harassment, and violence targeting sex workers, trans women, Indigenous women, Muslim women and WHRDs remain inconsistently addressed.

LGBTIQ+ students in Thailand face high rates of school bullying, verbal abuse, physical violence and sexual abuse, but schools lack anti-bullying mechanisms and gender-sensitive support systems.

Healthcare access is uneven. While Thailand has expanded coverage through the National Health Security Act B.E. 2545 (2002) and the "30 Baht" or "gold card" Universal Coverage Scheme, women in remote and border areas face geographic barriers, poorly equipped facilities, and stigmatisation of 'gold card' holders.

The Criminal Code Amendment Act (No. 28) B.E. 2564 (2021) broadened lawful abortion, but only 171 health facilities nationwide provide abortion services and 26 provinces have none. Migrant, stateless, refugee and undocumented persons remain effectively excluded from safe abortion coverage, and facilities continue to impose unlawful barriers including parental consent and narrower gestational limits than the law allows.

Draft Domestic Violence Victim Protection Act under public consultation, 18 February - 4 March 2026.

Civil society groups submitted recommendations to Thailand's Office of the Council of State urging that the Draft Act be brought into conformity with CEDAW and the UN Convention against Torture. In 2024, the UN Committee against Torture expressed concern at the requirement for victims to lodge complaints to initiate prosecutions, the preference for amicable settlements over survivor safety, and the three-month time limit for filing complaints. The 2025 CEDAW Concluding Observations raised concerns about the lack of effective investigation, enforcement, and survivor protection under the 2007 Act, and the reliance on family reconciliation.

Migrant woman from Myanmar, spinal fracture after severe abuse.

Human rights lawyer Koreeyor Manuchae recalls a case involving a migrant woman from Myanmar who suffered a spinal fracture after severe abuse by her husband: "MSDHS provided no real protection system... and the burden of going to court was placed entirely on the victim." The 1300 hotline refers cases to provincial offices, resulting in slow responses and inconsistent handling."

Access to safe abortion.

Only 171 health facilities in Thailand provide abortion services, and 26 provinces have none. Facilities continue to impose unlawful barriers including parental consent, referral-network appointments and narrower gestational limits than the law allows. Access is uneven for adolescents, low-income women, migrants and rural women.



Muslim women in Yala access mobile healthcare services

Residents received free health screenings and treatment. For marginalised women in Southern Thailand, however, access to appropriate care can still be constrained by unequal treatment, limited medication options and other structural barriers within the health system.

SOURCE: Radio Thailand Yala / Public Relations Department (26 October 2023)

Testimony on the paracetamol default for gold card holders.

A Muslim woman village leader from Southern Thailand testified that 'gold card' holders are only prescribed basic medications, such as paracetamol, regardless of the illness. Indigenous Karen WHRD Noraeri Thungmuangthong noted the lack of hospital interpreters leaves many Indigenous women untreated or misdiagnosed.



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Challenge 4: Gendered impacts of climate change, business activities, and economic exclusion of women and LGBTIQ+ workers in the informal economy

Women and LGBTIQ+ persons, especially from rural and Indigenous communities dependent on natural resources, are disproportionately affected by climate change, environmental harms, and extractive industry impacts.

Thailand's National Adaptation Plan for Climate Change continues to lack clear gender-responsive strategies and tools.

The draft Climate Change Act, reintroduced to Parliament in March 2026, still does not adequately guarantee the meaningful participation of women, Indigenous Peoples and LGBTIQ+ persons in climate decision-making, nor rights and justice for affected communities.

Environmental impact assessment and public consultation processes around large projects, including the Thepa coal-fired power plant in Southern Thailand, exclude women and communities from information and treat participation as a formality.

Approximately 52.3% of the workforce in Thailand, more than 21 million people, are in informal employment. An estimated 10 million women informal workers remain outside the Social Security Fund. Thai informal workers may voluntarily enrol under Section 40 of the Social Security Act B.E. 2533 (1990), but coverage remains low and unequal. Those enrolled do not receive the same protections as workers insured under Section 33, including paid maternity leave. Women migrant workers are largely excluded from the Social Security Fund and Workmen's Compensation Fund because access is tied to immigration status, sector and formal employment; they are left with the Migrant Health Insurance Scheme, which only covers basic health care. Fear of arrest, detention, deportation, dismissal or retaliation deters many women migrant workers from reporting labour abuse.

Women in Thailand spend an average of three hours daily on unpaid care and domestic work, which restricts their time for paid work, education, leadership and public participation. Women migrant workers earn 41 per cent less than male migrant workers and 38 per cent less than Thai workers, and bear an average of THB 16,042 (USD 500) in recruitment-related debt.

Phichit gold mine: landmark corporate accountability ruling, 24 March 2026.

In Phichit, villagers endured the health and livelihood impacts of the Chatree Gold Mine, operated by Akara, for over two decades. On 24 March 2026, after a decade-long legal struggle, the Environmental Division of the Ratchada Civil Court ordered remedies against Akara.



Mango farmer Phanthip Changkanak testifies:

"When mining projects are introduced, women don't get to speak. Companies only talk about the benefits and hide the harms."

Thepa coal-fired power plant: consultation as formality.

Environmental WHRD Sumittra Saengwanich of the Green World Network in Southern Thailand describes women's involvement in consultations around the proposed Thepa coal-fired power plant, Thailand's largest proposed power plant: "From the very beginning, women were completely excluded from information... During the public hearings, participation was tightly controlled, and the information presented was not easy to understand. It wasn't a real consultation; it was just a formality."

Domestic workers: no maternity protection.

Firsthand testimony from HomeNet Thailand: "No maternity protection for domestic workers is unfair... Without maternity protection, if we become pregnant, we will lose our job."



Testimony on migrant workers' unequal treatment.

Human rights lawyer Koreeyor Manuchae:

"The Labour Protection Act must uphold the rights of all workers without exception. Immigration status should not be used to justify unequal treatment."

Domestic workers are especially vulnerable because isolation in private households and employer surveillance make it difficult to seek help.



Challenge 5: Systemic exclusion of Indigenous, rural, ethnic minority, Isaan, Malay Muslim and stateless women, and criminalisation of sex workers

Indigenous, rural, ethnic minority, Isaan and Malay Muslim women face distinct forms of exclusion rooted in Thailand's failure to legally recognise Indigenous Peoples and their collective rights, and in entrenched assimilationist ideas of "Thainess".

The Ethnic Way of Life Protection and Promotion Act B.E. 2568 (2025) entered into force on 19 September 2025, but Parliament removed the term "Indigenous Peoples" during the legislative process. The Act does not recognise the right to free, prior and informed consent (FPIC) and risks excluding persons in border

Ethnic Way of Life Act (2025) removed "Indigenous Peoples".

During the legislative process for the Ethnic Way of Life Protection and Promotion Act B.E. 2568 (2025), Parliament removed the term "Indigenous Peoples". The Act's final definition does not recognise the right to FPIC and risks excluding persons in border areas or those whose parents lack Thai nationality, contrary to the UN Declaration on the Rights of Indigenous Peoples which Thailand supported.



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areas or those whose parents lack Thai nationality. Legal non-recognition compounds barriers to citizenship, birth registration, civil documentation, social services, employment and land rights.

In border and remote areas, women face long travel times, high costs, poor transport, language barriers and little public outreach or local support when applying for Thai citizenship, and statelessness is reproduced across generations. Rural women earn less than men in the agricultural sector and leave school early because of financial hardship, which makes costly and complex complaint procedures even harder to navigate. The Justice Fund remains inaccessible in practice due to excessive conditions and the judgmental attitudes of officials.

Sex workers remain criminalised under the Prevention and Suppression of Prostitution Act B.E. 2539 (1996) and may face fines of up to THB 40,000 (USD 1,250) or up to two years' imprisonment. They can also be charged under the Anti-Trafficking in Persons Act B.E. 2551 (2008), which blurs the distinction between consensual adult sex work and trafficking. Sex workers are excluded from labour protections and social security available to other workers under the Labour Protection Act, leaving them vulnerable to wage deductions, unpaid work, denial of leave and abusive conditions. These harms compound for sex workers who are trans, migrant, Indigenous, ethnic minority or from rural backgrounds.

Statelessness reproduced across generations.

Karen WHRD and village head Noraeri Thungmuangthong (Chiang Mai): "Many women don't know where to register a birth or who to contact. Most have never left their village and are unfamiliar with government offices... A child born in Thailand was left stateless simply because their disabled grandmother couldn't file the paperwork."

Murder of Woranun Pannacha, a Thai trans woman sex worker, April 2025.

The April 2025 murder of Woranun Pannacha, a Thai trans woman sex worker, by a foreign client exposed the compounded vulnerability faced by trans women sex workers at the intersection of criminalisation, labour precarity and transmisogyny.

Testimony on the Justice Fund and the criminalisation of sex work.

Isaan woman activist Nittaya Muangklang, who was SLAPPED for defending her land: "Accessing the Justice Fund is nearly impossible for many rural and ethnic women because of the excessive conditions and the judgmental attitudes of officials... It feels like the system wasn't built for us."



Non-binary sex worker HRD Sirisak Chaited "Ton":

"Sex work isn't immoral. What's immoral is a legal system that protects employers but not workers."



RECOMMENDATIONS



1. On Challenge 1: Strengthen legal frameworks on gender equality and non-discrimination

1.1

In line with UPR III recommendations 51.23 and 51.35, articles 1-3 of CEDAW, and the 2021 CERD Concluding Observations, amend Section 27 of the 2017 Constitution and adopt a comprehensive anti-discrimination definition in law that covers direct, indirect, structural and intersectional discrimination, including on grounds of gender identity, sex characteristics and ethnic background.

1.2

Adopt, without delay and in transparent consultation with affected communities, the Draft Act on the Elimination of Discrimination against Persons, building on the January–March 2026 MovED consultations, and ensure it explicitly protects marginalised women and LGBTIQ+ persons.

1.3

Amend the Gender Equality Act B.E. 2558 (2015), including Section 17(2), to remove exceptions based on "national security" or "religious principles", publish a transparent review timeline, and ensure meaningful civil society participation in the review process.



RECOMMENDATIONS

1.4

Enact, without delay and in consultation with affected communities, the Gender Recognition Bill to guarantee legal gender recognition for trans, non-binary and gender-diverse persons, including a non-binary marker option.

1.5

Enact the Intersex Protection Bill (Draft Act on the Self-Determination of Gender Identity, Gender Expression, and Sex Characteristics Act B.E. ...), including a prohibition on non-consensual surgeries on intersex children and identity documentation without forced medicalisation.

1.6

Review and amend regulations and documentary requirements under the Marriage Equality Act to ensure equal access for foreign and binational LGBTIQ+ couples, including where one partner is stateless, a refugee, or lacks complete nationality documentation.



2. On Challenge 2: Ensure participation and protect women and LGBTIQ+ human rights defenders

2.1

In line with UPR III recommendations 51.151-51.153, article 7 of CEDAW and article 5 of CERD, adopt temporary special measures, including quotas or parity, to ensure equal and meaningful participation of marginalised women and LGBTIQ+ persons in political and public life at national and local levels.

2.2

Ensure the equal and meaningful participation of women in peace negotiations, conflict-resolution processes and governance structures in the Southern Border Provinces of Pattani, Yala and Narathiwat.

2.3

Reform laws, policies and consultation procedures to guarantee the meaningful participation of rural, Indigenous and ethnic minority women and LGBTIQ+ persons in governance, environmental decision-making and public life, including by amending the Community Forest Act B.E. 2562 (2019) to guarantee at least equal female representation at provincial and national committees.

2.4

Establish a specific legal and institutional protection framework for women and LGBTIQ+ human rights defenders that provides prevention, rapid response, protection and remedies, and ensures gender-responsive protection against threats, violence and judicial harassment.

2.5

Adopt effective anti-SLAPP legislation, in consultation with defenders and affected communities, that covers criminal and civil cases used to suppress public participation and goes beyond criminal defamation; repeal or reform laws used to criminalise peaceful expression and dissent, including criminal defamation (Sections 326 and 328), the Computer Crimes Act, the Emergency Decree, and Section 112 of the Criminal Code.



RECOMMENDATIONS

2.6

Investigate all attacks, intimidation, surveillance (including through Pegasus and other spyware), enforced disappearances, and reprisals against women and LGBTIQ+ defenders, ensure accountability, and guarantee independent investigation of deaths of defenders in State custody such as Netiporn “Bung” Sanesangkhom.



3. On Challenge 3: End gender-based violence and guarantee equal access to healthcare and SRHR

3.1

In line with UPR III recommendations 51.47 and 51.139-51.145, articles 2, 5 and 10 of CEDAW, the 2025 CEDAW Concluding Observations, the 2024 UN Committee against Torture Concluding Observations, and ILO Convention No. 190, revise the Draft Domestic Violence Victim Protection Act (public consultation 18 February – 4 March 2026) to remove family reconciliation as a guiding principle, prioritise survivor safety and autonomy, extend protection to intimate partners regardless of cohabitation, remove the three-month time limit, make the offence non-compoundable and initiate investigations ex officio.

3.2

Expand legal and policy protections against gender-based violence to address technology-facilitated violence, workplace sexual harassment, and violence against marginalised groups, including sex workers, transgender women, Indigenous women, Muslim women and WHRDs; clarify the legal definition of sexual harassment under Act Amending the Penal Code (No. 30) to ensure consistent interpretation.

3.3

Establish a coordinated national femicide and gender-based violence data system with disaggregated data, address the fragmented handling of cases by the 1300 hotline and MSDHS, and adopt anti-bullying and gender-sensitive protection mechanisms in schools and universities.

3.4

In line with UPR III recommendations 51.102, 51.116, 51.119 and 51.123-51.124, articles 12 and 14 of CEDAW, and article 5 of CERD, ensure accessible, affordable, culturally appropriate and non-discriminatory healthcare for marginalised women and LGBTIQ+ persons in remote, Indigenous, migrant, stateless, LGBTIQ+ and conflict-affected communities, including through Indigenous-language interpretation, culturally competent training and specialised women's health services.

3.5

Address discriminatory treatment against “gold card” or 30-baht scheme beneficiaries, including stigma, poorer-quality treatment and culturally unresponsive care, and ensure thorough medical examinations without discrimination based on coverage scheme or ethnicity.

3.6

Fully decriminalise abortion and expand access to safe, legal and affordable abortion services in all provinces, remove unlawful barriers including parental consent and narrower-than-law gestational limits, extend Universal Coverage to migrant, stateless, refugee and undocumented persons, and strengthen public mental health services, particularly for young girls and rural, Indigenous and conflict-affected women.



RECOMMENDATIONS



4. On Challenge 4: Guarantee climate, business and economic justice for women and LGBTIQ+ workers

4.1

In line with UPR III recommendations 51.56-51.57 and 51.60-51.63, article 14 of CEDAW, the 2021 CERD Concluding Observations, and articles 18, 19 and 32 of UNDRIP, ensure the meaningful participation of women, especially Indigenous, rural and affected community women, in climate, disaster risk reduction, land, and environmental governance.

4.2

Revise the National Adaptation Plan for Climate Change, the draft Climate Change Act reintroduced in March 2026, and related climate policies to include clear gender-responsive strategies and tools, Indigenous knowledge, accessible consultation and disaggregated data, and guarantee FPIC.

4.3

Strengthen access to remedies for women and communities affected by business-related environmental harm, building on the 24 March 2026 Ratchada Civil Court ruling against Akara in the Phichit gold mine case, and protect defenders in Phichit, Thepa and elsewhere from SLAPPs and other reprisals.

4.4

In line with UPR III recommendations 51.14-51.15, 51.46 and 51.183-51.188, articles 11 and 14 of CEDAW, article 5 and 11 of CERD, and ILO Convention No. 190, expand labour and social protection, including access to the Social Security Fund, to women and LGBTIQ+ individuals in the informal economy, including domestic workers, home-based workers and migrant workers, and ensure maternity protection, childcare support and protection from dismissal during pregnancy including for those enrolled under Section 40.

4.5

Ensure that migrant workers, regardless of immigration status, have access to legal and social protection, essential services, health coverage, complaint mechanisms and remedies without fear of arrest, detention or deportation; ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and ILO Convention No. 189 on Domestic Workers, and progress toward ratification of ILO Conventions Nos. 87 and 98.

4.6

Adopt targeted measures to reduce unequal unpaid care burdens (currently averaging three hours daily for women) and address gender wage disparities, including through care infrastructure, income support, and equal pay enforcement; amend the Labour Protection Act to prohibit discrimination based on sexual orientation and gender identity, including in informal and precarious sectors.



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RECOMMENDATIONS



5. On Challenge 5: End the systemic exclusion of marginalised women and the criminalisation of sex workers

5.1

In line with UPR III recommendation 51.190 and 52.27, articles 5 and 14 of CEDAW, articles 2 and 5 of CERD, and articles 3, 9, 26 and 32 of UNDRIP, amend the Ethnic Way of Life Protection and Promotion Act B.E. 2568 (2025) to formally recognise Indigenous Peoples, restore the term removed by Parliament, protect their collective rights to self-identification, lands, territories and resources, and guarantee free, prior and informed consent.

5.2

Remove barriers preventing Indigenous, rural, ethnic minority, migrant and stateless women from accessing birth registration, Thai citizenship documents, public services, justice, nationality and social protection, including through outreach in remote areas, language interpretation and simplified procedures.

5.3

Adopt targeted measures to eliminate racist, sexist and assimilationist stereotypes against Indigenous, Isaan, Malayu Muslim, ethnic minority and stateless women, including in public services, hospitals and government offices.

5.4

Simplify and reform the Justice Fund to make it genuinely accessible to rural, Indigenous, ethnic minority and Malayu Muslim women, remove excessive conditions and address discriminatory attitudes of officials.

5.5

In line with UPR III recommendation 52.69, articles 2-3, 7 and 11-12 of CEDAW, and ILO Convention No. 190, decriminalise sex work by repealing punitive provisions in the Prevention and Suppression of Prostitution Act B.E. 2539 (1996) and ensure that no new law reproduces criminalisation through registration, medicalisation or other forms of State control; amend the Anti-Trafficking in Persons Act B.E. 2551 (2008) and related enforcement practices to clearly distinguish consensual adult sex work from trafficking.

5.6

Revise the Labour Protection Act and access to the Social Security Fund to include sex workers, including trans and migrant sex workers, and ensure access to labour rights, social protection, healthcare, protection from violence and remedies without fear of arrest, extortion or retaliation; ensure the meaningful participation of sex workers in the drafting of all laws and policies affecting them.



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