



## Human Rights Watch Submission on Thailand

### to the Committee on the Elimination of Discrimination against Women

We write in advance of your upcoming pre-session review of the Thailand government's compliance with the Convention on the Elimination of All Forms of Discrimination against Women (the "Convention"). This submission relates to Articles 2, 3, 6, 10, 11, and 15 of the Convention. It proposes issues and questions that Committee members may wish to raise with the government while reviewing its compliance with these articles.

#### Education (Article 10)

Evidence included in this section is based in part on Human Rights Watch's research into violence against students, teachers, and schools in Thailand's southern border provinces including Narathiwat, Pattani, and Yala, as well as in Bangkok. This research is based on interviews with over 90 people, including 15 children ages 8 to 17, from 19 schools in the southern border provinces. This includes parents, teachers, school principals, village officials, religious leaders, members of government security forces, government officials, current and former members of insurgent groups, and members of local and international nongovernmental organizations. This section is also based on research conducted into the use of schools for military purposes and attacks on students, teachers, education workers, and schools since 2010 when the report was published.

Since January 2004, there has been a surge of armed insurgency in Thailand's southernmost provinces, Pattani, Yala, and Narathiwat. Along with nearby Satun province, they constitute Thailand's only provinces where a majority of residents are ethnic Malay and Muslim rather than ethnic Thai and Buddhist. Since 2004, it is estimated that the violence has killed over 6,500 people, mostly civilians.<sup>1</sup>

The violence between separatist insurgents and government security forces is ongoing, with education at the forefront. Historically, the Thai government has attempted to use schools and the education system to assimilate the Malay Muslim population into the Thai Buddhist mainstream, as well as to suppress their religious and ethnic identities.<sup>2</sup> The insurgents view the education system as a symbol of Thai Buddhist state oppression and have reacted by

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<sup>1</sup> "Thailand announces peace talks with southern Muslim rebels," *The Guardian*, September 2, 2016, <https://www.theguardian.com/world/2016/sep/02/thailand-announces-peace-talks-with-southern-muslim-rebels> (accessed October 19, 2016).

<sup>2</sup> Global Coalition to Protect Education From Attack (GCPEA), "Country Profiles: Thailand," 2014, [http://www.protectingeducation.org/sites/default/files/documents/eua\\_2014\\_country\\_profiles\\_thailand.pdf#page=](http://www.protectingeducation.org/sites/default/files/documents/eua_2014_country_profiles_thailand.pdf#page=) (accessed October 24, 2016).

bombing and burning government schools, harassing and killing teachers, as well as spreading terror among students and parents. Separatist groups have used traditional pondoks and private Islamic schools for indoctrination, recruitment, and training of new members, including as fighters.

#### *Attacks on Students, Teachers, and Schools*

Attacks on schools place children at risk of injury or death and affect students' ability to obtain an education. Attacks on schools, teachers, and students can cause children to drop out or attend school less often, force schools to limit their hours, and destroy school buildings and materials. Furthermore, in environments of violence and fear, the quality of children's education is severely diminished.

Attacks on education disproportionately affect girls, who are sometimes the focus of targeted attacks and are more likely to be kept out of school due to security concerns. The Committee recognized in General Recommendation No. 30 that, "In conflict-affected areas, schools are closed owing to insecurity, occupied by State and non-State armed groups or destroyed, all of which impede girls' access to school. Other factors preventing girls' access to education include targeted attacks and threats to them and their teachers by non-State actors."<sup>3</sup> This has serious consequences for girls and their education.

Human Rights Watch has extensively documented attacks on students, teachers, and schools by separatist insurgents in southern Thailand. Between January 2004 and August 2010, assailants made at least 327 arson attacks on government schools in the three provinces. Some arson attacks on schools are also used to divert government forces into an ambush. In addition, at some schools, insurgents have set off bombs on school grounds to target security forces, damage infrastructure, or simply to generate fear.<sup>4</sup>

Human Rights Watch research has found that despite an overall decline in attacks, violence continues to threaten the region. The 2013 annual report of the United Nations Secretary-General on Children and Armed Conflict outlined that in 2012, at least 11 schools were partially damaged or destroyed in arson or improvised explosive device attacks. In addition, 11 more targeted attacks were documented in 2012, resulting in the killing of six teachers and the injuring of eight others. On November 22, 2012, the director of the Tha Kam Cham School in Nong Chik district, Pattani province, was killed. As a result, the Confederation of Teachers of Southern Border Provinces closed 332 schools in the region for 10 days. On December 11, 2012, militants entered Ban Ba Ngo School in Mayo district, Pattani province, and killed the school

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<sup>3</sup> Committee on the Elimination of Discrimination against Women (CEDAW), General Recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations, CEDAW/C/GC/30, October 18, 2013, <http://www.ohchr.org/Documents/HRBodies/CEDAW/GComments/CEDAW.C.CG.30.pdf> (accessed November 7, 2016).

<sup>4</sup> Human Rights Watch, "Targets of Both Sides" Violence Against Students, Teachers and Schools in Thailand's Southern Border Provinces, September 2010, <https://www.hrw.org/report/2010/09/20/targets-both-sides/violence-against-students-teachers-and-schools-thailands#page>.

director and a teacher in front of the children. Some 1,200 government-run schools serving more than 200,000 schoolchildren in the four provinces were closed again.<sup>5</sup>

The violence continued in the following years with insurgents reportedly beginning a campaign of violence specifically targeting women.<sup>6</sup> Between February and April 2014, at least five Thai Buddhist women were targeted and killed, with three of their bodies being mutilated.<sup>7</sup> In March 2014, insurgents shot a teacher while she was riding a motorcycle to work at Tabing Tingi Community School in Pattani province. The assailants reportedly then poured gasoline on her body and set it on fire.<sup>8</sup> The 2015 UN Secretary-General report on Children and Armed Conflict detailed 57 separate insurgent incidents that resulted in the killing of 23 girls and boys and the maiming of 65 more.

The latest UN Secretary-General report on Children and Armed Conflict, published in April 2016, states that schools and education personnel continued to be targeted by armed groups. According to the Ministry of Education, as of November 2015, two teachers and a student had been killed, and a teacher and two students injured in attacks. In addition, on September 11, 2015, a bomb attack at the entrance of a community school in Pattani province injured five students between 3 and 15 years of age.<sup>9</sup>

There was also a more recent attack carried out on September 6, 2016, when insurgents detonated a 20-kilogram bomb in front of Taba School in Narathiwat province killing a 4-year-old girl and her father. The blast also wounded at least 10 nearby civilians, including parents and teachers.<sup>10</sup> On October 28, 2016, insurgents shot dead a female teacher from Pattani province's Continuation School and injured another.<sup>11</sup> As of November 2016, at least 184 teachers have been killed and 127 wounded in Thailand's southern border provinces since 2004.

### *Military Use of Schools*

Human Rights Watch documented the use of schools for military purposes by Thai government security forces between 2006 and 2010. In 2010, government forces used at least 79 schools for camps and barracks, endangering and imperilling the education of an estimated 20,500

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<sup>5</sup> United Nations, "Children and Armed Conflict Report of the Secretary-General," May 15, 2013, [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/67/845&Lang=E&Area=UNDOC](http://www.un.org/ga/search/view_doc.asp?symbol=A/67/845&Lang=E&Area=UNDOC) (accessed October 20, 2016).

<sup>6</sup> "Thailand: Southern Separatists Target Women: Burning, Beheadings of Bodies Mark Renewed Terror Campaign," Human Rights Watch news release, April 4, 2014, <https://www.hrw.org/news/2014/04/04/thailand-southern-separatists-target-women>.

<sup>7</sup> Ibid.

<sup>8</sup> UN, "Children and Armed Conflict Report of the Secretary-General," June 5, 2015, [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/69/926&Lang=E&Area=UNDOC](http://www.un.org/ga/search/view_doc.asp?symbol=A/69/926&Lang=E&Area=UNDOC) (accessed October 20, 2016).

<sup>9</sup> UN, "Children and Armed Conflict Report of the Secretary-General," April 20, 2016, [http://www.un.org/ga/search/view\\_doc.asp?symbol=s/2016/360&referer=/english/&Lang=E](http://www.un.org/ga/search/view_doc.asp?symbol=s/2016/360&referer=/english/&Lang=E) (accessed October 20, 2016).

<sup>10</sup> "Thailand: Separatists Bomb School in South: Father, Daughter Killed in Targeted Attack," Human Rights Watch news release, September 7, 2016, <https://www.hrw.org/news/2016/09/07/thailand-separatists-bomb-school-south>.

<sup>11</sup> "Suspected militants shot dead a female school teacher and injured another in Pattani," *Thai PBS*, October 28, 2016, <http://englishnews.thaipbs.or.th/suspected-militants-shot-dead-a-female-school-teacher-and-injured-another-in-pattani/> (accessed November 4, 2016).

students. It was common practice for both the army and the paramilitary Rangers to establish and operate bases within school buildings or on school grounds in southern Thailand. These occupations, lasting for many months and even years, were driven by “a desire on the part of the security forces to accommodate troops while benefiting from central locations, government land, solid structures, and free electricity and water.”<sup>12</sup> Such military use of schools proved detrimental to the children’s learning environment as not only does it pose a safety risk to them, being exposed to military equipment and potential combat situations, but it also greatly affects their ability to learn as both children and teachers are distracted in the climate of fear.

One mother told Human Rights Watch, “I had nothing against the soldiers when they were outside the school... But when they moved into the school, I feared there would be an attack on the school, so ... I withdrew my children... If there was a hit on the grounds, the children would be hit.”<sup>13</sup>

At Ban Klong Chang School, Mayo district, Pattani, government paramilitary forces occupied half of the school grounds in 2010. As a result, many parents transferred their children to a private school in another village, which took the children an additional hour to reach each day, and additional transport fees.<sup>14</sup>

The use of schools for military purposes disproportionately affects girls and women. In addition to disrupting the right of children to education, troops occupying schools expose students and teachers to risks such as forced labor and sexual violence. Girls are particularly vulnerable as fear of sexual violence often causes girls to drop out of school. In one interview, Hasina S., a 10-year-old girl at Ban Klong Chang School, in Pattani told Human Rights Watch that she was “afraid of [the soldiers], because the soldiers are very touchy. They love to hold the children, and that’s okay for the boys, but for girls, we can’t allow men to touch our body. And I am not happy when the soldiers ask whether I have any older sisters and ask for their phone numbers.” The girl said that, because of her fears, she had wanted to transfer to another school for the past year but had not because her mother wanted her to attend school near her home. Another mother, who had removed her daughter from the school, said: “It is more dangerous for girls than boys, because girls these days now grow up so quickly. I fear that the girls will get pregnant by the soldiers.”<sup>15</sup>

Thai government forces appear to have subsequently stopped using schools for such purposes.

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<sup>12</sup> Human Rights Watch, “*Targets of Both Sides*” *Violence Against Students, Teachers and Schools in Thailand’s Southern Border Provinces*, September 2010.

<sup>13</sup> *Ibid.*, p. 59.

<sup>14</sup> *Ibid.*, p. 63.

<sup>15</sup> *Ibid.*, p. 58.

*Human Rights Watch recommends the Committee ask the government of Thailand:*

- How many schools, universities, or education facilities have been damaged or destroyed as a result of attacks by a) state security forces and b) non-state armed groups in each year of the reporting period, and since?
- What action has the government taken to prevent attacks by non-state armed groups on schools and universities and to mitigate their impact when they do occur?
- How many schools, universities, or education facilities have been fully or partially occupied or used by a) government security forces and b) non-state armed groups in each year of the reporting period, and since?
- Has the government entirely stopped the practice of using schools for military purposes? If so, when and why? Has it been further banned or regulated as a matter of military policy, doctrine, or law? If so, would the government share more information to be used as an example of good practice to encourage other states to stop this practice?
- What action has the government taken to ensure that attacks on schools in contravention of international humanitarian law are investigated and those responsible duly prosecuted?
- Does the Act for the Establishment of and Procedure for Juvenile and Family Court and sections pertaining to the arrest, detention, and trial of children in the Criminal Procedure Code remain in effect under the state of emergency?

*Human Rights Watch recommends to the Committee that it call upon the government of Thailand to:*

- Investigate and appropriately prosecute individuals responsible, including as a matter of command responsibility, for attacks on students, teachers, and schools.
- Respond to attacks on schools by promptly repairing damage and ensuring that students can safely return to class.
- Endorse the Safe Schools Declaration, opened for states to join at the Oslo Safe Schools Conference in May 2015.
- Take concrete measures to deter the military use of schools, following UN Security Council Resolutions 2143 (2014) and 2225 (2015), including by bringing the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict into domestic policy and operational frameworks.
- Ensure the provision of education in crises and displacement, and adopt special measures to ensure children can continue to go to school in highly insecure areas, including by reducing the distance to school, offering distance learning programs, and setting up protective spaces for girls and teachers.
- Ensure that teachers have full discretion to decide whether or not to participate in security escorts or convoy travel.
- Ensure that it is mandated that both principals and teachers are regularly and formally consulted regarding the security provided to schools and teachers.
- Except where there are immediate security concerns, refrain from arresting students, teachers, or any individual on school premises.

- Unless security considerations require otherwise, military and paramilitary forces should defer to local police and district officials in conducting searches on school grounds. School administrators and local officials should be notified in advance of searches and be present when they are being conducted to ensure transparency of the process.
- Except when necessary for security, military and paramilitary forces should not carry weapons onto school premises.

### **Migrant Workers and Refugees (Articles 2, 3, 6, 11, and 15)**

Thailand has not ratified the 1951 UN Refugee Convention and its 1967 Protocol, and does not have a refugee law or functioning asylum procedures.<sup>16</sup> Thailand does not currently have any domestic asylum law and Thai authorities continue to return refugee and asylum seekers to countries where they are likely to face persecution.<sup>17</sup>

The Committee recognized in General Recommendation No. 26 on women migrant workers that “Women migrant workers are more vulnerable to sexual abuse, sexual harassment and physical violence, especially in sectors where women predominate.”<sup>18</sup> Migrant workers from Burma, Cambodia, Vietnam, and Laos make up a significant portion of the workforce in Thailand, with estimates ranging from around 2 to 3 million workers. Eighty percent of migrants in Thailand are Burmese.<sup>19</sup> Approximately 45 percent of low-skilled migrant workers are women, and are more likely to work in seafood processing, light manufacturing, service industries, and domestic work.<sup>20</sup>

Migrant workers continue to be abused with impunity by local police, civil servants, and employers, as documented in our 2010 report “From the Tiger to the Crocodile: Abuse of Migrant Workers in Thailand.” This research is based on 82 detailed interviews in Bangkok and in 10 provinces, with migrant workers from Burma, Laos, and Cambodia. Additional interviews for this report took place with other migrant workers, NGO advocates, and government officials. Human Rights Watch found that migrant workers in Thailand face widespread and severe human rights abuses including killings, torture in detention, extortion, and sexual abuse, and labor rights abuses, such as trafficking, forced labor, and restrictions on organizing. Women and girl migrant workers are particularly vulnerable to sexual violence and trafficking. Employers often hold migrants’ worker identification documents, the keys to prove

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<sup>16</sup> “Thailand: Refugee Policies Ad Hoc and Inadequate,” Human Rights Watch news release, September 13, 2012, <https://www.hrw.org/news/2012/09/13/thailand-refugee-policies-ad-hoc-and-inadequate>.

<sup>17</sup> Human Rights Watch, *World Report 2016* (New York: Human Rights Watch, 2016), Thailand chapter, <https://www.hrw.org/world-report/2016/country-chapters/thailand#7ec34c>.

<sup>18</sup> CEDAW, General Recommendation No. 26 on women migrant workers, CEDAW/C/GC/26, December 5, 2008, [http://www2.ohchr.org/english/bodies/cedaw/docs/GR\\_26\\_on\\_women\\_migrant\\_workers\\_en.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/GR_26_on_women_migrant_workers_en.pdf) (accessed November 7, 2016).

<sup>19</sup> Human Rights Watch, *From the Tiger to the Crocodile - Abuse of Migrant Workers in Thailand*, February 2010, <https://www.hrw.org/en/reports/2010/02/23/tiger-crocodile>, p.7.

<sup>20</sup> International Organization for Migration (IOM), “Thailand at a Crossroads,” Issue No. 6, October 2012, [www.migrationpolicy.org/pubs/LeveragingMigration.pdf](http://www.migrationpolicy.org/pubs/LeveragingMigration.pdf) (accessed October 20, 2016).

their legal presence in the country. They also hold the power to either sign or not sign crucial transfer forms that allow migrants to change jobs and retain their legal status.<sup>21</sup>

Migrants reported constant fear of extortion by the police, who demand money or valuables from migrants held in police custody in exchange for their release, often the equivalent of one to several months' pay in one extortion incident.<sup>22</sup> In the case that migrants do file a complaint, local police and officials frequently ignore or fail to effectively investigate these complaints.<sup>23</sup> The daily lives of migrants are also restricted in many ways. Migrant workers are prohibited from forming associations and trade unions, taking part in peaceful assemblies, and face restricted freedom of movement. Often, they cannot leave the area where their work is located without written permission from employers and district officials.<sup>24</sup>

Undocumented migrant workers are also highly vulnerable to deception by labor brokers, typically from their own countries, who deliver them into the hands of Thai employers who then compel them to work at jobs through use of threats, force, and physical confinement.<sup>25</sup> Human Rights Watch has found workers who were forced to work in factories, commercial sex establishments, fishing boats, and domestic service.<sup>26</sup>

### *Domestic Workers*

Domestic work is performed mostly by women and girls, and is one of the most undervalued, and least regulated forms of employment. Because domestic workers work behind closed doors in private homes, they are often excluded from legal protections, and are more likely to experience abuse and exploitation. Domestic work is often seen as not constituting “real” work.<sup>27</sup> In Thailand, domestic workers are excluded from protections in many labor laws. Under current Thai law, labourers have a right to an eight-hour workday and a minimum wage of 300 baht (US\$8.50), but these laws do not apply to domestic work, as it does not fall under formal work.<sup>28</sup>

### *Rohingya Asylum Seekers and Migrants*

There is evidence that ethnic Rohingya fleeing abuses, persecution, and other hardship in Burma's Rakhine State or Bangladesh are often trafficked to Thailand. In 2015, scores of boats carrying thousands of Rohingya asylum seekers and migrants from Burma and Bangladesh

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<sup>21</sup> Human Rights Watch, *From the Tiger to the Crocodile*, p.7.

<sup>22</sup> Ibid.

<sup>23</sup> Ibid., p. 36.

<sup>24</sup> Ibid., p. 2.

<sup>25</sup> Ibid., p. 52.

<sup>26</sup> Ibid.

<sup>27</sup> “On International Domestic Workers’ Day, Turn Rights into Reality,” Human Rights Watch news release, June 16, 2016, <https://www.hrw.org/news/2016/06/16/international-domestic-workers-day-turn-rights-reality>.

<sup>28</sup> “Asia's migrant domestic workers rally to fight low pay and abuse,” *Reuters*, May 26, 2015, <http://in.reuters.com/article/rights-domesticworkers-asia-idINKBNoOB04K20150526> (accessed October 26, 2016).

arrived in Thailand, as well as Malaysia, and Indonesia. In May 2015, Thai authorities discovered at least 30 bodies at abandoned human trafficking camps in Songkhla province close to the Thai-Malaysia border.<sup>29</sup> Police reports indicated that the dead starved to death or died from abuses or disease while held by traffickers who were awaiting ransom payments before smuggling them into Malaysia.<sup>30</sup>

Despite the peril faced by those on the boats, Thai authorities have also been found to regularly take action to prevent boats carrying Rohingya from landing in Thailand. On many occasions, boats have been intercepted and pushed back to sea after receiving rudimentary humanitarian assistance and supplies from Thai authorities.<sup>31</sup> On May 22, 2015, Thailand hosted an international meeting to address the thousands of Rohingya asylum seekers and migrants stranded at sea, but, unlike Malaysia and Indonesia, refused to work with United Nations High Commissioner for Refugees (UNHCR) to conduct refugee status determination screenings or set up temporary shelters for those rescued.<sup>32</sup>

### *Migrant Children in Detention*

Under Thai law, all migrants with irregular immigration status, even children, can be arrested and detained. Thailand holds thousands of migrant children in detention each year, in conditions that imperil children's physical health. Immigration detention also harms children's mental health by exacerbating previous traumas and contributing to lasting depression and anxiety. Children are routinely held with unrelated adults, rarely get the nutrition or exercise they need, and are regularly exposed to violence, as documented in the 2014 Human Rights Watch report, "Two Years with No Moon": Immigration Detention of Children in Thailand."<sup>33</sup> Severe overcrowding is a chronic problem in many of Thailand's immigration detention centers as well. Children are crammed into packed cells, with poor ventilation and limited or no access to space for recreation. None of the children Human Rights Watch interviewed received formal education while in detention, even those held for many months.<sup>34</sup>

### *Human Rights Watch recommends the Committee ask the government of Thailand:*

- What actions are being taken by the government to combat widespread seizure of migrant workers' identification documents by employers?
- What actions have been taken to hold police and other government officials accountable for rights abuses and other violations against migrant workers, especially women?

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<sup>29</sup> "Southeast Asia: Accounts from Rohingya Boat People," Human Rights Watch news release, May 27, 2015, <https://www.hrw.org/news/2015/05/27/southeast-asia-accounts-rohingya-boat-people>.

<sup>30</sup> Human Rights Watch, World Report 2016 (New York: Human Rights Watch, 2016), Thailand chapter.

<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

<sup>33</sup> Human Rights Watch, "Two Years with No Moon": Immigration Detention of Children in Thailand, September 2014, <https://www.hrw.org/report/2014/09/01/two-years-no-moon/immigration-detention-children-thailand>.

<sup>34</sup> "Thailand: Migrant Children Locked up," Human Rights Watch news release, September 1, 2014, <https://www.hrw.org/news/2014/09/01/thailand-migrant-children-locked>.



*Human Rights Watch recommends to the Committee that it call upon the government of Thailand to:*

- Establish a special commission to independently and impartially investigate allegations of systematic violations of the basic rights of migrants by police and other Thai authorities across the country, and make the findings of that commission public.
- Ratify International Labour Organization Convention No. 189, the 2011 Domestic Workers Convention, guarantee domestic workers the same rights as other workers regarding daily and weekly rest periods, working hours, overtime compensation, and paid annual leave; as well as adequate protection against violence.
- Extend labor protections to domestic workers and establish accessible complaints mechanisms such as hotlines staffed by personnel conversant in migrants' languages.
- Reform the Labor Relations Act of 1975 to eliminate discriminatory provisions that limit the right to establish labor unions, and serve as the leader of a labor union, to persons with Thai nationality, and allow migrant workers to join unions and collectively bargain to defend their rights.
- Ratify the 1951 UN Refugee Convention and its 1967 Protocol.
- Respect obligations under customary international law to not forcibly return any asylum seeker or refugee.
- Cease detaining recognized refugees, and asylum seekers undergoing refugee status procedures with UNHCR, in immigration detention centers.
- Guarantee access to proper screening and status determination procedures by the UNHCR for any asylum seeker, including those detained in immigration facilities, who wishes to make a claim for protection, prior to deportation or forced return.
- Immediately adopt alternatives to immigration detention that are being used effectively in other countries, such as open reception centers and conditional release programs.

### **Gender Expression Protections (Article 2)**

Thailand's Gender Equality Act, which came into effect in September 2015, is the first national legislation in Southeast Asia to specifically protect against discrimination on the grounds of gender expression.<sup>35</sup> Thai activists found the Gender Equality Act imperfect but important.<sup>36</sup> Some have called attention to a loophole in the act that can allow for exemptions on religious grounds.<sup>37</sup>

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<sup>35</sup> Kingdom of Thailand, Gender Equality Act B.E. 2558.

<sup>36</sup> UNAIDS, "Gender Equality Act comes into effect in Thailand," September 9, 2015, <https://unaids-ap.org/2015/09/09/gender-equality-act-comes-into-effect-in-thailand/> (accessed October 26, 2016).

<sup>37</sup> "Gender Act Loophole Denies Equality," *Bangkok Post*, September 7, 2015, <http://www.bangkokpost.com/archive/gender-act-loophole-denies-equality/683196> (accessed October 26, 2016).

The new law specifically prohibits any means of discrimination if someone is “of a different appearance from his/her own sex by birth.” This is a crucial tool in protecting transgender people from discrimination. For example, a 2014 study by the International Labour Organization found that transgender people in Thailand face major barriers to employment, noting that, “The exclusion tends to occur at the interview stage or once their legal gender title is found to be different from their physical appearance and gender expression.”<sup>38</sup>

Thailand has seen sparks of progress on sexual orientation and gender identity-based rights in recent years. For example, “persons of diverse sexualities” have been recognized as needing assistance in the Social Welfare Promotion Act.<sup>39</sup>

In its 2015 review of Thailand, the UN Committee on Economic, Social and Cultural Rights noted gaps in Thailand’s protection of LGBT people, questioning whether lawmakers were ready to consider a legal definition of “family” that includes lesbian, gay, bisexual and transgender (LGBT) people.<sup>40</sup> A 2015 United Nations Educational, Scientific and Cultural Organization (UNESCO) study found that 60 percent of participating LGBT Thai students had been bullied in the past month.<sup>41</sup>

*Human Rights Watch recommends the Committee ask the government of Thailand:*

- How has the government implemented the Gender Recognition Act to ensure and protect against discrimination against transgender people?

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<sup>38</sup> International Labour Organization, “Gender Identity and Sexual Orientation in Thailand,” 2014, [http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-bangkok/documents/publication/wcms\\_356950.pdf](http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-bangkok/documents/publication/wcms_356950.pdf) (accessed November 1, 2016).

<sup>39</sup> United Nations Development Programme, “Statement from the United Nations in Thailand on the 2015 International Day against Homophobia, Transphobia and Biphobia,” May 13, 2015, <http://www.th.undp.org/content/thailand/en/home/presscenter/articles/2015/05/13/statement-from-the-united-nations-in-thailand-on-the-2015-international-day-against-homophobia-transphobia-and-biphobia-idahot.html> (accessed October 26, 2016).

<sup>40</sup> United Nations Economic and Social Council, Report on Thailand under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights, October 10, 2013, E/C.12/THA/1-2, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16053&LangID=E> (accessed October 26, 2016).

<sup>41</sup> United Nations Educational, Scientific and Cultural Organization (UNESCO), “LGBT-Friendly Thailand?,” 2015, <http://unesdoc.unesco.org/images/0022/002277/227752E.pdf> (accessed October 26, 2016).