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Thai CSOs Coalition for the UPR and UN Mechanisms

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# The Rights of Indigenous Women in Thailand



## Joint UPR Submission to the UN Universal Periodic Review

53rd Session of the UPR Working Group



**Joint UPR Submission: The Rights of Indigenous Women in Thailand**
***April 2026***

**Submission by**

Indigenous Women's Association for Development (IWAD), Manushya Foundation and the Thai CSOs Coalition for the UPR and UN Mechanisms

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## FOR MORE INFORMATION ON THIS JOINT UPR SUBMISSION, PLEASE CONTACT:

Lead: Kanlaya Chularattakorn, Indigenous Women's Association for Development (IWAD)
Email: kanlaya2005@gmail.com

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# Table of Contents


04 Introduction

04 Thailand's legal and policy framework relating to Indigenous Women

06 Challenges in Accessing Citizenship

07 Racial Discrimination Against Indigenous Women

08 Gender-Based Violence Against Indigenous Women

09 Trafficking and Exploitation of Indigenous Women

10 Challenges in Accessing Healthcare Services

11 Rights to Land, Territories, and Natural Resources

13 Access to Justice for Indigenous Women

13 Recommendations

16 Endnotes

## 1. Introduction

1.1. This submission is made by the *Indigenous Women's Association for Development (IWAD)*, *Manushya Foundation* and the *Thai CSOs Coalition for the UPR*. It examines Thailand's compliance with its human rights obligations concerning Indigenous women and girls, particularly in light of recommendations accepted during previous UPR cycles relating to gender equality, access to justice, healthcare, and land-related rights. Thailand has accepted multiple recommendations related to the protection of women's rights and non-discrimination under international human rights frameworks. However, implementation remains limited in practice, particularly for Indigenous women who face intersectional discrimination based on gender, ethnicity, geographic location, and socio-economic status.

1.2. Indigenous women in Thailand continue to face systemic barriers in the enjoyment of their rights. These barriers are rooted in structural discrimination, lack of legal recognition of Indigenous Peoples, patriarchal social norms, weak access to justice, exclusion from decision-making, and policies that fail to reflect the realities of rural and remote Indigenous communities. The continued denial of Indigenous Peoples' legal recognition in Thailand remains a root cause of these systemic and intersecting human rights violations.

1.3. **Methodology:** This submission is based on qualitative and participatory research conducted by the Indigenous Women's Association for Development (IWAD) and Manushya Foundation between 2019 and 2026. It draws on first-hand testimonies from Indigenous women human rights defenders, focus group discussions in Indigenous communities, and case documentation collected through field visits across multiple regions of Thailand. All testimonies are used with the informed consent of participants and reflect lived experiences across diverse Indigenous groups.

1.4. This submission demonstrates that Thailand has not adequately addressed structural inequalities affecting Indigenous women and is structured as follows:

- Section 2 outlines the legal and policy framework relating to Indigenous women;
- Section 3 examines the lack of citizenship among Indigenous women;
- Section 4 analyses racial discrimination faced by Indigenous women;
- Section 5 examines gender-based violence against Indigenous women;
- Section 6 examines trafficking and exploitation of Indigenous women;
- Section 7 addresses access to healthcare;
- Section 8 examines rights to land, territories, and natural resources;
- Section 9 analyses barriers to access to justice;
- Section 10 provides recommendations.

## 2. Thailand's legal and policy framework relating to Indigenous Women

2.1. The legal landscape in Thailand presents a complex contradiction between theoretical protection and practical exclusion. While Thailand has endorsed the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and is a party to CEDAW, it has historically maintained an interpretative declaration that complicates the legal recognition of "Indigenous" status within its borders.[11] In practice, Indigenous Peoples remain largely unrecognized by the State and experience multiple layers of marginalization.[22]

2.2. Thailand has not ratified the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization (ILO), which remains the only binding international instrument specifically protecting the rights of Indigenous Peoples. This failure, combined with the absence of comprehensive domestic legislation recognizing and protecting Indigenous Peoples, including Indigenous women, results in significant legal protection gaps.[33]

2.3. Thailand's Constitution only enshrines the protection for different ethnic groups to have the right to live in the society according to the traditional culture, custom, and ways of life on a voluntary basis (Section 70).[44] Besides, while the 2017 Constitution and the Gender Equality Act B.E. 2558 (2015) provide a foundation for prohibiting discrimination and mandating gender-responsive budgeting, these mechanisms often fail to reach Indigenous communities due to entrenched patriarchal norms and geographic isolation.[55]

2.4. The recent adoption of the Ethnic Way of Life Protection and Promotion Act B.E. 2568 (2025), which omits legal recognition of Indigenous Peoples, further perpetuates the denial of their rights. Moreover, the Act does not explicitly recognize Indigenous women as a distinct group requiring targeted protection, thereby failing to address the specific and intersectional discrimination they face.[66]

2.5. Furthermore, land and forestry laws such as the Community Forest Act B.E. 2562[77] and the National Park Act, B.E. 2562 (2019)[88]; often operate in direct conflict with Indigenous customary rights, effectively labeling traditional inhabitants as "illegal occupants" on their own ancestral lands.[99]

2.6. Besides, Thailand does not recognize Indigenous Peoples' rights to free, prior and informed consent (FPIC) or to customary land tenure.[1010] Although the Constitution guarantees communities the right to be informed and to access public information (Section 41), and requires the State to conduct Environmental and Health Impact Assessments (EHIA) with prior public hearings for activities that may affect them (Section 58), these provisions do not fully meet the standards of Indigenous Peoples' rights. Moreover, while the Constitution assigns the State a duty to ensure access to land for living (Section 72) and to promote equitable land distribution (Section 258), in practice, Indigenous communities' rights to manage and use their ancestral lands remain restricted. Their exclusion not only violates their rights but also undermines the effectiveness of climate policies by ignoring the traditional knowledge and lived experiences essential for inclusive and sustainable climate action.[1111]

2.7. This legal friction is exacerbated by the Domestic Violence Victim Protection Act, which is currently undergoing amendments that critics fear will prioritize "family unity" over the individual safety and autonomy of Indigenous women.[1212]

2.8. These legal gaps have also been reflected in Thailand's engagement with the Universal Periodic Review. During the second UPR cycle, Thailand noted but did not accept the recommendation to ratify ILO Convention No. 169. Furthermore, during the third UPR cycle, Ecuador (recommendation 52.27) called on Thailand to strengthen human rights training with an emphasis on eliminating violence against women and girls, especially those from Indigenous communities and ethnic and religious minorities, while Peru (recommendation 52.72) recommended enhancing women's access to justice, including for rural and Indigenous women, women belonging to ethnic and religious minorities, and women with disabilities. However, the lack of binding legal recognition of Indigenous Peoples and the absence of

targeted legal frameworks continue to undermine the effective and meaningful implementation of these recommendations in practice.

2.9. As a result, Indigenous women remain inadequately protected under the current legal and policy framework, facing systemic barriers to equality, protection, and access to justice, as outlined in the following sections.

## 3. Challenges in Accessing Citizenship

3.1. Thailand did not ratified Convention relating to the Status of Stateless Persons[1313], has not defined statelessness in domestic legislation, and does not recognise the rights of stateless persons. It directly exposes Indigenous Peoples, and particularly women, who regularly face this challenge, due to ineffective census. The denial of citizenship not only violates Indigenous Peoples' fundamental right to nationality, but also exposes them to widespread hardship, inequality, and discrimination that severely undermine their living conditions.[1414] As citizenship is essential to access healthcare, education, employment, freedom of movement, and land rights, its absence is a key driver of broader human rights violations. Without legal status, Indigenous Women lack formal recognition, which both perpetuates further abuses and renders their social and economic conditions invisible in official data. As a result, they are often excluded from development programmes and public services.

3.2. Indigenous women without nationality are particularly vulnerable to exploitation and wage discrimination. They face major obstacles in obtaining Thai nationality due to limited awareness of their rights and the complexity of application procedures, including requirements such as DNA testing. Many are unable to read, write, or speak Thai, which forces them to depend on men for assistance and reinforces unequal power dynamics. According to **Pornchita Fahpratanprai**, a Karen Woman Human Right Defender, the major barrier is "***geographic isolation: the roads are often difficult, especially during the rainy season, and public transportation to the district office is limited or nonexistent. This makes it extremely hard for women to travel and complete the application process themselves. When these women submit their documents to the village headman for assistance with the nationality application process, their requests are often overlooked or left incomplete, resulting in long delays, or no progress at all.***"[1515]

3.3. Institutional support remains insufficient, with most assistance provided by NGOs and women's networks. In addition, some women are asked to pay bribes, with no effective mechanisms to report corruption or irregularities. Porchita explains: "***in some cases, local authorities have demanded payment of 2,000 baht in exchange for processing nationality requests. Villagers are often told that if they do not pay, their application will not move forward, leaving them little choice but to comply.***" [1616]

3.4. Despite these systemic barriers, recent developments in Omkoi District, Chiang Mai Province, illustrate both the scale of exclusion and the potential for progress when corruption in access to citizenship is exposed and targeted interventions are implemented. Following sustained advocacy by the Indigenous Women's Network of Thailand (IWNT) and Manushya Foundation, a significant number of Indigenous persons (227), including women, were able to obtain legal status and access to citizenship in August 2022.[1717] This progress builds on earlier community-led research documenting corruption in citizenship processes in Omkoi[1818], which was subsequently followed by a complaint and investigation by the

National Human Rights Commission of Thailand (NHRCT). This case demonstrates that statelessness among Indigenous communities is not inevitable, but rather the result of administrative barriers, lack of political will, and insufficient outreach. At the same time, the need for such extraordinary efforts underscores the systemic nature of exclusion faced by Indigenous women across Thailand, particularly in remote and highland areas. As highlighted by Katima Leeja, a Lisu Indigenous Woman Human Rights Defender, and Board Member of Manushya Foundation: ***"Life took a completely different turn for one of the young community members who received citizenship. They were able to go abroad to work and send money back home to support their family. In contrast, those who have not obtained citizenship are forced to remain in low-paying jobs in Omkoi or migrate to cities such as Chiang Mai or Bangkok. They face limited opportunities and cannot access education loans. As a result, they are constrained in every aspect of their lives, including their civil rights. They were unable to participate in the last elections, yet remained hopeful as they waited for the results."***[1919]

3.5. These challenges have also been recognized at the international level. In 2025, the CEDAW Committee expressed concern about the absence of birth registration of some Indigenous women and girls, leading to statelessness and limiting their access to justice, land rights, and inheritance. The Committee recommended that Thailand ensure birth registration and access to nationality for Indigenous women and girls.[2020]

## 4. Racial Discrimination Against Indigenous Women

4.1. Despite constitutional guarantees of equality and non-discrimination under the 2017 Constitution[2121], Thailand has yet to adopt comprehensive anti-discrimination legislation applicable to all persons. Existing legal protections remain fragmented. The Gender Equality Act B.E. 2558 (2015) applies only to gender-based discrimination and contains significant limitations. In particular, Section 17(2)[2222] allows exceptions on the grounds of religion, national security, or public safety, which undermine effective protection against discrimination.

4.2. Although the Thai government has supported recommendations to effectively implement the Gender Equality Act, Indigenous women continue to face persistent discrimination in practice. This is often due to gender-blind policies and programmes that fail to account for the specific realities of Indigenous communities.

4.3. These patterns of discrimination have been recognized at the international level. In its 2025 Concluding Observations on Thailand, the CEDAW Committee expressed concern that women continue to face intersecting forms of discrimination, including Indigenous women, women belonging to ethnic minorities, and stateless women. The Committee further highlighted the persistence of gender stereotypes concerning women and girls from Indigenous and ethnic minority groups, as well as stateless women, which hamper their access to justice and public life.[2323]

4.4. In practice, Indigenous women experience multiple and intersecting forms of discrimination based on both gender and ethnicity, within their communities and in broader Thai society. Within some Indigenous communities, patriarchal norms continue to position men as heads of households and primary decision-makers, with control over land, property, and resources. These dynamics further marginalize Indigenous women's access to economic resources and decision-making processes.

4.5. Indigenous women also face discrimination from State authorities and public service providers. At hospitals and district offices, they are frequently mistreated due to language barriers, including limited proficiency in Thai. Reports indicate instances of verbal abuse, derogatory remarks, and discriminatory attitudes based on traditional dress and appearance. As a result, many Indigenous women avoid accessing essential public services, including healthcare and administrative support.[2424]

4.6. Harmful stereotypes further reinforce discrimination. Indigenous and highland communities are often wrongly blamed for environmental degradation, including forest fires and flooding, due to traditional land-use practices. These narratives contribute to stigmatization, exclusion, and the justification of restrictive policies affecting Indigenous communities.[2525]

4.7. Indigenous women living with HIV face compounded discrimination across multiple aspects of their lives, including access to healthcare, employment, and social inclusion. This intersection of gender, ethnicity, and health status further exacerbates their marginalization and vulnerability.[2626]

## 5. Gender-Based Violence Against Indigenous Women

5.1. Indigenous women and girls in Thailand experience multiple and intersecting forms of violence, including domestic violence, sexual abuse, early marriage, trafficking, forced marriage, and harmful customary practices. Gender-based violence is exacerbated by cultural discrimination, language barriers, limited legal protection, and lack of access to support services in rural and remote areas.[2727]

5.2. Women's participation in decision-making remains male-dominated. Under the Community Forest Act[2828], only one representative per jurisdiction, usually male, is allowed at provincial and national levels, which leads to little or no female representation and amounts to indirect discrimination against Indigenous women who actively contribute to forest conservation and community life.

5.3. Although the current Constitution mandates gender-responsive budgeting, the government has not prioritized gender integration into budget analysis across ministries and agencies. Even if the Department of Women's Affairs has developed guidelines for gender-responsive budgeting, state agencies often neglect the specific challenges faced by Indigenous women, who continue to lack access to services and legal protection.

5.4. Domestic and Sexual Violence cases in Indigenous communities are often handled by male-dominated or religious leaders who disregard sexual violence, lack awareness of legal processes, and pressure victims into informal settlements. Victims are frequently discouraged from reporting abuse because of prior experiences of being ignored or dismissed by law enforcement officials, who often prefer mediation over prosecution. According to **Noraeri Thungmuangthong**, a Karen Woman Human Right Defender, and founder of IWNT and IWAD, in cases of domestic violence, instead of support, women may be blamed. For example, if a woman is abused by her husband, some in the community may say "***she deserved it because she talked back***". [2929]

5.5. These systemic barriers have also been recognized at the international level. In its 2025 Concluding Observations on Thailand, the CEDAW Committee expressed concern about the underreporting of

gender-based violence due to lack of trust in law enforcement and fear of retaliation, as well as the absence of effective investigation, enforcement, and survivor protection mechanisms. The Committee further highlighted the State's reliance on mediation and family reconciliation procedures, which undermine accountability and access to justice for survivors.[3030] Similarly, during the third UPR cycle, Ecuador (recommendation 52.27) called on Thailand to strengthen human rights training with an emphasis on eliminating violence against women and girls, particularly those from Indigenous communities and ethnic and religious minorities. However, the persistence of these patterns demonstrates that such recommendations have not been effectively implemented in practice.

5.6. Some community leaders also pressure parents to accept financial settlements while neglecting the rights of survivors to justice, rehabilitation and informed participation. Girls often have no meaningful say in these decisions. Some indigenous women have reported case of rape involving women with intellectual disabilities result in pregnancy, yet without prosecution of the perpetrators.[3131]

5.7. Indigenous women continue to face harmful practices and discriminatory customs, including child abduction for forced marriage, forced marriage after rape, bride price return after divorce, social exclusion of divorced or widowed women, and humiliating public rituals targeting women who become pregnant before marriage.[3232] These practices violate the dignity, autonomy, and equality of Indigenous women and girls, yet the State has taken limited action to address them.

5.8. In some Hmong communities, divorced or widowed women are excluded from family and community protection because of beliefs relating to "bad spirits," which can lead to severe hardship, increased exposure to abuse, denial of funeral rites, and prolonged social isolation.[3333] In some Karen communities, women who become pregnant before marriage are publicly humiliated through degrading ceremonies[3434]. Despite the clear human rights implications of these practices, the Thai government has failed to respond adequately or engage in sustained reform efforts.

5.9. Although the Department of Women's Affairs has initiated consultations to amend the Domestic Violence Victim Protection Act[3535], the current draft reportedly falls short of international standards. Concerns include insufficient victim support funding, prioritization of family unity over women's safety, and procedures that undermine survivors' autonomy by requiring family involvement in safety planning without the survivor's consent.

## 6. Trafficking and Exploitation of Indigenous Women

6.1. Human trafficking and exploitation remain serious risks for Indigenous women and women from ethnic minority communities, particularly in remote and border areas. Indigenous women are disproportionately affected due to intersecting structural vulnerabilities, including statelessness, land dispossession, limited access to education, and lack of access to justice and effective remedies.[3636]

6.2. Indigenous women without nationality are especially vulnerable to exploitation, including wage discrimination and abusive labour conditions. Those seeking employment abroad, particularly through informal or undocumented channels, are exposed to trafficking networks and exploitative labour practices, while their lack of legal status discourages reporting due to fear of arrest, detention, or deportation.[3737]

6.3. These challenges have been recognized at the international level. In its 2025 Concluding Observations on Thailand, the CEDAW Committee expressed concern about the heightened risk of trafficking among women in the informal economy and the insufficient implementation of protection mechanisms, particularly in provincial areas, as well as gaps in the National Referral Mechanism.[3838]

6.4. Similarly, during the third cycle of the Universal Periodic Review, Thailand received multiple recommendations to strengthen its response to trafficking, including addressing vulnerability factors, ensuring effective investigation and prosecution, and adopting a victim-centred approach (recommendations 51.77–51.85). However, persistent gaps in protection, accountability, and access to remedies indicate that these recommendations have not been effectively implemented, particularly for Indigenous women.

6.5. Survivors continue to face barriers to justice and reintegration, including weak enforcement of compensation, stigma upon return, and limited access to support services, further entrenching cycles of marginalization and poverty.[3939]

## 7. Challenges in Accessing Healthcare Services

7.1. Indigenous women face significant barriers in accessing healthcare, including maternal care, reproductive health services, emergency treatment, and mental health support. These barriers are compounded by remoteness, poor infrastructure, language barriers, lack of interpreters, discrimination by healthcare providers, and lack of legal documentation.[4040]

7.2. In remote areas such as Omkoi District, Chiang Mai Province, Indigenous women have experienced severe risks during pregnancy and childbirth due to long distances to healthcare facilities and poor road conditions. During 2023-2024, several patients from Indigenous communities reportedly died or gave birth while en route to hospitals in the district center. At least six reported cases involved Indigenous women giving birth during transit, resulting in the death of either the mother or the newborn.[4141]

7.3. Although hospitals have attempted to improve emergency transportation through helicopter evacuation systems, lack of internet connectivity in remote villages has limited access to these services. Indigenous women also lack effective remedies when harmed by medical treatment because of limited information, remoteness, and linguistic barriers.

7.4. A shortage of healthcare personnel, medical equipment, and efficient treatment systems continues to undermine service delivery in Indigenous areas. Most villages are located in remote areas with poor roads and no public transportation. Women, especially older women and women with disabilities, often endure illness without treatment or rely on local remedies because they cannot afford transportation to hospitals.[4242]

7.5. Many Indigenous women also face discrimination from healthcare staff, mistrust of medical institutions because of past abuses, and exclusion from public healthcare due to lack of legal documentation. These barriers significantly limit access to reproductive and maternal healthcare and deepen existing inequalities. As an example, **Noraeri Thungmuangthong** describes the unequal treatment Indigenous women face when using the universal coverage card: it “is sometimes perceived as a "***welfare card for***

***the poor", leading to stigma. Women report that doctors often do not conduct thorough examinations for gold card holders."***[43]

7.6. According to IWNT and Manushya joint community-led research[44], Indigenous women emphasized the need that the local health facilities should have specialized medical personnel with expertise on women's health issues, including sexual and reproductive health, as well as necessary equipment and dedicated space.

## 8. Rights to Land, Territories, and Natural Resources

8.1. Indigenous women face land insecurity and exclusion from natural resource governance despite their central role in sustainable resource use, food systems, and preservation of traditional knowledge. Due to gender and racial discrimination, they are often denied land rights and excluded from titling and decision-making processes.[45]

8.2. Land and resources management originates from European colonisation in neighboring countries. Before, from the 13th to mid-18th century, all land was formally owned by the monarchy, though local practices allowed communities to access and use it. This shifted in the late 18th century with the expansion of European timber extraction in the region. In response, the Thai state, in the late 19th century, introduced forest laws to control resources and profit from the teak trade, often in collaboration with colonial actors and at the expense of Indigenous communities. The Royal Forest Department, established in 1896 and led by a British forester, institutionalised a forest governance system modelled on colonial practices, prioritising revenue from logging. Local uses of teak were criminalised, while British companies dominated concessions. Although concessions were nationalised in the 1950s, the underlying model of centralised, profit-driven management persisted.[46]

8.3. This legacy continues today with Indigenous communities treated as illegal encroachers, protected areas overlap with ancestral lands, traditional practices like rotational farming are criminalised, and collective land rights remain largely unrecognised. The Forest Reclamation Policy (2014), was aimed to curb encroachment by targeting large investors while protecting poor and long-settled communities. In practice, however, authorities often treated these communities as "investors," leading to over 48,000 prosecutions of Indigenous Peoples[47] and other forest-dependent groups.[48] Although repealed in 2019, it was incorporated into the National Park Act (2019) and the Wildlife Preservation and Protection Act (2019), which restrict land use, require official permission for basic activities, limit rights to 20 years without ownership, and impose severe penalties. Currently it continues to label Indigenous communities as illegal occupants in protected forest areas, despite the fact that many have lived sustainably on these lands for generations. These laws criminalize traditional land use and undermine Indigenous systems of stewardship.

8.4. These patterns have also been recognized at the international level. In its 2025 Concluding Observations on Thailand, the CEDAW Committee expressed concern over forced evictions of Indigenous women, relocations, criminalization for trespassing in national parks, and the lack of mechanisms to secure their free, prior and informed consent in decisions affecting their lands and resources. The Committee further highlighted the resulting impacts, including poverty, limited access to justice, and barriers to education, employment, healthcare, and social protection.[49]

8.5. In recent years, the Thai government has expanded control over land and natural resources in Indigenous territories, often declaring such areas as state property. This has resulted in the creation or expansion of conservation zones and national parks overlapping with ancestral lands, leading to displacement and loss of livelihoods.

8.6. Since 2014, the Community Land Allocation Program has allowed communities to remain on state-designated land, much of which includes Indigenous ancestral territories, for a limited term and without ownership rights. Renewal depends on conditions set by the State, and communities risk losing their land if agreements are not renewed. Many communities joined this system without proper consultation or full access to information.

8.7. The consequences for Indigenous women are severe. Loss of access to land and forests destroys food security, erodes cultural identity, disrupts social structures, and forces women into precarious wage labor. About 90% of Indigenous women live in protected forest areas without legal land ownership.[5050] According to **Noraeri Thungmuangthong**, "***for the remaining 10% who do have land titles, these often bear the names of male family members, due to cultural norms around inheritance and property registration, which typically favor men***".[5151] Besides, **"no compensation and redress mechanisms have not been adequate or fair for Indigenous women living in protected forest areas"** explains **Pornchita Fahpratanprai.** "***These communities are often viewed as occupying state land, which results in them being excluded from compensation schemes or receiving less support compared to those who hold formal land titles***."[5252]

8.8. In Kaeng Krachan National Park, Karen communities have faced eviction and relocation despite a court ruling affirming their residency rights. Forced relocation to infertile and water-scarce areas has undermined livelihoods and increased the burden on women, who often bear primary responsibility for family survival.[5353] These impacts are particularly severe for women, who often bear primary responsibility for childcare, food security, and the transmission of cultural practices. Criminalising their return to ancestral lands deprives them not only of their livelihoods but also of their roles as caregivers and knowledge holders. In their absence, especially that of mothers, children are left without adequate care, with older daughters frequently forced into premature caregiving roles. The trauma of displacement, separation, and fear further intensifies the inequalities and exclusion they experience.[5454]

8.9. In Koh Lipe, the Urak Lawoi community illustrates how conservation and tourism policies have undermined Indigenous land rights. Because of lack of formal recognition, low literacy, and limited legal support, many Urak Lawoi families were unable to secure land titles, enabling land grabs by private actors.[5555] Between 2019 and 2022, at least 30 Urak Lawoi women reportedly faced eviction lawsuits, reflecting the disproportionate burden Indigenous women face in land conflicts.[5656] Development, tourism, and conservation projects have blocked access to schools, healthcare, traditional livelihoods, and cultural spaces. Without secure land tenure and gender-sensitive legal frameworks, Indigenous women remain at risk of losing their identity, autonomy, and future on their ancestral lands.

## 9. Access to Justice for Indigenous Women

9.1. Indigenous women and girls face significant barriers in accessing formal justice systems due to structural discrimination, language obstacles, lack of legal documentation, remoteness, and exclusion from decision-making processes. While the Ministry of Justice has established community justice centers in every province to assist marginalized groups, these mechanisms remain ineffective for many Indigenous women because they lack information about them, cannot easily reach them, and cannot access interpretation services.[5757]

9.2. Many Indigenous women initially turn to community-based justice mechanisms because they are geographically closer and more linguistically accessible. However, these mechanisms often fail to provide fair, impartial, or gender-sensitive outcomes.[5858] They are typically dominated by male leaders and often prioritize social harmony and reputation over accountability and survivors' rights.

9.3. Most Indigenous women ultimately avoid the formal justice system because of deep mistrust in its fairness, effectiveness, and accessibility. In cases of sexual violence and other rights violations, both state and customary systems frequently prioritize mediation over accountability. Women are often pressured to settle informally in order to avoid financial burden, emotional stress, and stigma.[5959]

9.4. In its 2025 Concluding Observations on Thailand, the CEDAW Committee expressed concern about persistent barriers faced by rural and ethnic women in accessing justice. The Committee highlighted the lack of effective legal aid, limited awareness of rights, and discriminatory attitudes within the justice system, as well as the reliance on informal dispute resolution mechanisms that undermine accountability and access to remedies.[6060]

9.5. Legal action is commonly discouraged under the belief that it would bring shame to the survivor or her family, particularly in tight-knit communities. This results in many cases being quietly resolved without justice being served, leaving Indigenous women without redress, protection, or rehabilitation.[6161]

9.6. Indigenous women are often unaware of their legal rights and available remedies. Legal aid remains limited in remote Indigenous areas, and discrimination and intimidation continue to discourage women from reporting violations and pursuing justice. If they happen to be aware of remedy tools, such as "***the Justice Fund, they do not know how to access it in practice***", explains **Noraeri Thungmuangthong.** "***There is no clear outreach or education from government agencies to inform women of their rights or how to apply for legal assistance***."[6262]

## 10. Recommendations

The submitting organizations urge the Thai government to:

### 10.1. Legal and Policy Framework

- Ratify the ILO Convention No. 169 and adopt comprehensive legislation recognizing and protecting the rights of Indigenous Peoples, including Indigenous women.

- Legally recognize Indigenous Peoples, including Indigenous women, and adopt comprehensive legislation protecting their collective and individual rights, ensuring that all national laws and policies, including the Ethnic Way of Life Protection and Promotion Act (2025), explicitly recognize and protect the rights of Indigenous women and address intersecting forms of discrimination.
- Ensure that national laws and policies address intersecting discrimination faced by Indigenous women, in line with the 2025 CEDAW's Concluding Observations to Thailand (para. 45(a)).

### 10.2. Citizenship

- Ensure universal birth registration and equal access to nationality for Indigenous women and girls, including through simplified procedures and targeted outreach in remote areas, in line with the 2025 CEDAW's Concluding Observations to Thailand (paras. 35(b) and 36(b)).
- Eliminate administrative, linguistic, and financial barriers, including corruption, in nationality application processes.

### 10.3. Racial Discrimination

- Adopt comprehensive anti-discrimination legislation addressing intersecting forms of discrimination faced by Indigenous women, in line with the 2025 CEDAW's Concluding Observations to Thailand (para. 45(a)).
- Eliminate discriminatory practices and stereotypes in public services and ensure culturally appropriate and inclusive policies, in line with the 2025 CEDAW's Concluding Observations to Thailand (para. 23(b)).

### 10.4. Gender-Based Violence

- Strengthen prevention, investigation, and prosecution of gender-based violence against Indigenous women and girls, and ensure survivor-centred justice mechanisms, in line with the 2025 CEDAW's Concluding Observations to Thailand (para. 25(b)–(c)).
- Prohibit mediation and reconciliation in cases of GBV and guarantee accessible, adequately resourced, and culturally appropriate support services, including shelters, healthcare, psychosocial support, legal aid, and long-term reintegration.
- Provide interpretation services, transportation support, and access to information in Indigenous languages to enable survivors to report violations and seek justice.
- Strengthen data collection systems, in collaboration with Indigenous women's organizations, to inform evidence-based prevention and response.

### 10.5. Trafficking and Exploitation

- Strengthen measures to prevent and combat trafficking in persons, including by addressing the vulnerability of Indigenous women and ensuring a survivor-centred approach, in line with the 2025 CEDAW's Concluding Observations to Thailand (para. 27(a), (c)) and UPR recommendations 51.77–51.85.
- Ensure effective implementation of the National Referral Mechanism and access to protection, remedies, and reintegration support for all victims, regardless of nationality.

- Adopt a survivor-centred approach, ensuring access to shelters, healthcare, compensation, and long-term reintegration, and strengthen accountability for perpetrators.

### 10.6. Healthcare

- Ensure access to free, quality, and culturally appropriate healthcare services for Indigenous women and girls, including sexual and reproductive health services, in line with the 2025 CEDAW's Concluding Observations to Thailand (para. 41(c)).
- Expand mobile healthcare services to rural areas and ensure access to information and services in Indigenous languages.
- Provide gender-sensitive and culturally competent training to healthcare providers and ensure dissemination of health information in Indigenous languages.
- Guarantee access to comprehensive sexual and reproductive health information and services, including contraception and safe abortion, in accordance with international human rights standards.

### 10.7. Land, Territories, and Natural Resources

- Legally recognize the rights of Indigenous Peoples, including Indigenous women, to individual and collective ownership and control over their lands, territories, and natural resources.
- Further protect Indigenous women's access to and collective ownership of their traditional lands, ensure their meaningful participation in decision-making, and establish mechanisms to secure their free, prior and informed consent, in line with the 2025 CEDAW's Concluding Observations to Thailand (para. 46(b)).
- Reform laws and policies that criminalize traditional land use and protect Indigenous women from forced evictions, ensuring access to effective remedies and compensation, in line with the 2025 CEDAW's Concluding Observations to Thailand (para. 45(b)).
- Ensure the free, prior, and informed consent of Indigenous women and their communities before approving development, conservation, tourism, or extractive projects.
- Promote Indigenous women's leadership in land governance and environmental decision-making.

### 10.8. Access to Justice

- Ensure the effective and practical accessibility of legal aid mechanisms, including the Justice Fund, by providing proactive outreach, legal literacy programmes, and application support in Indigenous languages, and by removing administrative barriers that prevent Indigenous women from accessing legal assistance, in line with the 2025 CEDAW's Concluding Observations to Thailand (paras. 23(b) and 25(c)).
- Address structural discrimination within the justice system, including lack of outreach, discriminatory attitudes, and reliance on informal mechanisms that undermine accountability.
- Regulate customary justice systems to ensure compliance with international human rights standards, particularly the rights of women and girls, and prohibit mediation in cases of violence.

## Endnotes


1. Committee on the Elimination of Discrimination against Women, *General recommendation No. 39 (2022) on the rights of Indigenous women and girls*, CEDAW/C/GC/39 (26 Oct 2022), available at: https://docs.un.org/en/CEDAW/C/GC/39
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# Joint UPR Submission: The Rights of Indigenous Women in Thailand
***April 2026***

## Submission by

**Indigenous Women's Association for Development (IWAD)** was previously named the Indigenous Women's Network of Thailand (IWNT). It is a coalition of Indigenous women leaders from diverse ethnic groups across the country. Since its founding in 1996, the network has actively worked to promote human rights, gender equality, and the empowerment of Indigenous women in Thailand. In 2011, it became established as an independent organization working towards improving the lives of Indigenous women in the country. It has worked with groups or members from the Karen, Lisu, Hmong, Lahu, Akha, Dara'ang, Taiyai, Lua, Kachin, and Mien Indigenous groups. Over time, the network has expanded to include members from more than 26 Indigenous communities/groups across all regions of the country. In 2025, approaching the 30th anniversary of its work, the network officially registered as a legal entity in Thailand, under the name of the "Indigenous Women's Association for Development" (IWAD)". For more information, please visit: https://www.facebook.com/iwadthailand.

**Manushya Foundation** is a women-led, decolonial and intersectional feminist organisation building cross-border safety nets of protection, solidarity, and accountability across Asia. We strengthen the political power and decision-making leadership of feminists, youth movements, and frontline communities. Our work shifts power by bridging emergency protection for activists facing repression and transnational repression, movement lawyering to confront corporate abuse and false climate solutions, defense of digital rights and civic space in increasingly surveilled environments, and grassroots-led advocacy engaging international accountability systems to advance structural justice.
For more, see https://www.manushyafoundation.org/.

The **Thai CSOs Coalition for the UPR and UN Mechanisms (Universal Periodic Review)**, established during Thailand's Second UPR cycle, is a people-led, intersectional feminist movement bringing together local communities and national civil society organisations across all human rights sectors. As one of the largest intersectional grassroots-led movements in Thailand, it engages with the UPR and UN treaty bodies, connecting struggles from Indigenous Peoples' rights, land and environmental justice, and labour rights to digital rights, freedom of expression, transnational repression, and the protection of human rights defenders, migrants, political refugees, youth, LGBTIQ+ individuals, and communities facing systemic marginalization. It fosters solidarity among communities facing shared challenges and strengthens collective action to demand accountability from the state and companies for their international human rights obligations.



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Thai CSOs Coalition for the UPR and UN Mechanisms

THAILAND UPR IV
2026

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# Contact us at:

WeAreManushyan@manushyafoundation.org

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