

Thailand's Second NGO Alternative Report
on the Implementation of
The Convention on the Elimination of All Forms of
Discrimination Against Women (CEDAW)

Prepared by

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Executive Summary

This is the second report of women non-governmental organizations in Thailand, a state party to the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The report was prepared by the NGO Working Group which is a coalition of 22 NGOs working on women issues in Thailand, both in Bangkok and the provinces. The coalition was initiated by Thai Women Watch. Financial support came from the United Nations Development Fund for Women and International Women's Right Action Watch Asia-Pacific. In addition, support in the form of office space, communication and meeting facilities were received from the Asia Foundation Thailand.

The objective of this report is to reflect concerns of grassroots NGOs on the status of women to the UNCEDAW Committee. It is prepared and presented in the same structure as the Thai government combined fourth and fifth report in order to facilitate the committee in making comparison between the two reports. It is the wish of the working group that this report can provide important information for women's movement in the future, to identify problems and determine direction of work together. However, to acquire such a clear view, it is essential to read this NGO report alongside that of the government.

The essence of this report is contained in Part 2. Part 1 gives an overview of economic, social and political situation in Thailand from an NGO perspective which is in many ways different from that of the government. Part 2 presents information about the status of women and problems caused by discrimination in various areas specified in Sections 1-16 of CEDAW. The working group shares similar views as that presented in the government report, particularly concerning the definition of discrimination (sections 1), representation and participation at international level (section 8) and nationality (section 9).

However, for the other sections, the working group differs from the government in a number of ways and those different or additional opinions are presented accordingly, as summarized below.

As the government does not recognize the importance of solving discrimination problems at their root-causes, it fails to use education as the main mechanism for their solution. Education reform as proposed by the government in compliance with the 1997 Thai Constitution does not show a firm commitment and clear sense of direction to integrate gender perspective into all areas and all levels of the education system.

Moreover, behaviors of the general public continue to reflect traditional attitude regarding gender issues as well as showing sexual prejudice. As a result, various forms of discrimination continue to exist and some are in fact getting worse, including those related to trafficking and exploitation of women, employment of female labour--both in the formal and informal sectors, healthcare services and rural women, particularly those affected by government projects.

In all those areas, women are discriminated against. Advocacy work and efforts made by women organizations to monitor the government's performance have resulted in the government coming up with a number of policies and some concrete special measures. However, a very important and fundamental problem is the traditional attitude and sexual prejudice of government officials. This problem results in implementation of laws, policies and measures having less impacts than originally intended and cannot end discrimination against women.

Thai NGOs have proposed to the Thai government through the CEDAW Committee to solve the problems of gender equality and discrimination against women in Thailand. These policy-level proposals are as follow:

1. Policy formulation, budget allocation, and implementation, monitoring and evaluation of any policy and work-plan and project of all government ministries and departments must take account of gender perspective, aiming to create new attitude and responsive to the promotion of gender equality and elimination of unfair discrimination.
2. The government must create and support strong and effective mechanism at a national level which can play an active role in promoting gender equality. This includes promoting the role of NGOs in that

mechanism in order to rapidly and truly build capacity of women—one half of the country's human resources.

3. The government must support the establishment of a 'Women Development Fund' in Thailand that is accessible and can be used by government agencies and NGOs to carry out research and development activities to create necessary knowledge that would lead to effective changes in the environment, opinion and values that cause discrimination against women.

Finally, the annex provides three examples of problems faced by Thai women:

- (1) the struggle for rights and survival of women workers under the economic crisis in the age of globalization, and state violence against women workers;
- (2) gender discrimination in the judiciary system caused by sexual prejudice; and (3) government agencies' rules and regulations that reflect traditional views on family which cause gender discrimination and women being obstructed from state protection.

REPORT PREPARATION PROCESS

I. Background

Thailand became a state party to the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) on 9th August 1985 (effective on 8th September 1985). Section 18 of the convention requires a state party to submit to the Secretary-General of the United Nations, for consideration by the Committee on the Elimination of Discrimination against Women, a report on the legislative, judicial, administrative or other measures which it has adopted to give effect to the provisions of the present Convention and on the progress made in this respect. Thailand has already submitted three reports under the direction of the Office of the National Commission on Women Affairs (ONCWA)

When the latest report, which is a combination of the second and third reports together, was submitted to the UN, the Thai Women Watch (TW2) which has been recognized by the UN as an advisory body on Thailand's implementation of CEDAW, also produced a 'shadow report' and submitted it to the UN for consideration along side the government's report.

In 2003, Thailand is due to submit another progress report to the UN. The ONCWA has prepared a combined fourth and fifth report, and TW2 again take responsibility for preparing an NGO report. This time, in recognition of the large number of women organizations working in the fields to solve problems faced by women, and to raise women's status, and that experiences of these organizations should be highlighted to clearly reflect the various dimensions of women's real situation, TW2 initiated a report preparation process that involves grassroots organizations and set up a 'CEDAW NGO Report Working Group'.

Members of the working group agrees that this NGO report should not be another full-fledged one, but instead should focus on presenting NGOs' specific issues of concern, including their views that may be different from the government. This is to make it most convenient and beneficial for the UN CEDAW Commission to compare NGO report with the government one and propose its view to the Thai government. This shadow report is therefore organized in the same structure as the government report.

Finally, the working group believes that this report will be useful not only for the UN CEDAW Commission to monitor the implementation of CEDAW by the Thai government but also for women organizations in Thailand in both the public and private sectors to see women's issues more clearly and more comprehensively, leading to development of strategy and direction for stronger and more effective common actions in the women development movement.

II. Operation

1) Common Agreement

The working group held four consultative meetings to discuss and clarify understandings about CEDAW. The meetings led to 3 points of agreement regarding the guidelines for report preparation as follows:

- Matters raised in the report must reflect clear issues taken from NGOs' experiences in their fieldwork.
- The report will be prepared with participation of women organisations working in the field which includes providing first hand information, giving opinions, exchanging experiences, reviewing the draft report and giving additional suggestions to report writers and the Editorial Team.
- The objectives of this report are not only to act as a kind of 'monitoring tool' the UN CEDAW Commission, to be considered along with the government report in assessing the status of women in Thailand but also to be a tool for organisations in all sectors of Thai society to use together with the government report to understand the status of women and move forward together on the common base of knowledge and understanding.

(2) Procedure

The working group prepared this report in the following steps:

- Members of the working group, who worked in the field and had interest in each issue, collected information and compiled a draft report together with their networks.
- A three-day workshop was held in May 2002 to clarify understanding about CEDAW and to gather comments on the first draft of the report. The workshop was attended by 35 persons from 22 organisations working with women and doing various kinds of development work from policy to grassroots levels.
- The report's second draft was prepared from comments and suggestions received, compiled and summarised from the workshop.
- The report's third draft was prepared by the working group based on the government report.
- The report's subsequent drafts were prepared by the Editorial Team by making comparison with the government's final report.

(3) Future Activities

To create common understanding about the status of women based on reports from both the government and NGOs, the working group has the following plan:

- Organising a press conference/seminar and a campaign in collaboration with the government to create Understanding about the contents of the reports (by government and NGOs)
- Summarising experiences from this common work and setting up a system for continuously monitoring progress of women development efforts.

III. Report Outline

The content of this report is as follows:

- Overall situation and problems faced by women
- Social attitudes and cultures affecting women
- Related policies, laws and measures as well as the effectiveness of related government mechanisms
- Proposals concerning solutions to the problems and actions at policy level that government should support or carry out

IV. Cooperation and Support Received

This report is prepared with TW2 acting as the steering organization and the Gender and Development Working Group (GAD-WG) acting as secretary and coordinator. The preparation process has received direct cooperation and supports from 22 organisations in both Bangkok and the provinces to provide information, viewpoints and suggestions and do editing work. The ONCWA kindly supplied the government reports to be used as reference for preparing this report.

Financial supports come from the United Nations Development Fund for Women (UNIFEM) and International Women's Rights Action Watch Asia-Pacific (IWRAP Asia-Pacific)-- US\$ 5,000 and Thai Baht 52,637 respectively. In addition, The Asia Foundation Thailand provides in-kind support in the form of office space, communication and meeting facilities.

Part 1
and Political Situation in Thailand
Overview of Economic, Social

Since 1997, Thailand has changed quite a lot economically, socially and politically. The new constitution that came into effect in October 1997 to allow more direct participation in government than ever has

caused several important changes in political structure of the country. However, because of the economic crisis, many investment projects were cancelled, several companies closed down, and a large number workers were laid off, particularly women, negatively affecting livelihood of majority people in the society.

Economy

Since Thailand began to face the economic crisis in 1997, the governments have tried to adjust related structure and implement various measures to revive the economy, building up foreign reserve, resulting the Baht currency became stable at about 40 Thai Baht per US Dollar. The economy expanded at the rate of 4.4 and 4.6 per cent in 1999 and 2000.

In 2001 economic growth dropped to only 1.8 per cent and in 2002 it ...to 5.2 percent. However, this economic growth was mainly a result of large public spending and stimulation of domestic consumption. Economic growth that is healthy and sustainable must be from an income growth of the private sector and the people, not from consumption with higher debts.

This strategy causes a concern among several groups of analysts and academics that economic stimulation by government spending and consumption of the people mainly because of loans people have taken from government projects, such as the People's Bank Project, the one-million-Baht Village Fund and three-year debt moratorium for farmers project, is not sustainable while public spending creates more and more public debts.

Not only that domestic factors will not be able to fuel the economy in sustainable way, but economic growth based on these factors will consequently create more ensuing problems, such as accumulation of debts among the people, public debts and debts of financial institutes. At present, there are non-performing loans (NPL) that have not been restructured amounted to several hundred thousand Baht, while new loans and restructured loans that is now back into the system are accounted to 15 – 20 billion Baht in late 2002.

The government thus has to consider balance between economic growth and problems that will ensue in the future more than it does now.

Society

Increasingly, values and attitudes of people in the society is changing in the direction that oneself is seen as being above anything else. There is little public conscience and less respect to social rules. The people seem to aim at building one's own economic status in a quick and easy way. Several government policies that seem to encourage people to go into debt, including an idea to allow legal gambling dens and casinos, may undermine work effort and personal discipline. The government has also used double standard and resorted to violent means to resolve conflicts. All these factors can possibly lead to less attachment to ethics and morality

A traditional way of life in Thai culture has many positive elements, such as generosity, compassion, open-mind and mercy. This unique and strong symbol of Thai society is being eroded and gradually disappearing. These changes have resulted in Thai people, especially women, finding their life harder because society is moving to the state of having no principle, interested only for money, having no ethics that would create peace in the relations between various groups of people. This leads to inequality, unfairness and lack of peace which could be considered a collapse of society.

As for education, which is considered to be a major strengthening factor to the population, the 1997 Constitution specifies a clear condition for the government to provide free basic education to children and youth for 12 years, which would create more opportunities for women to access the formal education system, and the government is carrying out education reform. However, education is still not considered an urgent and important agenda, as can be seen in the delay in education reform. Moreover, education is not focused on clear goals and moulding process, resulting in lower expectation that education in the age of reform could act as a mechanism to nurture the population to have values and attitude for equality and peace.

In addition, government's measures which are mechanisms to improved social welfare and seem to provide equality, such as the health scheme that a patient pays only 30 Baht per hospital visit (the government calls is the "30 Baht for all disease project") or the one million Baht fund for every single village, cannot sustainably bring forward the community in desirable direction. The schemes which project an image of 'equality' in fact have caused numerous side effects. Moreover, the budget is not spent effectively because the status and condition of each person or community are different, as well as their needs. Budget allocation without consideration of different specific needs can be wasteful.

The policy to reign in 'influential persons' declared by the government, may have been welcomed by many people, it is highly likely to lead to wide-ranging discrimination, and violation of human rights and liberty because definition of 'influential person' is vague and the government methods to compile lists of influential persons are not transparent and stir up a great deal of debate and criticism from many sectors.

Finally, the government's narcotic suppression measures, including compilation of 'the black lists', put pressure on provincial governors to take actions by setting up quantitative goal in a limited timeframe. It has resulted in more cases of murder of which the victims have no opportunity to defend themselves in the judicial process. This results in society being put in a state of terror, fear and doubt because the people's basic right to life is being violated.

Politics and Administration

The year 1997 when Thailand was given the 16th constitution drafted in 240 days by the Constitution Drafting Assembly was the year of many political changes. In particular, it introduced many opportunities for people to really participate in political process.

The constitution drafting process was the starting point where women groups joined force to influence the constitution drafters to an extent that they were able to push through many issues of women's interests to be included in the draft, including provisions about equal rights, gender equality, non-discrimination and 'positive discrimination', protection of family members from domestic violence.

Other gains include a requirement that when a bill concerning women, children, handicapped people and elderly people comes under discussion, the Extraordinary Committee set up by the House of Representatives to consider that bill must have at least one-third of its members coming from representatives of concerned organizations. An important provision in the constitution that allows the people to participate directly in the democratic process is the one that gives Thai citizens with voting right to submit a petition for a new legislation if at least 50,000 of them can join together. The same process can also be used to request for the Parliament to consider removing persons holding important political and civil positions.

This new constitution has also changed the election system. Members of both houses of Parliament now come from general election. The 500 members of the House of Representatives come from a mixed system, with 400 elected directly from constituencies under the one-man-past-the post basis and 100 come from the 'party list' based on proportion of the total votes a party receives. The 200 members of the Senate House, on the other hand, are elected directly in each province (that is considered to be a constituency in the senate election) based on one-man-one-vote basis, with the numbers of senator in a province depending on the size of population.

Although Thailand has a large number of registered political parties, only a small number of them actively carries out political activities and have members elected to the House of Representatives. Only two political parties, Thai Rak Thai Party and Democrat Party, have more than 100 members elected as members of the Parliament. Thai Rak Thai Party has more than half the seats in the House of Representatives and joins with two other medium-size parties -- Chart Thai Party and Chart Pattana Party -- to form a coalition government. The coalition thus has control the lower house, resulting in the government being able to carry out its policies without real obstruction. This has caused concern in certain sections of the society as the government has used its absolute power to intervene in the operation of other institutions in the society.

Independent organizations were set up according to the 1997 Constitution, to monitor situations and practices in the country. These organizations such as the Administrative Court, Parliamentary Ombudsperson, Constitution Court, Election Commission and National Human Rights Commission, play important role to independently monitor performance of the government and are supposed to provide check and balance against the government to ensure that it function properly and fairly. But some of their actions are questionable in the sense that they seem to be subject to government's influence in one way or another. Apart from these independent organizations, other sectors in society that should independently and effectively monitor and examine performance of the government, such as the mass media, academics, NGOs and other people's organizations, cannot fully function.

As a whole, participation of women in politics and administration is increasing gradually and slowly. At present, proportion of women in politics and administration at both national and local level is about 10 percent.

Implementation of CEDAW

Thailand continues to maintain two reservations--Section 16 on equality in family and Section 29 on authority of the international Court of justice to rule on cases of dispute

Regarding equality in family, laws and regulations of some agencies that reflect gender inequality have not been successfully amended although there have been much efforts by women NGOs, government agencies and female politicians. Examples include Article 276 of the Criminal Code, causes for divorce, and engagement. There are also efforts to propose new laws to end discrimination, such as law to end domestic violence and anti-discrimination law.

Mechanism and measures

At present, the ONCWA has been changed to the Office of Women's Affairs and Family Institution in the Ministry of Social Development and Human Security with Gender Equality Promotion Office as a department level agency. However, structure and operation of these organizations (through various committees and sub-committees) is still under consideration.

Part 2 Essence of the Report

Section 1: Definition of Discrimination

Although the term 'discrimination' is included in Article 30 of the currently-used 1997 Constitution that "...unfair discrimination...cannot be performed" and "...measures imposed by the government to eradicate obstacles or support persons to express their rights and liberty as same as other persons would not be considered as unfair discrimination...", understanding and recognition of the meaning of 'discrimination' and impacts of 'discrimination' is still not widespread, clear and in-depth among the general public. However, women NGOs have strongly play a role to spearhead on this issue and worked in cooperation with the independent organisations according to the 1997 Constitution and government agencies, such as the Phrapokklao Institute,

and several NGOs to integrate meaning of 'discrimination' in training courses and dissemination work on the issue of democracy.

Section 2: Policy and Measures to eliminate Discrimination

1. Although the government has policies, measures and mechanisms to eliminate gender discrimination and promote gender equality in Thai society in more concrete forms, many gaps remain. This includes ignorance, negligence to condemn discrimination, lack of interest in amendment of laws, rules and regulations that are discriminating against women¹, lack of interest in problems existing in the judiciary system where many officials still have attitudes, beliefs and ideas that reflect discrimination, and the governing elite's attitude that sexual abuse in workplace is a trivial matter and their views that gender equality can cause family break-up.

2. A Cabinet resolution on 31st July 2001 that requires each government agency to appoint a Chief Gender Equality Officer (CGEO) at ministerial and departmental levels and create Gender Focal Point in those ministries and departments to formulate policy and monitor actions to promote gender equality on continuing basis is a major step in the right direction. However, so far it has not created much concrete results. The practice may also not be up to the expectation because having only a senior position like this in an agency cannot guarantee success. On the contrary, to successfully advocate this kind of work, persons who have genuine understanding, strong will and commitment are needed instead. Although some ministries and department have pushed for appointment of the CGEO, they have not prepared any master plan and action plan, and no budget is allocated in order to ensure active actions in this area.

3. As Thailand is undergoing under bureaucratic reform, what is happening now is more re-organisation of the structure of ministries and departments. The national body that used to oversee women's affairs in the former government structure is the Office of the National Commission on Women Affairs (ONCWA) established in 1985. That responsibility now falls on the Office of Women's Affairs and Family Development in the Ministry of Social Development and Human Security.

Many women's organizations tried to advocate establishment of the Bureau of Gender Equality Promotion as a department-level in the new structure of the ministry, so that the new agency would have a clear mandate and more power. However, their attempt did not succeed as it was finally established as a division only. This re-organization therefore does not strengthen a national-level mechanism responsible for status of women, it may even lessen the strength of the existing mechanism.

Section 3: Appropriate Measures

Apart from laying down guidelines for women development, such as the women development plan, which conforms with the 9th National Economic and Social Development Plan (2002-2006), the government also introduces other measures, including enactment of law to ensure that women and men have equal access to and enjoy their basic human rights and liberty.

Implementation of these measures, including various articles in the 1997 Constitution, such as Article 30 (equality), Article 43 (education), Article 52 (health care service), Article 53 (protection of family members from violence), Article 80 (promotion of gender equality by the government), Article 86 (protection of female migrant workers), and Article 190 (formal participation in law making), which protect the people's use of their rights and liberty, are being monitored and taken care by independent organizations created by the 1997 Constitution, such as the National Human Rights Commission.

The establishment of the National Human Rights Commission (NHRC) as stated in Articles 199 and 200 of the 1997 Constitution was a result of hard advocacy work jointly carried out by women organisations and other organisations. In the process to draft a corresponding organic law, the National Human Rights Commission Act B.E.2542 (1999), this same group of concerned NGOs again cooperated to lobby political parties and the

¹ See Annex on Regulations of the National Police Bureau concerning some cases of which special practice is applied (Issue No.2) B.E.2543 dated 14th January 2000 in case of quarrel between husband and wife

government, resulting in women comprising one-third of the members of the extraordinary committee responsible for considering this bill as well as a provision in this Act (Article 5) requiring that in selecting members of the NHRC, representation of men and women must be considered. When the first group of human rights commissioners were finally selected, it consists of 5 women and 6 men, making NHRC the only independent body set up according to the 1997 constitution to have near equal gender composition of members.

Section 4: Temporary Special Measures

1. Several government, past and present, have imposed a number of appropriate temporary special measures. For instance, the previous administration issued an order that all state education institute committees must have at least one-third of their members being women. It remains to be seen whether this measure continued to be put in practice under the education reform carried out by the present government. What is more important is that formulation of these special measures is likely to depend on opinions, beliefs and understanding of individual administrators rather than the commitment of the government.

2. A special measure concerning members of the Village Fund Committee imposed by the present government in 2002 requiring women to be in the committee in equal number as men. This was a result of heavy lobbying by women organisations. However, the impact of this special measure is still to be seen and systematically monitored, and there should be other measures to support women elected to those positions.

Section 5: Traditional Gender Role and Attitude

1. Traditional gender role and attitude

1.1 There is a certain degree of recognition that the traditional gender role and attitude transmitted from generation to generation has been a major stumbling block against improvement of social and cultural behaviours of both men and women, which has to be done at their roots, relying essentially on education.

In Thailand, the government is in the process of reforming the education system according to the will of the people as reflected in the 1997 constitution, and the Ministry of Education also put some efforts to begin to create a course on 'Life and Family Study' education in a number of schools. However, there is nothing in the education reform, whether in its goals, direction or process that reflects a strong intention to socialize members of the society to have desirable social behaviours, including ideas, beliefs, values and behaviours that equally respect the values of humanity and way of life based on beliefs in equality and non-discrimination.

This problem could be further compounded when decentralisation of education authority is put into practice because it will be necessary to create understanding with and persuade a large number of people involved in education process. Education course, production of textbooks and complimentary reading books, learning methods and evaluation methods will become more complicated than before when they were all overseen by the centralised authority.

1.2 It is clear that the problem of traditional gender role and attitude as mentioned above together with changes in Thai social system at present is the cause of social problems that are increasingly important in Thai society. These problems are sexual relation among students and students engaging in sex in exchange for money. Girls and women involved in these two problems are not only condemned by society but they are also clearly discriminated against. For example, school girls who become pregnant would be forced to give up their study, while the boys who got them into that situation did not have to suffer the same fate. Another example is that if an arrest is made while an abortion is being carried out, only the women would be prosecuted of criminal offence.

1.3 Apart from education reform which lacks goals and direction concerning gender equality, the government has virtually no policy or measure to use or support various mechanisms in society, particularly the mass media has a great influence on learning in the age of globalisation to performs proactive role in creating desirable social and cultural behaviours for both men and women leading to equality and mutual respect in human dignity. This can be seen from preparation of the 4th National Public Relations Policy and Plan (2002-2006).

Not only that the policy and plan not only contains nothing about the promotion of gender role and the correction of the problem caused by traditional attitude, it also did not allow the participation of women's groups in reasonable proportion in determining the content of the policy and plan. As a result, nothing is mentioned in the policy and plan about the problems and guidelines for solving the problems involving the media and violation of women's rights even though the media frequently uses photographs and wordings to negatively depict women, especially women who were raped, sex workers or girls/women who become pregnant against their will and need to have an abortion.

2. Domestic violence

2.1 Domestic violence continues to be a social problem that greatly affects life quality of women and children. Many research in Thailand reveal that the root causes of this problem are the patriarchal culture and unequal power relation between women and men. As traditional gender role and attitude have not been changed, many women continue to suffer from various types of violence, particularly domestic violence which remain a hidden and sensitive issue. Although collection of statistical information to confirm the severity of domestic violence problem is not possible, a large-scale survey conducted by Foundation for Women and Institute for Population and Social Research, Mahidol University in 2000 reveals that 44 per cent of Thai women who have or used to have spouse had been physically or sexually abused by their husbands or lovers.

2.2 Domestic violence deeply affects not only the women but also family members and the society. The women may suffer from all kind of injuries ranging from minor wound to becoming disabled or even killed. They may be infected with HIV/AIDS or other serious disease by their husbands; cause damage to their mental health, lead to severe depression, or loss of concentration and confidence in their work. These women use painkillers and sleeping pills at a higher rate than the general population. Their rate of suicide and attempted suicide is higher than women who did not suffer from violence. Other family members, especially children who witness the incidence of violence committed by their parents tend to use violence to make decisions or solve problems when they grow up.

2.3 Article 53 of the 1997 constitution which has been in effect for 5 years clearly states that 'Children, youth and family members have the right to be protected by the state from violence and unfair treatment'. But Thailand still lacks legislation that could be enforced to really solve the problems at their roots and protect women's right. The office of Women's Affairs and Family Development (formerly the Office of the National Commission on Women's Affairs) is trying to push through the Elimination of Domestic Violence Bill, it is still being widely debated and several people express concerns that the law would face many problems in enforcement because there is no clear guideline for its application and there is a lack of effort to create better understanding among related agencies women who face the problem are not given opportunity and alternatives to participate in determining their lives.

In addition, Article 276 of the Criminal Code, states that "...rape committed against women who are not one's own wife is considered a criminal offence"². It effectively allows a husband to rape his wife, and women suffering from sexual violence cannot take legal action against their husband. Furthermore, police officers, as the frontline of the judiciary system, do not see domestic violence against women as an important matter. The National Police Bureau still sees physical abuse between husband and wife not as a crime but as an act that is...to be aor a warning³. When the degree of violence increases to such an extent that women are forced to flight back with violence, in most cases they will be charged with the attempted murder.

2.4 Medical and social welfare services, such as comprehensive service center in hospital and state emergency home to help women and children suffering from domestic violence are not yet available in all provinces. The government has no policy to seriously support NGOs that have been working efficiently and playing active role in protecting and assisting women and children in difficulties. These NGOs include: Association for the Promotion of the Status of Women, Family Planning Association of Thailand, Sahathai Foundation, Friends of Women Foundation, Foundation for Women, and Hotline Foundation. The government also have no measure to encourage communities and local administrative organizations to participate in preventing and solving this problem. There has been very little effort to make officials in the judiciary, and related medical personnel, psychologists and social workers recognize and understand gender issues that are the real cause of the problem.

2.5 In order to solve the problem of domestic violence, government agencies should use both legal and social measures. They should campaign to

² The Criminal Code on offence related to sex in Article 276 states that “Anyone who rapes a woman who is not his wife by using any form of threat and force and the woman is in a state that she cannot resist or by making the woman understand that he is someone else would be liable to imprisonment from four years to twenty years and a fine from eight thousand to forty thousand Baht”.

³ See Annex on regulations of the National Police Bureau concerning some cases of which special practice is applied (Issue No.2) B.E.2543 dated 14th January 2000 in case of quarrel between husband and wife

educate the public and government officials about gender relation which is the root cause of the problem so that they would have the correct attitude and behaviours; support NGOs to work together with government officials; and respect women’s right to making their own decisions.

Section 6: Women Trafficking and Exploitation of Women

1. Women trafficking

1.1 The CEDAW NGO Working Group agrees with the government’s report in terms of the meaning of women trafficking and exploitation of women in thet that it should be expanded to cover other forms of exploitation apart from sex business, such as trafficking of women for labour exploitation.

1.2 Thailand has more complicated problem related to women trafficking as it is in the position of being the source country, transit route and destination country for human trafficking. The government has made concrete efforts to solve the problems of women trafficking and exploitation of women, especially in the sex business, such as amendment of existing laws and enactment of new laws, preparation of agreement, projects and measures for problem prevention, protection and assisting women suffering from the problem.

However, efforts to provide knowledge, especially about legal measures and mechanisms, to related officials, so that they can do their work effectively remain inadequate. For instance, foreign children and women who are victims of human traffickers are still being prosecuted for entering the country illegally. Very few human traffickers have been prosecuted in court and sentenced to imprisonment for committing serious crime. In addition, there is no clear guideline for protecting victims of human trafficking as witness in court cases against human traffickers. Demanding compensation from human traffickers for damages done to the victims is either very difficult or impossible because the victims could only sue human traffickers in civil case after the criminal case has ended.

There is no mechanism in the form of a special unit to investigate complicated cases of human trafficking involving several agencies, several areas, large-scale criminal organisations in Thailand or transnational criminal syndicates.

1.3 There are problems in enforcing laws, such as the Women and Children Trafficking Prevention and Suppression Act B.E.2540, and implementing government measures related to women trafficking and exploitation of women. Even more important than the lack of legal knowledge and sufficient budget to support operation is the lack of recognition among personnel involved in matters of gender issues, gender equality, women’s rights, human rights, and basic political, economic, social, civil and other freedom of the victims. Policies and measures to prevent women trafficking lack sensitivity toward discrimination, responsibility and duties of women, inequality in wage and working opportunities, and deprivation of nationality for tribal children and women.

1.4 Urgent measures that the government should implement to solve this problem is to set up a specific unit to be responsible directly for suppressing the offenders. The unit should provide resources to organisations in both public and private sectors to increase their effectiveness in working to protect the victims, including necessary amendment of related laws and regulations, and educate and train related government officials,

communities and the public in general, making them recognize importance of this problem and understand that women trafficking is directly related to development, human rights violation and has its important roots in the lack of gender sensitivity and equality in society.

2. Sex workers

2.1 Promotion of tourism has been going on for several years without consideration of its impacts on women and the value that considers women as a sex object. Together with political and economic situation of neighbouring countries, growth of human trafficking syndicates and the Economic Crisis that began in mid 1997², these factors have caused more women have turned to commercial sex. These women can be divided into two groups – sex workers who have an employer and those who sell sex independently. It is estimated that in Thailand there are more than 250,000 women in sex business. In entertainment areas in Bangkok, Chiangmai (Mueng District) and Phuket (Patong Beach) alone, there are 603 venues that provide sex-related entertainment and 19,500 sex workers.³

2.2 Situations such as family breakdown, unemployment / retrenchment limited number of jobs in the labour market, and the government not able to provide enough appropriate alternative occupations, some of these women enter into prostitution with their own consent, especially divorced women who have to take care of children and other family members, such as their parents, siblings and sick relatives. Even though the law currently in place, the Prostitution Prevention and Suppression Act B.E.2539 (1996) indicates that the authority has better understanding of the problem, sex workers are still segregated off from the legally protected formal employment system. They have to work without any bargaining power and social security. These facilities provide no measures for occupational safety. Sex workers are forced to drink alcohol and have to endure working in place full of cigarette smoke that cause damage to their health and expose them to the risk of being infected with HIV/AIDS or other serious infectious diseases in the course of providing sexual service to their customers.

However, there has recently been a great changes in the entertainment industry. Women in sex business include not only those who sell sex or provide sexual service in the traditional way, but also women whose works are in many diverse forms, such as masseurs, escorts, receptionists and dance companions. Therefore, a number of women can be in this business without having to sell sexual services. Nevertheless, most of the entertainment venues have many regulations to exploit the women, such as paying low wages which effectively force the women to sell sex to supplement their incomes.

2.3 The fact that Thai society still discriminates against women and using double standard in judging sexual behaviours of men and women have caused sex workers to be looked down by society and be discriminated by law enforcement officers. For example, pretending to buy sex is still used by the police to arrest sex workers in the effort to suppress prostitution without having ensuring that the rights of the women would not be violated.

Women are still arrested and charged with prostitution offence everyday, especially under the Social Order Policy, resulting in sex workers being put in jails because they do not have money to pay for the fine. Such situation consequently affect members of the family for which the women are the main income earner. The women are seen as the people who tarnish the country's image and damage social traditions. Even though the government has established an Occupation Protection and Development Committee (OPDC) with an authority to improve performance and plan of government agencies dealing with prostitution, this committee has played almost no role in practice. Composition of the committee still lack participation of the target groups, making it difficult for the committee to understand the real problems and situation faced by the sex workers.

² It is found that after 1997 sex workers in general have higher education. Ten years ago, most of women in this business finished only primary education. Now they are likely to finish education from secondary level upward.

³ Information from EMPOWER Foundation

2.4 Some NGOs, particularly EMPOWER Foundation, have been working hard to build capacity of sex workers to enable them to enjoy equality and fairness in their life as other people. However, in order to help and relieve problems faced by these women, the government should require the service establishments to register the women as employees so that they can be entitled to protection under the labour law and can form a labour union. The government should train its law enforcement officials to have real understanding about laws related to prostitution prevention and suppression, while punishing those who abuse their authority and law mentioned above. It should also improve composition of the OPDC to include people from a variety of occupations with knowledge and understanding about protection and development of sex workers in order to turn policies and practice into reality, and allow sex workers to participate in determining policies related to efforts to solve prostitution problem.

In addition, the government should support research and studies to create knowledge in the work to protect and help women who are in trouble work out guidelines and projects and allocate proper budgets.

Section 7: Politics and Civil Service

1. Although women have never been prevented from political participation as voters, what happened in the general election on 6th January 2001, the first election since the 1997 constitution came into effect revealed that women voters may not recognise the value and importance of their combined force and that they could use policy on women as a political bargaining power.

This can be seen from the following example: During the election campaign, the Women and Constitution Network together with other women organisations published a handbook comparing women-related policy of different political parties and distributed it to member organisations and concerned parties. They hoped that this would stimulate voters to recognise the importance of policy and decide to vote for the party that show interest to women issues. However, it cannot be said clearly how much voters gave weight to women policy in their vote casting decision.

2. Although women are increasingly aware of their participation as politicians and administrators to lay down policies and implement them, and political parties have tried harder to look for female candidates at the national level, in reality it is harder for women to decide to enter political arena. Female candidates and election winners at both national and local levels (except in the Bangkok Metropolitan City Council) still represent a small proportion no more than 10 percent. There are both external opportunities and obstacles, such as the political selection process, the one-man-one-vote election system and social values, and internal factors as mentioned above that put women in disadvantaged position comparing with men.

However, an increase in the number of women in politics may not clearly indicate whether gender perspective is significantly integrated into the administration, except in some local organisations. It is therefore necessary to create understanding about this issue to those participating at decision making level, especially administrators and members of local councils. Moreover, many women who are members of local administrative organisations or national politicians do not use gender perspective in their works. In certain cases where gender perspective is applied, it may come from a woman's consciousness that is concerned with life quality. It is therefore necessary to support these elected representatives with gender knowledge systematically and regularly, and to join with each other to become more powerful.

3. Women have considerable opportunities to participate in non-governmental organisations and associations whose works are about public affairs and politics. This can be seen from emergence of a large number of organisations. These organisations play quite intensive role in building social awareness in various forms, including, for example, a project to select 'Capable Women' and photo contest on the theme 'Working Women' organised by the Gender and Development Research Institute. Articles written and publications about rights, equality and domestic violence are produced by organizations such as: the Women and Constitution Network(WCN), Women in Politics Institute, Gender Development Research Institute (GDRI), Alliance for the Progress of Women (Women Front), Foundation for Women (FFW), Friends of Women Foundation (FOW), Hotline Foundation, EMPOWER, Sahathai Foundation, Foundation for Women's Health, and Family Planning Association of Thailand,. In addition, these organisations also join with other local women organisations to do the following works:

- Advocacy and campaign aimed at political parties and the government on policies and special measures to create gender equality
- Building capacity of women leaders
- Advocacy for amendment of the Tambon Council and Tambon Administrative Organisation Act to require that in the election of two village representatives to sit in the above mentioned bodies, one elected representative must be a man and another one a woman. This advocacy has been going on for several years. However, understanding and acceptance of this special measure is still not widespread enough even among women themselves. It is therefore necessary for women organisations to campaign to make members of the Parliament and the public understand about this issue.
- Monitoring progress in term of status of women carried out by the TW2A together with other women organisations as mentioned above
- Despite a small number of women in the Parliament, common efforts have been made by women organisations and female members of the Parliament (MPs and senators) to encourage and support the Thai Women Parliamentarian Caucus, a recognised body in the Parliament whose members come from all political parties and from senators, to effectively advocate legislation and measures for better status of women.

4. The government should come up with policies and support use of special measures in organisations or in a condition where the structure is favourable to have women participating in policy committee at national level and in local administrative organisations, such as to have one of two representatives elected from each village to sit in the TAO being a woman. The government should also support NGOs to play a role to build women's capacity in terms of management skills and political maneuvering skill, especially for their work at local level, so that development workers could work effectively for public benefits.

Section 8: Representation and Participation at the International Level

The proportion of women representing the Thai government at the international level has been significantly lower than men. Moreover, there is no measure or indicator to show that the government is determined to promote the opportunity for women's representation and participation at the international level whether in the government or private forum.

Section 9: Nationality

Even though Article 30 of the 1997 Constitution guarantees equal rights of women and men, discrimination against women in the right to Thai nationality of married couples still exists. Foreign men married to Thai women are not entitled to apply for Thai nationality on the basis of that marriage while foreign women married to Thai men can do so. Thai government should definitely review this rule.

Section 10: Education

1. Although the 1997 Constitution requires the government to provide free basic education for 12 years to every child and the government is carrying out education reform according to the constitution and the National Education Act, the government has no policy and clear measures to urgently tackle the problem of illiteracy among women. At present, the number of illiterate persons may be gradually decreasing, but there remain a concern that about 60 per cent of them are women.

2. As a whole, the education system lacks clear goal, direction, content and methods that focus on cultivating belief and attitude on gender equality which would lead to equal respect toward value and dignity of all human beings, and consequently eradicate or reduce behaviours that cause sexual violence, harassment or abuse and gender discrimination in the long term.

3. The government should pay serious attention to set up goal, direction and method for education, both formal and informal, including development of education personnel especially teachers as well as textbooks, supplementary reading books and media for teaching, learning, student activities in such a way that would cultivate belief, attitude and norm that respect value of both women and men equally. Moreover, the government should play a leading role in using various forms of media, whether it is printed matters, advertisement, radio or television programmes, to present stories that would bring about development of the concept of equality.

Section 11: Employment

1. Female labour in the formal sector

1.1 Female labour is a major force that has generated so much income for the country. The 1997 Constitution guarantees equality between women and men (Article 30) and provides protection for female labour (Article 86). The 1998 Labour Protection Act also has several articles to specifically protect female labour, including safeguard against certain work that are risky for women and against sexual abuse in workplace, and protection of pregnant workers.

1.2 Despite the above-mentioned legal protection, female labour in the formal sector still lack legislation to safeguard their work security (as at present female labour, particularly those who are older than 30 years old, can be sacked easily and would find it difficult to get a new job). They also lack legal protection for their health and safety at work⁴. The government has no measure and mechanism to enable women to have easy access effective protection.

The government, moreover, does not have clear direction for its work to protect female labour in the areas of prevention against sexual abuse in workplace⁵, promotion of female labour's participation in trade union, law enforcement to make employers provide welfare that considers specific physical conditions and role and responsibility of female labour, such as menstruation leave, fully-paid baby breastfeeding leave and creation of a child care centre in workplace. There are still cases of legal violation and discrimination against female labour in terms of payment, promotion, dismissal of pregnant female labour, and maternity leave and pregnancy being considered as factors in promotion. There is no committee to monitor enforcement of law to protect female labour in order to make the enforcement really effective.

1.3 To order to raise the labour standard, the government should establish an Institute for Health, Safety and Environment in the Workplace as an independent state institution and transfer fund from the workers compensation fund to this new body. This institute would operate in full circle from prevention, protection, health

⁴ At present, 90 per cent of workers who are ill because of their work are women, such as 400 workers suffering from lung infection cause by cotton dust. There are 14 cases of intoxication caused by lead deposit in body among those working in electronic factory. It is believed that the actual number of patients is likely to be higher. However, as Thailand lacks physicians who are specialist in the field of work-related illness and standardised examining process, existing information is less than there should be, resulting in the lack of right to receive protection from the, Workers' Compensation Fund. To solve this problem, women workers are advocating the Institute for Health, Safety and Environment in Workplace Bill.

⁵ In 2001, only 14 women workers were brave enough to reveal that they had been sexually abused in workplace (data from the Ministry of Labour and Social Welfare). NGOs working on labour issues believe that this figure is much less than the reality because most women workers dare not report and appeal about the abuse for fear of dismissal and unemployment, shame, and unfair treatment.

promotion, compensation payment, capacity restoration and research. It would be administered by representatives of stakeholders, including employers, employees, the government, those who become ill because of their work and experts. A committee should be appointed to monitor application of law in labour protection in order that the law is enforced effectively. Moreover, the government should have a clear policy to support female labour participating in decision making at policy level concerning labour and society. In addition, the government should establish pre-school centres and encourage community organizations to participate in operating this child care centre.

2. Female labour in the informal sector: Homeworkers

2.1 More than half of workers in Thailand are in the informal sector, some of whom are homeworkers. Information from Homenet Thailand⁶ indicates that in 2003, Thailand has about 592,000 homeworkers, of which 461,760 or 78 per cent are women. Each of them has an average income of no more than 2,000 Baht per month. The most concrete protection provided by the government toward subcontractors is establishment of the "Homeworkers Fund" in late 1996 and subsequently an "Homeworkers Office" under the Ministry of Labour and Social Welfare to administer the fund. However, when the government initiated a bureaucratic reform in October 2002, its work, responsibilities and properties were transferred to the Department of Job Placement in the Ministry of Labour.

This change clearly indicates the government's neglect of women who constitute the majority of homeworkers. The fact that most of the homeworkers are women is related to sexual prejudice in Thai society. Moreover, the government still has no policy, law and legislation and working principle on homeworkers to ensure that it would protect this group of labour and solve their problems correctly. For example, protection for labour in the informal sector should be specifically designed and separated from the existing labour protection law. Homeworkers and part-time workers in particular have no law and policy to protect them at all, resulting in their being exploited, unfairly treated, vulnerable to sexual abuse and lack of proper social welfare.

2.2 Many studies indicate that more women than men enter the labour market that provides very little legal protection because of sexual prejudice and misunderstanding that this kind of work is consistent with traditional role of women as wife and mother (despite the fact that it is a direct obstacle against promotion of gender equality in Thai society) and discrimination in occupation. In fact, female labour's rights are abused because of the lack of proper protection in terms of wage, contract, safety and welfare (there is no social protection whatsoever for homeworkers even when they become ill or injured by accident at work).

They have to work hard and have no time for any personal development or to participate in decision making related to their community's development. Female homeworkers also lack knowledge about health care related to production equipments that are inappropriate or toxic because the training provided often fail to consider level of learning capacity, timing, place and other conditions that would facilitate female participants. Some jobs, such as fish net weaving and tree saplings planting can result in accumulation of toxic chemicals in the workers' bodies, such as high lead content in the blood stream that can either cause miscarriage or deformed child.

2.3 To enact law for protection and support of homeworkers that covers issues such as type of homeworkers to be protected, wage structure, social protection, work safety and use of toxic substance in community, the government should give opportunities for female homeworkers to participate in designing the law, guidelines for implementation, and monitoring and evaluation of projects to support and protect labour homeworkers. In addition, government agencies should have training projects to enhance homeworkers' knowledge and skills. The projects must be gender sensitive and place participants' need at the centre. In practice, they must also pay attention to the proportion of female and male participants and learning environment. For instance, place and time of the training must be determined to facilitate participation of women.

3. Migrant labour: Women from Myanmar

⁶ Telephone interview with Rakawin Leechanawanichphan, Coordinator of Homenet Thailand, on 25th June 2003.

3.1 In the last ten years, many people have migrated from Myanmar to Thailand. Migrant Research Centre at Chulalongkorn University estimates that there are about 870,000 to 1,100,000 of them and about 120,000 refugees in the camps (Burmese Border Consortium, 2001). They moved to Thailand because of geographic conditions and the most important factors are poverty and internal conflicts which partly aimed to destroy women in the country of origin⁷, the need for cheap labour in Thailand, and the growth of human trafficking syndicates.

3.2 Even though the Thai government recognises and responds to the situation of migrants by establishing a Foreign Labour Administration Committee and has a policy to register foreign labour, which in practice is equivalent to giving them work permit for working legally in Thailand, the committee is not used in gathering opinions from various parties and the policy is a short-term one that has to be extended year by year.

It is, moreover, focused on maintaining national security and thus create problems for migrants, especially women, causing them to be discriminated and their rights badly violated. The women who register as migrant labour are forced to have pregnancy test, and in case that they are pregnant, employers are allowed the discretion whether or not to continue hiring them. If the employers have no desire to continue hiring them, the women would be sent back without any measure to ensure that they would be safe. The enforced pregnancy rule mentioned above is a violation of reproductive right, resulting in many migrant women needing to perform secret abortion on themselves or with assistance of other migrants and consequently putting them at risk of being infected or bleeding to death. They are also at risk of being arrested since abortion is a criminal offence in Thailand.

3.3 The fact that government officials at all levels lack human rights and gender perspectives in their treatment of migrants has resulted in human right violation of migrant labour in large scale, especially in form of sexual harassment and abuse. There are many reports of migrant women being arrested and raped by government officials. Sometimes because of police's negligence, migrant women are raped by fellow cell mates without receiving any assistance.

Sexual harassment can happen easily against migrant women. Migrant women therefore are forced to confine themselves in their residence or workplace. Even with that precaution, there are reports of migrant women being raped by employers and local thugs in their workplace or residence. On the other hand, there are few cases of offenders being punished, especially when the offenders are government officials because no one can really take the case to court and follow up with the court procedure. Migrant women themselves do not have legal understanding and understand that migrant labour have no right to receive any protection from the legal system in Thailand.

3.4 Human rights violation in Myanmar directly affects Thailand. Thai government should not ignore the problem and consider it to be internal affairs of another country. Instead, Thai government should join other countries to campaign for Myanmar government to stop any activities that put the people in trouble. In addition, the government should not support investment in any projects that cause migration of local people. The government should accept definition of refugee according to the Convention on Status of Refugees and give permission to the United Nations High Commissioner for Refugees (UNHCR) and charitable organisations to set up refugee camps along the northern borders of the country to provide assistance to Shan refugees who are at

⁷ In September 2002, the book 'License to Rape', published by Shan State Foundation for Human Rights and Shan State Women Network was translated and published in Thai language. This book is a report on 173 cases of sex-related torture that Burmese soldiers use as a weapon for suppression of Shan ethnic minority people in Shan State of Myanmar. In all these cases, a total of 625 girls and women were raped and tortured. Sixty-one per cent of these cases are gang rape which is often accompanied with torture, detention, beating, strangling and other actions to cause pain. In 25 per cent of these cases, the victims were also murdered and there was only one case that the offender was punished. Apart from direct physical and mental impacts, rape is a sin that makes society turn away from them. It is not surprised therefore that a number of these women said that they decided to move to Thailand immediately after they had been raped.

present facing state of war. In these camps, attention should be given in particular to mental rehabilitation of women who are sexually abused.

3.5 The government should amend certain regulations that can create problems for female migrant labour, including pregnancy test, forbidding change of employers and repatriation. There should also be clear measures to provide assistance to sexually abused women, both legal assistance and physical and mental recovery. As for the operation of the Foreign Labour Administration Committee, there should be forum to gather opinions from related organisations in both public and private sectors to jointly prepare a policy toward migrant labour, making it the one that is continuously implemented along human rights principle with participation of migrant labour both women and men.

Section 12: Health

1. The National Population Policy, which set a quantitative goal in terms of population increase or decrease, has greatly affected the health of Thai women. At present, the country has a new policy to give more attention to women's health especially 'reproductive health', following a new trend of health development around the world. However, putting policy into practice according to its intention to provide health care service throughout lifespan of a woman is still far from reality because there is no legislation to guarantee and protect equal rights of women in terms of health.

The approach and working methods adopted by practitioners in the field of medicine and other related disciplines lack gender and cultural perspectives that have both direct and indirect effects on women's health. Although the National Health Bill, which will be in effect soon and can act as a 'Health Constitution' for the Thai people, includes a definition of 'women's health'. Its passage through the parliament and enforcement must be closely monitored in order to ensure its consistence with the intention of the law.

2. Studies and experiences of NGOs indicate that several major health problems faced by women are caused by government's mistake in policy planning. In terms of birth control and family planning, it is found that 72.2 per cent of married women aged 15-44 bear the burden of birth control without any active assessment of its impacts on women's health, and no attention is given to service for teenagers, resulting in young women having to look for information and knowledge on birth control by themselves and consequently the problem of undesirable pregnancy and abortion.

A survey by Family and Population Planning Division, Ministry of Public Health⁸, in 1999 on 787 state hospitals around the country shows that there were 17,537 cases of abortion of which 60.2 per cent were induced by economic and social reasons. In all, 28.8 per cent of those who had abortion suffered from serious complications of which mostly were infection in blood stream, inflamed pelvis, severe haemorrhage and punctured uterus. Apart from two reasons that the law allows abortion to be carried out legally⁹, Article 301-305 of the Criminal Code still require punishment of women who have abortion seeing them as criminals while the men who are equally responsible for this problem are not considered to commit any offence by law.

The bill that permits medical practitioners to carry out abortion legally in case that pregnancy causes harm to the mother's mental health stipulates that the diagnosis whether abortion is harmful to women's mental health depends on a proof that the women have a mental problem according to psychiatric evaluation. That rule is likely to benefit and protect medical practitioners rather than provide assistance to women who are facing the problem. As for the health of post-menstruation women, while using hormone to treat post-menstruation women is still under debate at international level about its positive and negative effects, the Thai government has already declared as its policy to treat them with hormone therapy and encourage women to have examination and treatment in clinics even if they have good health.

⁸ The very same survey as appeared in the government's CEDAW report, but the causes and effects of abortion are not presented in that report.

⁹ These two reasons are that the pregnancy would endanger the woman's life and the pregnancy was caused by rape. This provision of the Criminal Code was dated back to 1957 or 46 years ago.

3. The 30-Baht Health Care Policy implemented in Thailand does not really cover all treatment as it leaves out kidney dialysis, HIV/AIDS and certain illnesses related specifically to women, such as cervical cancer. Moreover, the policy may affect health care standard and thus needs to be closely monitored.

4. In summary, the legal aspects of women's health problems are either that existing legislation is discriminating and cause negative effects on women's health or that there is no law to protect specific rights on women's health. Moreover, there is no clear measure to promote participation of women in health promotion. Rights of women who come to receive health care service are still ignored in practice. In particular, women are not provided with information and alternatives that they can effectively used to make informed decision on how to treat their body. There is no training that is focused on learning social and cultural dimension for public health care practitioners, resulting in their inability to recognise the intricacy of women's health problems, such as birth control, abortion and domestic violence.

5. An urgent recommendation is for the government to review any existing legislation and policy that are obstacles against women enjoying good health, such as the laws on rape and abortion, and enact a new law that aims to protect reproductive right of women.

Section 13: Economy and Society

1. Although in general, a majority of Thai laws do not discriminate against women in the economic and social areas, the influence of opinions and beliefs which have been nurtured in the cultural context that reflects the existing structure of unequal power relation is still prevalent. For example, co-operative's regulation for obtaining a loan required a woman to show written documents by her husband expressing his consent. This regulation is an obstacle for women who need to get a loan to fund activities carried out on their own, not by the family. It is equivalent to ending opportunity for improving women's economic status.

Moreover, although conditions for obtaining a loan from a commercial bank contain no regulation that discriminate against women, requirement of assets as collateral for a loan can be an obstacle for many women. Similarly, even though the National Village and Urban Community Fund Policy gives equal opportunity for women and men, requirement for loan seeker to write a project proposal and submit to the fund committee can also be a limitation for many women because they did not have opportunity to develop their skill for project proposal writing. On the other hand, policy of the "People Bank", which gives an opportunity for the people to obtain a small loan, seems to facilitate women's access to loan, making it easier than before.

2. The rule that prevents women from being ordained as a Buddhist monk, to study and practice dharma in the same way as men restricts alternatives in their way of life and solutions to their problems in life, and thus can be considered a form of inequality. When a man cannot find a job, he has an alternative, that is, to be ordained as a Buddhist monk which allows him to maintain a living and in many cases, a monk can put away part of the money donated to him as savings. Such alternative is not open to women. However, even though there are some limitations as mentioned above, women do not give up their search for alternatives to build their economic status.

Thai Women Watch is one of the organizations that recognizes these problems and try to encourage women to find several alternatives to earn a living. It helped mobilize concerned people to organise seminars in all regions of the country to provide knowledge and build capacity of women who are (or would like to become) small or medium size entrepreneurs. These seminars were focused on creating global vision, learning about factors and strategies that have effects on their business as well as knowledge about sources of information. This is an important example to advocate the government to implement projects that are aimed specifically at women.

Section 14: Women in Rural Areas

1. Impacts of development projects on rural women

1.1 Since 1980s, Thailand has implemented many large-scale development projects to support economic growth. Infrastructures, such as airports, deep-sea ports, industrial waste treatment plants, electricity generating dams and industrial estates, were constructed to support industries in all regions. In 1985, the government declared a National Forest Policy to increase forested land to be 40 per cent of the country's land mass. Under this policy, there were projects to relocate people out of the forest and forbid people to use forest land. At the same time, there were construction, promotion of land use in forest areas for agroindustry, and promotion of fast-growing tree cultivation, such as eucalyptus, as raw materials for industry. These policies and development projects have resulted in migration of many people as they lost their land or suffered from industrial pollution.

There have been many cases of local people standing up to widely oppose, protest and rally against these projects. These problems have been accumulated for a long time as indicated by statistics that in 1982, there were only 4 cases of protest rally against the government but in 1994 and 1995, there were 213 and 301 cases respectively. Many of these conflicts involved problems related to land, forest and water resources and industrial waste.

1.2 Even though the 1997 Constitution recognizes community rights and people's participation in natural resource and environmental management in the community, in practice local people participate very little in decision making. Consideration of the cost-effectiveness and benefits of these projects is biased in favour of economic values that benefit mainly capitalist groups. Social and cultural values, and community rights, are ignored. The social and economic impact assessment is thus highly erratic. Number of people affected is often below reality. The affected people are not fairly compensated. Those who carry out studies have no gender perspective.

Women have no opportunity to express their selves and their needs in any formal forum while they have to bear the consequences of these projects no less than men. It is actually more difficult for them to look for food and resources needed to maintain living of themselves and their family. They have to face the problems of family break-up and increasing debts. In 1996, during a mass struggle of the poor against the government's development projects, four women had miscarriage while they took the protest to Bangkok because they were in constant stress and difficult environment.

1.3 Therefore, in conducting an environment impact assessment of various development projects, those who engage in the study must examine clearly their impacts, especially on women, and always give equal space to women in public hearing, so that they would be informed and participate in determining fate of their local areas from women's viewpoint.

2. Ethnic women

2.1 There are nine formally recognised ethnic groups in Thailand with a total population of 873,713 persons according to the (latest) survey in 1997. In the past, nearly all of these ethnic groups lived on the highlands, receiving no services from the government in nearly all areas. Only in 1992 that a 'Master Plan for Community Development, Environment and Narcotic Plant Control on the Highlands' was prepared. The current plan is a third one covering the period from 2002 to 2006. Even though the Master Plan has some positive effects, it also creates much negative effects on the community. On a positive side, highland communities have more opportunities to develop their living, better roads, water supply system and electricity. Both men and women receive better care and services in terms of education and public health care. Mortality rate of both mother and child is decreasing.

2.2 On the other hand, values of community's culture and way of life are undermined. Use of forest land as the most important production resource is restricted. The policy and Master Plan therefore lead to widespread violation of human rights in general and women's rights in particular. Negative impacts on the community result in much hardship for women as they are under pressure from both traditional culture and new environment created by the government policy. Many communities that were relocated from their old sites broke up, resulting in the lost of local wisdom in genetic resource management of which women played a very important role to maintain in the past.

2.3 Another important problem is related to the confirmation and proof of these highland people's origin in order to obtain citizenship and its legal rights. The very complex procedure leads to widespread corruption

among officials involved, resulting in many ethnic women losing their rights to education and occupation. Some of them resorted to prostitution, surrendering their bodies to become victims of sexual abuses, to earn money for paying bribe to officials. Women who are excluded from the population survey are turned to become aliens to be expelled from the country. When they travel to the city and are examined, they could be arrested, detained or subjected to sexually abuse of which they dare not report to take legal action against the abusers.

Many times they are sexually abused by officials who go to work in their local area without any understanding of ethnic culture and tradition. Some officials use their authority to threaten, harass, rape or use all kinds of tricks to lure ethnic women to become their mistress. When these officials move away, the wives and children are dispensed, being left to encounter their fate alone, while government agencies that those officials work for do not do anything to really solve the problem. These limitations and pressure push many highland ethnic women into prostitution or drug trafficking.

2.4 The government and its officials have to change their attitude, accepting differences and diversity between people in society, and equally respect dignity and culture of each group of people. The government should train officials who are going to work on the highlands to have cultural understand and gender perspective. Concerning development work, the government should give opportunity to ethnic women to participate in determining policy and plan for highland development.

This plan should take into consideration gender and development and pay attention to its effects on women. Public hearing should be organised before putting it into practice and women are to be given equal space in the public hearing. In addition, the government should actively conduct a study and survey to find out about problems and causes that push ethnic women to become prostitutes, so that the government would be able to provide assistance and do away with conditions that bring sufferings to the women and their family.

2.5 An urgent action is to adjust the operation of the government according to the regulation on registration of personal status on the highlands B.E.2543 (AD 2000), making it sensitive to conditions that are obstacles, blocking ethnic women to obtain Thai nationality, so that it is more transparent and the community is participating in the process.

Section 15: Equality under the Law

Even though the Constitution states clearly about equality between men and women, at present some laws still have provisions that create inequality. For example, reasons that husband and wife can use as the ground for divorce are different. If the wife commits adultery, the husband can ask for divorce while if it is the husband who commits adultery, the wife cannot use it as a reason to ask for divorce.

Moreover, impression of the law-enforcing officials also creates discrimination against women in the law enforcement process. For instance, the law requires husband and wife to give consent to the spouse in case the wife or husband is going to conduct a legal deed. However, in practice concerned officials only demand the wife to show a document declaring consent from her husband, particularly when the woman wants to do a legal deed and has a little of "*Nang*" (Mrs.). Even if the woman has been divorced from her husband and gone back to use her original surname, she still has to use the title of *Nang* forever and can no longer use the title "*Nangsao*" (miss). On the other hand, the same officials would not pay any attention to demand from the man any document declaring consent from his wife. This patriarchal impression results in women having no freedom to manage their own personal property although the law gives equal right to men in this matter.

Nonetheless in early June 2003, the Constitution Court adjudged that the Personal Name Act, which forces married women to use their husband's surname, is contradictory to the constitution. Consequently, married women have a right to choose whether to use her surname or her husband's surname. This is another achievement after attempts to change this law for more than 20 years.

Section 16: Law related to Marriage and Family

At present, although legal status of women has changed for better in many areas, several laws concerning marriage and family still reflect inequality that needs to be urgently reviewed. Some examples include asking for compensation in case of engagement, reason for divorce, use of name title and others as appeared in the government report. The point raised by NGOs in their observation is that the situation has been there for quite a long time. The government does not show any strong will to amend laws to create equality. Consequently, the law on marriage and family cannot be amended to conform with the intention to promote gender equality, and Reservation of Section 16 on the Convention for the Elimination of all Forms of Discrimination Against Women cannot be lifted as well.

Recommendations

Although since 1996, when Thailand submitted the second and third report on implementation according to the convention for the Elimination of All Forms of Discrimination Against Women to the United Nations Committee on Elimination of Discrimination Against Women, many government agencies and women's organisations have put a lot of efforts and actively cooperated with each other, they cannot solve many problems faced by women, especially those caused by discrimination from gender prejudice and laws, for example, as appeared in this report. NGOs therefore have a few recommendations for the government to solve the problem of inequality and discrimination against women in Thailand in terms of policy as follows:

1. Policy making, budget allocation, activity implementation, and monitoring and evaluation of policies, work plans and projects of all ministries and departments in the government sector must be designed with gender perspective, aiming to create new, correct attitude that promote gender equality and elimination of unfair discrimination.
2. The government must create and support national-level mechanism that is strong, effective and actively plays a role to promote gender equality in Thai society, and promotes more participation of NGOs in that national mechanism in order to make capacity building of women as more than half of government's resources quickly becoming a reality.
3. The government must support the establishment of a fund for women development in the country that can be accessed and used by both government agencies and NGOs to support activities in terms of research and development in order to create necessary knowledge and effectively change the environment, attitudes and norms that cause discrimination against women.

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- 2) Women's Group in the Assembly of the Poor
- 3) Gender and Development Working Group
- 4) Women and Constitution Network
- 5) Women and Health Network
- 6) Thai Labour Campaign
- 7) NET Foundation
- 8) FORUM-ASIA
- 9) Foundation for Women
- 10) EMPOWER Foundation
- 11) Women's Health Advocacy Foundation
- 12) The Asia Foundation, Thailand
- 13) Development and Education Program for Daughters and Communities Centre
- 14) Women's Studies Centre, Chiangmai University
- 15) Gender and Development Research Institute
- 16) Family Planning Association of Thailand
- 17) Association for Promotion of Status of Women
- 18) Law Society of Thailand
- 19) Inter Mountain People Education and Culture in Thailand Association
- 20) Metro Textile Labour Union
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GAD-WG was formed in 1994 as a joint project of seven NGOs: Friends of Women Foundation, Thai Volunteer Service, NET Foundation, Rural Reconstruction Alumni and Friends Association, Northern Development Foundation, Palm Sugar Production Development Project, and Canadian University Service Overseas, and one government agency -- Women and Youth Study Project of Thammasart University. Its objectives are (1) To create and maintain equal participation of women and men at all levels of Thai society, (2) To raise status of women in the community and society, and in sexual relations, by recognising women's civil, political, economic, social and cultural rights; and (3) To create regional mechanism that works to advocate integration of gender perspective in development process. Its operation areas cover Bangkok as well as the Northern, Northeastern and Southern Regions. Its main strategy is to disseminate gender concept and integrate this concept into their development work.

- (2) Women and Constitution Network (WCN)
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WCN was formed on 24th November 1996 from cooperation among groups and organisations working on gender issues and were interested to promote participation of women in politics and decision making at all levels. Main objectives and activities of WCN are to advocate laws and social orders for gender equality, advocate participation of women in political reform, and create cooperation network and relations among women at all levels in all regions of the country. At present, WCN has 50 member organisations.

(3) Foundation for Health and Knowledge of Ethnic Labour (MAP – this acronym is based on its old name)

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MAP is an NGO that provides assistance to migrant workers at no cost and with respect to their privacy. Services provided by MAP include knowledge about health (including HIV/AIDS), assistance to bring migrant workers to clinic or hospital, interpreter in Shan, Burmese, Akha, Karen and Lahu languages, legal advice, education in migrant workers community, counselling on the issues of violence against women and HIV/AIDS, and specific activities for female migrant workers.

(4) Foundation for Women (FFW)

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FFW is an NGO established in 1984 to protect and promote women's human rights, provide assistance to women and children in difficulties, and campaign to raise public awareness on the problems faced by women in present society, particularly domestic violence and sexual violence in various forms. FFW promotes and supports women to enjoy equal rights as men. Its work include legal and other aid for women in difficulty, creation of information network for benefits of women, campaign in policies related to women, and educate volunteers and local organisations to recognise problems faced by women and children.

(5) EMPOWER Foundation

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EMPOWER is an NGO with objectives to assist and protect sex workers, be a centre to create education opportunities for women, provide counseling on health issues and provide protection on legal issues and social rights to sex workers.

(6) Women's Health Advocacy Foundation (WHAF)

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WHAF is formally established in 2002 with objectives to promote women's reproductive rights and create understanding about women's health among the public and decision makers. Main activities are research, information dissemination, campaign, network on women's health and training to educate people who are concerned about women's health.

(7) Centre for Coordinating Non-Governmental Tribal Organisations in Thailand (CONTO)

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CONTO is a network established to coordinate NGOs working for hilltribe development. It is a centre for communication between the NGOs themselves, the NGOs and hilltribe peoples, and the NGOs and related government agencies to strengthen development of highland peoples. Objectives of CONTO are to support

organisation of ethnic peoples so that they can live in society where others understand them, and create ethnic leaders.

(8) Homenet Thailand

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HOMENET was established in June 1998 to be a centre for coordinating network of homeworkers and related NGOs. Its main objectives are to strengthen homeworkers in terms of production and management, and coordinate with network of homeworkers to advocate policy and law to provide protection for homeworkers. At present, HOMENET works with 214 groups of homeworkers covering directly 7,291 homeworkers.

(9) Law Society of Thailand (LST)

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LST is a professional organization of lawyers established according to the Lawyers Act B.E.2528 (AD 1985) as a independent public organisation to provide assistance in court case for the public and legal counseling to people in difficulty in order to create justice, equality and protection of rights and liberty.

(10) Thai Women Watch Association (TW2)

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TW2 was established in March 1996 under the initiative and leadership of Thanpuying Sumalee Chartikavanit and originally consisted of a group of Thai women who participated in the 1995 UN Fourth World Conference on Women and NGO Forum in Beijing. Its objectives are to promote and monitor women development in Thailand, especially the implementation of the Beijing Declaration; to create a network of women leaders from all over the countries for knowledge sharing; and to cooperate with the government. It was subsequently registered as an association in May 1999.

(11) Association for the Promotion of Status of Women (APSW)

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APSW was established in 1974 with objectives to promote gender equality and social justice, provide assistance to disadvantaged women, children and youth to have necessary knowledge and capacity and better life quality. Main projects of APSW are an emergency home for women and children in difficulty, women's clinic, women's education and vocational training centre, Gender and Development Research Institute, and a pilot project on College for Buddhist Nuns.

(12) ACTIONAID Asia Regional Office

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ACTIONAID Asia Regional Office is an international organization that works to develop living of the poor and disadvantaged people in Asia. Main objectives of ACTIONAID are to build capacity of the community to be able to create life with dignity and humanity, receiving basic rights to access enough food, water and other basic needs for lives.