



Chattraphon Ditthasriphon

Justice officer

Rights and Liberties protection Department

Ministry of Justice, Thailand



Thailand International obligations concerning gender diversity

ICCPR

ICESCR

CEDAW

Yogyakarta Principles

Thai Constitution (Article 27)

- Men and women shall enjoy equal rights. Unjust discrimination against a person on the grounds of differences in origin, race, language, gender, age, shall not be permitted

Thai Civil & Commercial Code (Article 71)

- In allocating the budget, the State should take into account the different necessities and needs with respect to genders, ages and conditions of persons to ensure fairness



Legal Instruments

- **Gender Equality Bill 2015 (effective)**
- **Marriage Equality & Civil Partnership (parliament process)**
- **Gender recognition Bill (drafting)**
- **Anti – Discrimination Bill (drafting)**



Gender Equality Bill 2015

- Provides protection for women, men, and LGBTQI individuals
- establishes a committee with a power to decide the unfair gender discrimination complaint case, temporary measures for the protection or mitigation of complainants, issues orders based on a case's decision, and submits complaints to the Ombudsman.

Challenges

- Including gender expression as a prohibited ground, however, gaps remain as it is unclear whether the protection extends to sexual orientation
- lengthy consideration process
- The committee faced with a number of counter-claims court cases against the Administrative Court





The 5th National Human Rights Plan


- Identifies 5 areas/11 target groups
- Laid out a specific plan for LGBTQIs
- Recommend carrying out several measures;
 - (1) review and amend the Gender Equality Act
 - (2) reinforce people's mindsets to accept gender identity
 - (3) build understanding of officers regarding treatment to LGBTQI,
 - (4) expedite the enforcement of the draft Bill on Civil Partnership

1st National Action Plan on Business and Human Rights
(2019-2022)



The National Action Plan on Business and Human Rights

- The ONLY NAP in South East Asia
- Thailand committed to the voluntary pledge and accepted the recommendations from Sweden during the 2nd Cycle of the UPR process in 2016 in Geneva
- Contextualize the Guiding Principles on Business and Human Rights (UNGPs) to the context of Thailand



Elimination of employment discrimination and discrimination in workplace

- **Mandatory for Government sectors**
- **Voluntary for private sectors**



Key Priority Areas

- (1) Labor**
- (2) Community, Land, Natural Resources and Environment**
- (3) Human Rights Defenders**
- (4) Cross Border Investment and Multinational Enterprises**

**1st National Action Plan on Business and Human Rights
(2019-2022)**



The 1st NAP

- Identifies challenges in the elimination of employment discrimination and discrimination in the workplace , esp. for unfair recruitment of LGBTQIs,



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The 2nd NAP

- Corporate the UN Standards of Conduct for Business : Tackling Discrimination against LGBTI People

For government sectors:

- Agencies shall adopt a measure to protect potentially vulnerable groups including LGBTI
- Set out responsible agencies/timeframes /indicators

For Corporates :

- Businesses should set up a measure/policy to protect sexual harassment and violence in a workplace by applying the UN Standards of Conduct for Business : Tackling Discrimination against LGBTI People

Human Rights Award

- Award annually to role model organizations on human rights
- Challenges remain for small and middle scale businesses

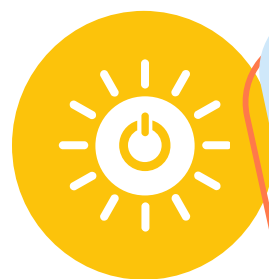


Civil Partnership & Marriage Equality



Thai Civil & Commercial Code Section 1448

- A marriage can take place only when the man and woman have completed their seventeenth year of age. But the Court may, in case of having appropriate reason, allow them to marry before attaining such age.



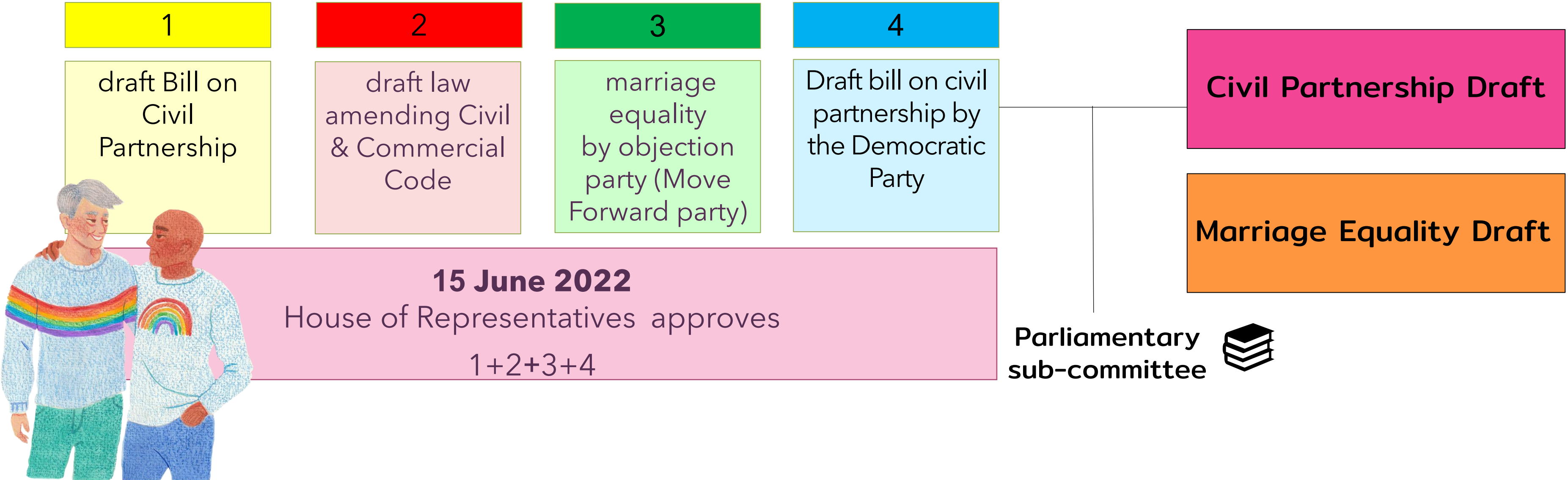
RLPD proposes the Civil Partnership Bill



Move Forward Party proposes Marriage Equality Bill

**LOVE
LOVE**







Legislative movement by civil societies

The Constitutional Court's verdict (2021) "Section 1448 aligns with the nature and our long-standing culture. The aim of a marriage is that a man and a woman cohabit as husband and wife to build a family institution and to inherit property also to send off a bond between each others between a father, mother, uncle, aunt, whereby a marriage of gender diversity couple may not be able to build such intricate bond."



Newly designated coalition of government MOU

- Affirm and pass Marriage Equality Act to ensure equal rights for all couples, regardless of gender, without infringing upon the religious principles each individual adheres to



Embassies





Private sectors

