



Panel Discussion: International and Regional Learning on the Implementation of Gender Equality Law: Best Practices and Challenges

Presented by

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the Policy Dialogue Forum Gender Co-Solutions EP.4 : Review and Improve the Gender Equality Act B.E.2558

Monday 14th September 2020



Progress Report On Women's Rights and Gender Equality: October 2016. (ACWC)

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the Policy Dialogue Forum Gender Co-Solutions EP.4 presented by Dr. Ratchada J.



ACWC PROGRESS REPORT ON WOMEN'S HUMAN RIGHTS AND GENDER EQUALITY

- AN EXPRESSION OF ACWC'S COMMITMENT TO IMPLEMENT WITH DUE DILIGENCE ITS OBLIGATIONS AND COMMITMENTS TO CEDAW (SE, NON-DISCRIMINATION AND STATE OBLIGATION).
- THE DOCUMENTS FURTHER SPELL OUT IN CONCRETE TERMS THE DESIRED GOALS AND CORE INDICATORS IN ACHIEVING AND FULFILLING **WOMEN'S RIGHTS AND GENDER EQUALITY**.
- THE STUDY ANALYZED THE POLICIES, PROGRAMS AND PRACTICES OF THE TEN AMS IN ADVANCING AND IMPLEMENTING THE POLITICAL, ECONOMIC AND SOCIO-CULTURAL RIGHTS OF WOMEN.

ACWC PROGRESS REPORT ON WOMEN'S HUMAN RIGHTS AND GENDER EQUALITY

- **SOCIAL INDICATORS**

- a) WOMEN'S ACCESS TO HEALTH SERVICES (HEALTH AND MATERNAL MORTALITY RATE, TOTAL FERTILITY RATE, HIV/AIDS BY SEX, CHILD MORTALITY RATE BY SEX, VIOLENCE AGAINST WOMEN INCIDENCE).
- b) WOMEN'S ACCESS TO EDUCATION (INCLUDES SEX-DISAGGREGATED PARTICIPATION, DROPOUT AND COMPLETION AND ACHIEVEMENT RATE AT ELEMENTARY, SECONDARY AND TERTIARY LEVELS, PERCENTAGE OF WOMEN IN ADULT AND NON-FORMAL EDUCATION, ETC.)

- **POLITICAL INDICATORS**

- A) NUMBER AND PERCENTAGE OF MEN AND WOMEN IN NATIONAL LEVEL OF GOVERNANCE (AT EXECUTIVE, LEGISLATIVE AND JUDICIAL BRANCHES, NUMBER OF MEN AND WOMEN IN LOCAL GOVERNMENT POSITIONS, AND TYPE AND NUMBER OF DECISION-MAKING BODIES WITH REPRESENTATIVES FROM THE WOMEN'S SOCIAL MOVEMENT).

ACWC PROGRESS REPORT ON WOMEN'S HUMAN RIGHTS AND GENDER EQUALITY

A) LABOR FORCE PARTICIPATION RATE OF MEN AND WOMEN, EMPLOYMENT RATE FOR MEN AND WOMEN, AVERAGE DAILY PAY FOR MEN AND WOMEN ACROSS ALL ECONOMIC SECTORS, PROPORTION OF LAND TITLES AWARDED BY SEX, PERCENTAGE OF WOMEN BENEFICIARIES OF FINANCIAL AND NON FINANCIAL BUSINESS SERVICES, PERCENTAGE OF WOMEN ENTREPRENEURS AND BUSINESS OWNERS.

- **ECONOMIC INDICATORS**

Progress: Duty-bearers' compliance to women's human rights

- 2010-2020: AMS had made significant progress in recognizing human rights as key principle.
- All ten AMSs have ratified CEDAW and CRC
- There have been considerable advances in **applying CEDAW in the development of GE laws** and policies across the region.
- The AMS's commitment to GE is articulated in their national policies and legislation.
- Non-Discrimination and equality principles are embedded in the Constitution of some AMS countries while others are in the process of incorporation such principles and clear definition of discrimination in their domestic legislation.

Progress in Area:
Duty-bearers'
compliance to
women's human
rights

- The institutional architecture for the implementation of GE policies varies among the AMS.
- **For example:** centrally-based women's machineries, such as Brunei and Singapore, may be more appropriate, while the other 8 AMS have mechanism for decentralized implementation and for inter-agency coordination at the national and sub-national levels.
- ***** an interesting development *****
- The emergence of a Gender Ombudsman in Vietnam, the Philippines and Thailand (still at the incipient stage hence will require capacity building and resources to eventually demonstrate effective processes and results).

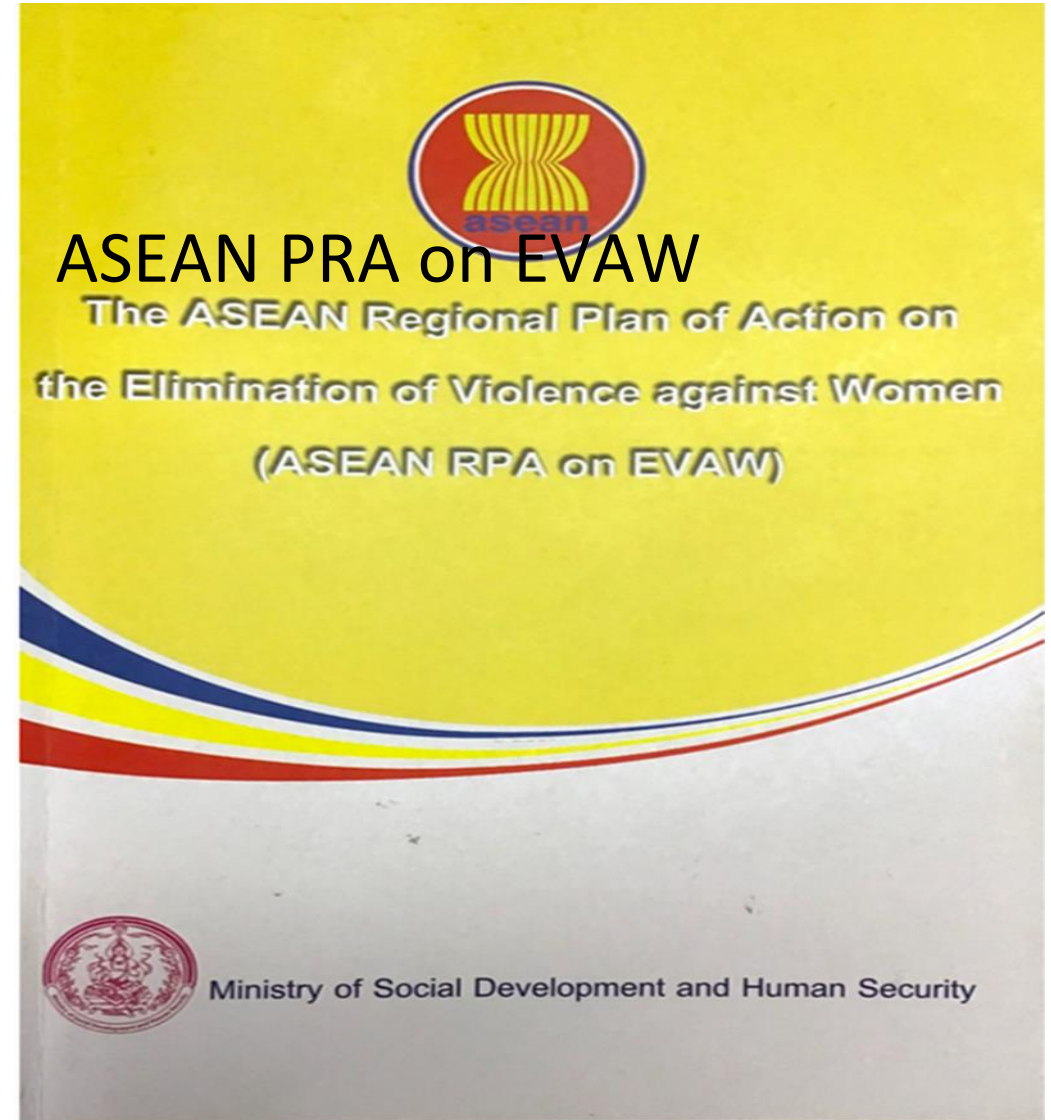
Progress in women's political rights

- Uneven progress in the political participation of women in AMS (some countries are coming close to the target of 30% women in parliament such as Singapore, Lao PDR, and Vietnam)
- Participation of women in decision making in the area of peace and security (a challenge: slow movement)
- Welcome regional and national NGOs to participate in ACWC's consultation processes.

Progress in Women's social rights and benefits

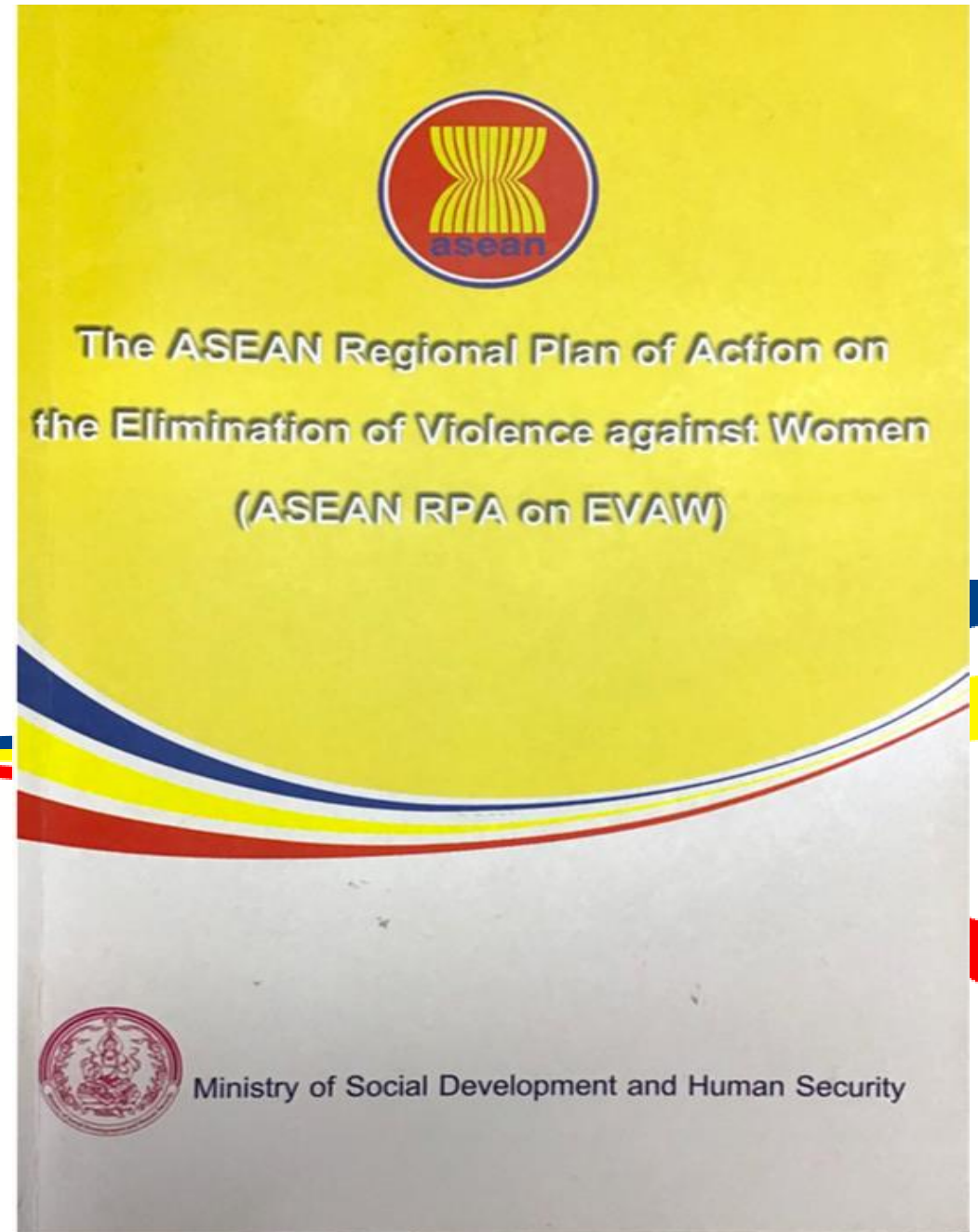
- **For example:**
 - Gender parity in education is close to being achieved except for Cambodia, Lao and Myanmar (CLM).
 - Domestic Violence (DV) is one of the most common but under-reports forms of violence in the ASEAN region.

- **ASEAN PRA on ERAW**
The ASEAN Regional Plan of Action on
the Elimination of Violence against Women
(ASEAN RPA on ERAW)



Regional Plan of Actions on Ending Violence Against Women 2016-2025

(RPA on EVAW)



Progress in Women's Economic Rights

- Access to information is very limited (provided data reflects only women in the formal economy).
- Women dominate vulnerable employment in AMS
- Search for economic opportunities; country migration (attendant to the feminization of migration are social concerns such as HT, abuse, exploitation, and VAW)
- All AMS have enacted laws and have adopted programs to protect women and children from violence, exploitation, and abuse and discrimination in the context of migration.

GENDER EQUALITY ACT IN ASEAN MEMBER STATES

Summary Document – as referenced in the ACWC Progress Report on Women’s Rights and Gender Equality

ASEAN Member State	Studies Conducted	Enforcement
Brunei Darussalam	<ul style="list-style-type: none"> • Outline of Strategy and Policy for Development (OSPD) • Action Plan on Women 	<ul style="list-style-type: none"> • Women and Girls Protection Act • Married Women Act • Islamic Family Law Act (Cap 217) • Children and Young Persons Act • Penal Code (Cap 22) • Criminal Procedure Code (Cap 7) • Compulsory Education Act (Cap 211) • Employment Order 2009
Cambodia	<ul style="list-style-type: none"> • Synthesis of AMS Country Studies: Advancing and Monitoring Women’s Political Participation in the ASEAN Region Project • Cambodia Socio-Economic Survey 2014 	<ul style="list-style-type: none"> • Article 31 of the Cambodian Constitution • Law on Marriage and Family • Law on Prevention of Domestic Violence and Protection of Victims • Organic Law on Decentralisation and De-concentration



GENDER EQUALITY ACT IN ASEAN MEMBER STATES

Summary Document – as referenced in the ACWC Progress Report on Women’s Rights and Gender Equality

ASEAN Member State	Studies Conducted	Enforcement
Indonesia	<ul style="list-style-type: none"> • National Action Plan on Human Rights 2011-2014 • Report of Independent NGO – Implementation of CEDAW in Indonesia Fulfillment of the Rights of Rural Women 	<ul style="list-style-type: none"> • Article 8 of the Constitution • Law No. 39/1999 • Population Growth and Family Development Law No. 52/2009 • Elimination of Domestic Violence Law No. 23/2004 • Citizen Administration Law No. 23/2006 • Political Party Law No. 2/2008 and General Election Law No. 10/2008 • Human Trafficking Law No. 21/2007 • Ministerial Regulation No. 1/2010 • Financial Ministerial Regulation No. 93/2011
Lao PDR	<ul style="list-style-type: none"> • 8th Five-Year National Socio-Economic Development Plan 2016-2020 • Lao PDR Best Practice in EVAWC in ASEAN 	<ul style="list-style-type: none"> • Law on Development and Protection of Women (Article 14) • Protection of Children’s Rights and Interests

GENDER EQUALITY ACT IN ASEAN MEMBER STATES

Summary Document – as referenced in the ACWC Progress Report on Women’s Rights and Gender Equality

ASEAN Member State	Studies Conducted	Enforcement
Malaysia	<ul style="list-style-type: none"> National Plan of Action for the Advancement of Women 	<ul style="list-style-type: none"> Penal Code Domestic Violence Act 1995 Employment Act 1995
Myanmar	<ul style="list-style-type: none"> UNFPA Myanmar – Increasing women participation in the drafting of landmark Anti-Violence Against Women Law 	<ul style="list-style-type: none"> Sections 348, 350, 351, 352 and 368 of the Constitution
Philippines	<ul style="list-style-type: none"> BPfA + 20: Philippine Progress Report on the Implementation of the Beijing Declaration and Platform for Action 	<ul style="list-style-type: none"> Magna Carta of Women (MCW) Reproductive Health Law Kasambahay Law (Protection and Welfare of Domestic Workers)

GENDER EQUALITY ACT IN ASEAN MEMBER STATES

Summary Document – as referenced in the ACWC Progress Report on Women’s Rights and Gender Equality

ASEAN Member State	Studies Conducted	Enforcement
<ul style="list-style-type: none"> Singapore 	<ul style="list-style-type: none"> International Violence Against Women Survey: Final Report on Singapore 	<ul style="list-style-type: none"> Article 12 of the Constitution Women’s Charter 1961
<ul style="list-style-type: none"> Thailand 	<ul style="list-style-type: none"> Multiple studies conducted by Thailand’s Gender Information Center and UN Women 	<ul style="list-style-type: none"> Gender Equality Act B.E. 2558
<ul style="list-style-type: none"> Viet Nam 	<ul style="list-style-type: none"> National Review of 20-Year Implementation of the Beijing Platform for Action (BPfA) in Vietnam and the Outcomes of the 23rd Special Session of the General Assembly Summary Report of the National Committee for the Advancement of Women in Viet Nam 	<ul style="list-style-type: none"> Gender Equality Law Domestic Violence Law Establishment of MOLISA

Example: Vietnam

- **Successful**
- **GE** goals were recognized in the Constitution since 1946
(were further amended and supplemented in 1959, 1980 and 1992).
- Laws were comprehensively revised in 2013 (aimed at further refining and developing the regulations to **ensure GE and HRs** in practice).

- **National strategy** on GE (2011-2020) approved by the PM (comprised of 7 goals and 22 specific targets: covering field of politics, economy, labor and employment, education and training, health, culture, information, family and enhancement of state management capacity on GE)

Example: Vietnam

- **Successful factor**
- National program for GE (2016-2020) was designed to reduce the gender gap and improve status of women in some fields, sectors, and local areas having high risk of gender inequality.
- The PM has enacted the strategy on Vietnamese family development up to 2020 with a vision to 2030 with the goal of building *“prosperous, progressive, happy Vietnamese families that are truly one’s sweet home or cozy nest, the healthy cells of the society and all families’ responsibility”*

Example: Vietnam

- **Successful factor**
- The National Action Programme on Domestic Violence Prevention and Control

(goal of generating dramatic changes in raising awareness and enhancing responsibilities of all levels, sectors, families, communities, and the entire society in DV prevention and control – step-by step preventing and decreasing the number of DV cases).

- **DV law:** also incorporated anti-GBV provisions into other laws , such as Civil Code, Civil Procedure Code, Penal Code, Criminal Procedure Code, etc.
- **Gender mainstreaming** in the formulation of legal documents and policies on labor and employment : ensuring to obtain the GE objective in the economic sector.

Example: Vietnam

- **Successful factor**
- Issue of land ownership of women: the Land law 2013 and the amended Land Law, Housing Law, and Family Law, all provide joint property ownership to both husband and wife, allow women to access to bank loans (ensuring their welfare, empowerment and rights).
- **MOLISA: Ministry of Labor, Invalids and Social Affairs of Vietnam** established in 2008; which is a lead agency in assisting the government in performing the function of managing GE programs on a nationwide.
- **In** Coordination and assisting other Ministries and Ministerial-level agencies to manage GE programs.
- **People's Committees** at all levels shall perform the decentralized function of state management on GE.

Example: Vietnam

- **Challenges**
- Though the Gender Equality Law (GEL) has been enforced since 2007, it is encountering difficulties in the implementation of specific provisions; the policy formulation on GE has yet to be informed and supported by evidence from scientific research; Gender disaggregated data is still inadequate, which impedes the formulation, execution of policies and intervention programs to address gender needs.
- A shortage of national comprehensive and periodical surveys on GE in such key domains as labor-employment, education and health care.

Example: Vietnam

- **Recommendations:**
 - **Reinforce the legal system on GE**
 - Reinforce GM into legal documents and policies, review the Gender Discriminatory contents in the existing laws and policies.
 - Further apply principles of CEDAW, BPFA to development of policies and legal documents in a practical way, consistent with each other, locality and various groups in the society, different regions and areas.
- Consolidate the organizational structure and enhancing the capacity of the staff working on GE and advancement of women
 - Organize and develop gender responsive social services delivery models
 - Enhance the mechanism to promote women's participation in politics.
 - Establish and maintain a sex-disaggregated database system.

General Profile

- **Thailand** has a Gender Inequality Index (GII) value of 0.380, ranking it 76 out of 155 countries in the 2014 index. As the table indicating that women hold 6.1 percent of 191 parliamentary seats, and 35.7 percent of adult women have reached at least a secondary level of education compared to 40.8 percent of their male counterparts.

GII value	GII Rank	Maternal mortality ratio	Adolescent fertility rate	Female seats in parliament (%)	Population with at least some secondary education (%)		Labour force participation rate (%)	
					Female	Male	Female	Male
0.380	76	26	41.0	6.1	35.7	40.8	64.3	80.7

Duty-Bearer's Accountability

- **Thailand** has ratified seven (7) international human rights treaties, including CEDAW and its Optional Protocol for the complete list of treaties with the date of the ratification.
- Signed into the Convention for the Protection of All Persons from Enforced Disappearance (CED, but has yet to ratify the Convention (UNOHCHR, 2017).
- Thailand is in the process of becoming party to the Optional Protocol to the Convention on the Rights of Persons with Disabilities (OP-CRPD) and withdrawing the reservation to Article 4 of the International Convention on the Elimination of Racial Discrimination (ICERD).

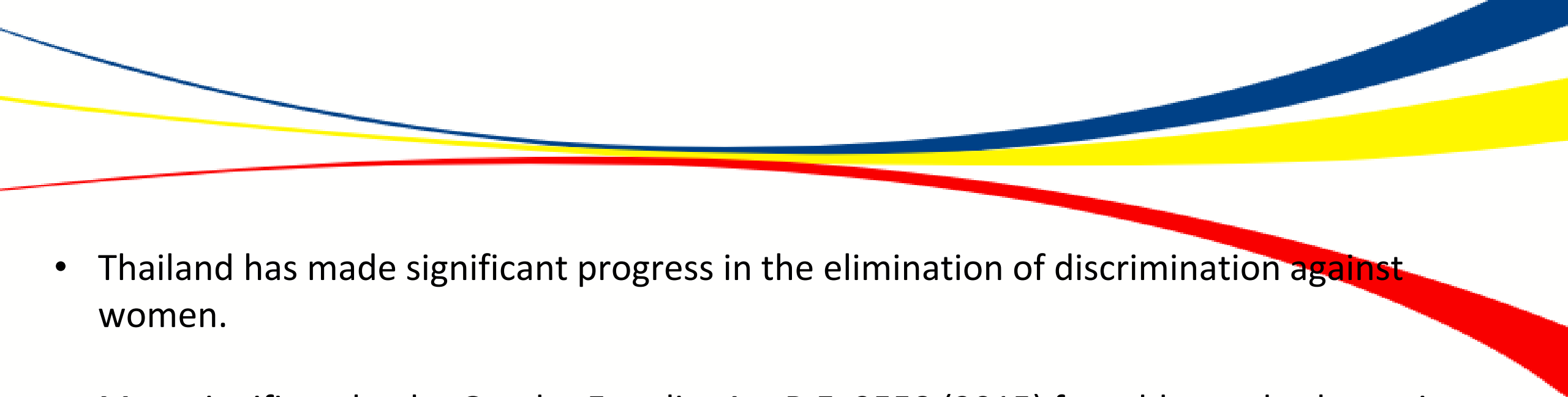
Duty-Bearer's Accountability


- Thailand withdrew its reservation to Article 16 of the CEDAW on Marriage and Family Law in the light of the approval of *the Criminal Code Amendment Act (No.19), B.E. 2550 (2007)* which expands the definition of rape and criminalizes marital rape,
- *the Name Act B.E. 2548 (2005 Amendment)* which permits married women either to take the surname of their husband or to retain their own surname,
- *the Female Title Act, B.E. 2551 (2008)* which allows married or divorced women to freely choose their titles as Miss or Mrs.



Harmonization of National Laws to Promoting Gender Equality.



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- Thailand has made significant progress in the elimination of discrimination against women.
 - Most significantly, the Gender Equality Act B.E. 2558 (2015) for addressed substantive issues as follows:
 - (1) the definition of gender discrimination;
 - (2) the establishment of national committees to formulate policy and measures;
 - (3) penalties;
 - (4) compensation for victims;
 - (5) the fund for the promotion of gender equality.

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- Thailand deposited the Instrument of Ratification for the ASEAN Convention against Trafficking in Persons to combating human trafficking and is consistent with the Government's policy which declares fighting human trafficking as a national agenda.



Implementation, Monitoring Mechanism and the Policies





Policy and Monitoring Mechanism

- The National Commission on Policy and Strategy for the Improvement of the Status of Women. It is responsible for recommending to the Cabinet the policy and national plan for the promotion of women's roles, legislative amendments, and for monitoring and evaluating the plan.
- The Department of Women's Affairs and Family Development (DWAFFD), under the MSDHS. DWAFFD is the coordinating body at the national level in formulating policies, guidelines, measures and mechanisms for women's empowerment, and promotion of gender equality and family development.

Policy and Monitoring Mechanism

- Chief Gender Equality Officers (CGEOs) and Gender Focal Points (GFPs) were established in 19 (out of 20) ministries totaling 131 agencies, 127 departments, and 4 independent agencies; all of which have developed a master plan on the promotion of gender equality within their agencies.
- The Sub-Committee on the Promotion of Opportunity and Gender Equality, tasked with the promotion of respect for equal rights and opportunity as well as investigation of complaints on such issues relating to human rights violation
- To launched the First National Policy and Strategy on Reproductive Health (2010-2014), the Prevention and Solution of the Adolescent Pregnancy Problem, B.E. 2559 (2016) this can be a good starting point to integrate gender perspective to tackle the problem.



Implementation

Violence and Human trafficking against Women

- The Protection of Victims of Domestic Violence Act B.E. 2550 (2007) aims to provide protection for persons from all forms of domestic violence based on human rights and strengthening family institution.
- One Stop Crisis Center (OSCC) – currently, has been called “Social Assistance center – 1300”, which provides multidisciplinary assistance to victims, such as domestic violence and sexual harassment.



Implementation

Violence and Human trafficking against Women

- The Anti-Human Trafficking in Persons Act B.E. 2551 (2008) provides for the establishment of two national committees:
 - Anti-Trafficking in Persons Committee and Coordinating (ATP Committee)
 - Monitoring of Anti-Trafficking in Persons Performance Committee (CMP Committee)
- Training for law enforcement officers, relevant government officials, NGOs, and international organizations on the content of the Act has also been conducted nationwide.



Implementation

Access to education

- To implemented an “education for all” policy. All children must receive 9-years compulsory education and are entitled to receive 12 years of basic education under the National Education Act B.E. 2542 (1999) and its amendment (No. 2) B.E. 2545 (2002).
- To promote lifelong learning, The Promotion of Non-Formal and Informal Education Act B.E. 2551 (2008) was passed. in 2014, National Statistic on Education done by Ministry of Education, show that the number of enrolled female student increase to 3,087,101 compared to 2,677,329 male students.



Implementation

Access to economic opportunities

- The Labor Protection Act (No. 3) B.E.2551 (2008) has been enforced to ensure equal wages for both women and men in accordance with their skills and capabilities. Also, efforts have been made by encouraging workplaces to increase women's access to education and skills development to gain better wages (CEDAW/C/THA/6-7, para. 95)
- The Government has systematized the deployment of Thai workers to work overseas since 1985, when the Employment and Job-Seeker Protection Act, B.E. 2528 (1985) was established, which is one of the five channels Thais can use to find employment overseas.



The Challenges



Prevalence of Contraception and Family Planning

- Teenage pregnancy remains high due to the lack of information and sex education on reproductive health and unsafe sex behavior (Social Watch, 2014). According to the Thailand Public Health Statistics 2014, the adolescent birth rate was 47.9 per 1000 women aged 15-19 years.
- The contraceptive prevalence rate is 79.3 percent (Multi-Indicator Cluster Survey, 2012). Women tend to take more responsibility in family planning than men. It was found that about 71.9 percent of women aged 15- 24 years used the condom (Reproductive Health Survey, 2009).
- the programs and health system still lack a gender perspective, as women's health policies tend to focus on women's reproductive health and childcare.



Political Participation and Decision-Making

- the programs and health system in Thailand still lack a gender perspective, as women's health policies tend to focus on women's reproductive health and childcare.
- women still have lower participation in politics than men in Thailand. Nevertheless, the number of women in national and local politics has been gradually increasing.



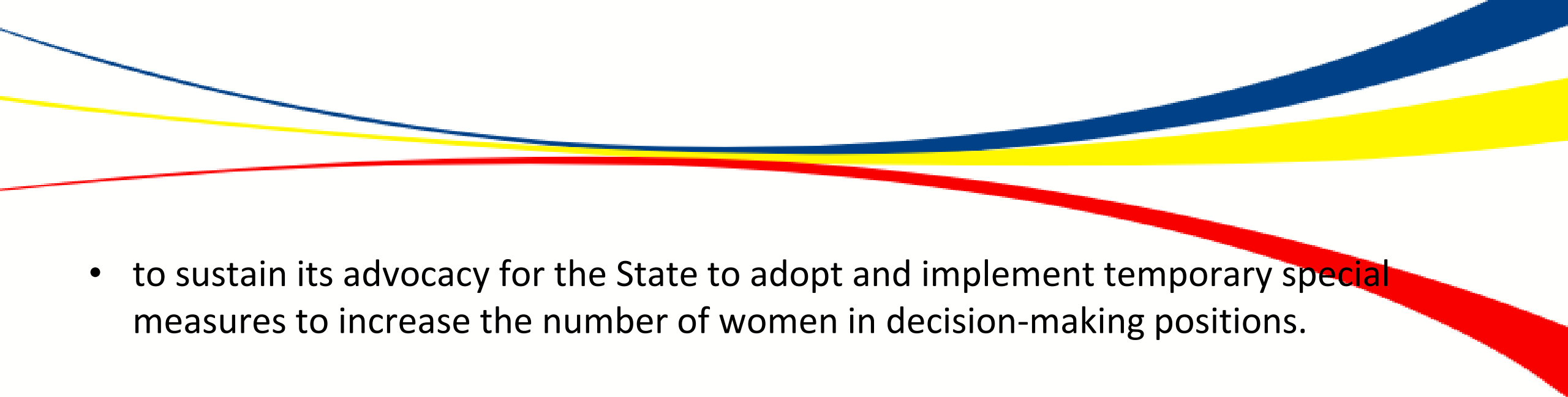
Political Participation and Decision-Making

- the allocation of party list candidates, of which a maximum 100 were allowed for each party, majority of parties had lower than 25 percent of female candidates; and female candidates were not listed on top of the lists
- the number of women holding high-ranking positions in the judiciary remained low. There were no women at the top level of the Office of the Attorney-General and fewer than 10 percent of judges in senior positions were female.



Recommendations on Ways Forward



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- to sustain its advocacy for the State to adopt and implement temporary special measures to increase the number of women in decision-making positions.
 - Address the root cause of trafficking by increasing its efforts to improve the economic situation of women, thereby eliminating their vulnerability to exploitation and traffickers, as well as measures for the rehabilitation and social integration of women and girls who are victims of exploitation and trafficking.
 - Encourage public and private sectors to formulate a health policy that covers all dimensions, especially gender perspective.



Thank You

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the Policy Dialogue Forum Gender Co-Solutions EP.4

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แบบฟอร์มการขอเผยแพร่ข้อมูลผ่านเว็บไซต์ของหน่วยงานในราชการบริหารส่วนกลาง
สำนักงานปลัดกระทรวงสาธารณสุข
ตามประกาศสำนักงานปลัดกระทรวงสาธารณสุข
เรื่อง แนวทางการเผยแพร่ข้อมูลต่อสาธารณะผ่านเว็บไซต์ของหน่วยงาน พ.ศ. ๒๕๖๑
สำหรับหน่วยงานในราชการบริหารส่วนกลางสำนักงานปลัดกระทรวงสาธารณสุข

แบบฟอร์มการขอเผยแพร่ข้อมูลผ่านเว็บไซต์ของหน่วยงานในสังกัดสำนักงานปลัดกระทรวงสาธารณสุข

ชื่อหน่วยงาน : ศูนย์ปฏิบัติการต่อต้านการทุจริต กระทรวงสาธารณสุข

วัน/เดือน/ปี : ๑๙ ตุลาคม ๒๕๖๓

หัวข้อ: ASEAN : Panel Discussion : International and Regional Learning on the Implementation of Gender Equality Law : Best Practices and Challenges

รายละเอียดข้อมูล (โดยสรุปหรือเอกสารแนบ)

ASEAN : Panel Discussion : International and Regional Learning on the Implementation of Gender Equality Law : Best Practices and Challenges

Link ภายนอก: ไม่มี

หมายเหตุ:
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ผู้รับผิดชอบการให้ข้อมูล

วินัย คณาศรี

(นายวินัย คณาศรี)

ตำแหน่ง นักวิเคราะห์นโยบายและแผนปฏิบัติการ

วันที่ ๑๙ ตุลาคม พ.ศ. ๒๕๖๓

ผู้อนุมัติรับรอง

สุชาภา วรินทร์เวช

(นางสาวสุชาภา วรินทร์เวช)

ตำแหน่ง นักวิเคราะห์นโยบายและแผนชำนาญการพิเศษ

(หัวหน้า)

วันที่ ๑๙ ตุลาคม พ.ศ. ๒๕๖๓

ผู้รับผิดชอบการนำข้อมูลขึ้นเผยแพร่

วินัย คณาศรี

(นายวินัย คณาศรี)

นักวิเคราะห์นโยบายและแผนปฏิบัติการ

วันที่ ๑๙ ตุลาคม พ.ศ. ๒๕๖๓