Access to Justice for Sexual and Gender-Based Violence in Thailand: a Baseline Study

Executive Summary

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Sexual and gender-based violence (SGBV) remains a persistent and widespread human rights abuse in Thailand, disproportionately affecting women, girls and gender non-conforming individuals. Despite its severity, there are no consistent national records concerning SGBV, let alone accessible, comprehensive data. Available official information is fragmented and largely limited to "domestic violence"—only one form of SGBV. Even these limited figures indicate the extremely serious nature of the predicament, with thousands of incidents reported annually to the Ministry of Social Development and Human Security, alongside numerous additional cases recorded by other agencies. At the same time, prosecution rates remain extremely low, and data on sentencing and case outcomes is scarce, thus pointing to major gaps in accountability.

This baseline study, conducted by the International Commission of Jurists (ICJ) with support from the Netherlands Embassy in Thailand, maps and analyses Thailand's legal and policy framework on SGBV and its implementation in practice, measured against Thailand's international human rights law obligations. The study draws on research and interviews with civil society organizations, lawyers, judges, academics and the National Human Rights Commission of Thailand.

Key findings

1. Shortcomings in domestic law governing SGBV

Rape: The definition of rape in the Criminal Code is not centred on the absence of freely given consent, nor does it clearly cover all forms of non-consensual sexual penetration. Police and prosecutorial practice continue to focus on physical resistance rather than on the absence of consent—including when arising from coercive circumstances—and their questioning often reflects harmful myths and gender stereotypes.

Sexual harassment: Sexual harassment is addressed through a patchwork of civil service, labour, and criminal provisions, including those pertaining to "indecent assault". Definitions are narrow and inconsistent, penalties are low, and there is insufficient guidance for justice sector actors.

Technology-facilitated GBV (TFGBV): Thailand lacks a comprehensive legal framework addressing TFGBV, leaving many online violations—such as doxxing, sextortion and non-consensual distribution of intimate images—insufficiently covered. Meanwhile, broadly framed "obscenity" and computer crime offences have been used in ways that may unduly restrict consensual sexual expression, raising, in turn, freedom of expression concerns.

Domestic violence: The Domestic Violence Victim Protection Act (2007) and related draft laws provide an incomplete and, at times, regressive framework. Definitions of "domestic violence" and "person in the family" are narrow and often exclude non-cohabiting or *de facto* partners. Offences are subject to short limitation periods, and the system continues to prioritize reconciliation and "family unity" over survivor safety. Penalties are lower than comparable general offences, and protection measures are rarely implemented effectively.

Femicide: Thailand does not recognize femicide or gender-related killings as distinct offences or as aggravating circumstances. Evidence indicates that broadly framed "provocation" and "violent emotion" provisions are frequently used to reduce sentences imposed on male perpetrators whose criminal conduct amounts to femicide of their current or former partners. By contrast, women who use force in response to prolonged abuse often cannot benefit from such mitigating provisions, with insufficient consideration given to the long-term violence they have endured.

Gender equality: The Gender Equality Act establishes a mechanism to address unfair gender discrimination, but contains broad exceptions purportedly based on religion or national security and does not clearly protect against discrimination on grounds of sexual orientation, gender identity and expression (SOGIE). Implementation is hampered by low public awareness and delays in appeals. Thailand still lacks a comprehensive non-discrimination law.

Abortion: Abortion after 12 weeks remains partly criminalized, with limited grounds for access to safe and legal abortion. Abortion services are available only in limited facilities; restrictive hospital policies and "conscientious objection" create additional barriers. Stigma is pervasive, information is scarce, and post-abortion care is limited—contributing to unsafe abortions and related health risks.

2. Conflicting laws, criminalization and plural justice systems

Certain laws and practices create additional barriers for survivors in situations of vulnerability:

Sex workers face criminalization under prostitution, "obscenity" and computer crime laws, deterring SGBV reporting and facilitating abuse by both State and private actors. The 2023 restrictions on HIV prevention services—including PrEP and PEP—have reduced access to essential, stigma-free healthcare.

Migrant workers—both undocumented and documented—are constrained by strict immigration and labour regulations. Fear of arrest, detention and deportation deters undocumented migrants from reporting SGBV. For documented workers, restrictive movement and employer-change conditions can trap them in abusive environments.

Asylum seekers and refugees lack effective legal status or protection. Thailand is not party to the 1951 Refugee Convention and implementation of the National Screening Mechanism remains slow. Refugees outside designated shelters face similar arrest and deportation risks as undocumented migrants, including when reporting SGBV. Persistent concerns over *refoulement* further discourage disclosure and reporting of SGBV.

Southern border provinces: Informal, religious and community-based dispute resolution systems are widely used in SGBV and domestic violence cases, often at the expense of safety and accountability. These mechanisms prioritise reconciliation, are dominated by male leaders, and lack safeguards or formal links to State justice processes. For Muslim women seeking divorce on grounds of domestic violence, procedures under Islamic law are lengthy, with limited access to shelter, legal aid and financial support.

3. Practical and resource-based barriers

SGBV survivors also face serious practical and resource-related barriers. Harmful gender stereotypes among police, prosecutors and judges result in blaming, shaming and secondary victimisation. Gender-sensitive procedures—such as separate waiting areas, video testimony and limits on repeated interviews—are underused. There is a severe shortage of trained female police officers, interpreters and lawyers, particularly outside Bangkok.

Support services are limited. There are no dedicated State-run emergency shelters for survivors of SGBV, including domestic violence; existing shelters have unclear admission criteria and short maximum stays. One-stop crisis centres (OSCCs) operate inconsistently, and long-term counselling and mental-health services are scarce.

Persons with disabilities face heightened risks and, yet, experience additional barriers: inaccessible police stations and courts; lack of accessible information; shortages of interpreters and assistive services; dependency on caregivers, who may be perpetrators; and discriminatory evidentiary rules. These barriers contribute to underreporting, impunity and invisibility.

Summary of key recommendations

To align Thailand's legal framework and practice with its international human rights law obligations and ensure effective access to justice and remedies for SGBV survivors, this study recommends that Thailand:

- Reform its criminal law on rape and other sexual offences to adopt a consent-based definition covering all forms of non-consensual penetration; clarify consent and coercive circumstances; remove exceptions and mitigating provisions for marital or partner rape; and abolish the death penalty in all circumstances, including for cases where rape resutlts in the victim's death.

- Adopt comprehensive legislation on sexual harassment and TFGBV with clear definitions, appropriate sanctions, protective powers for courts, and narrowed "obscenity" provisions.
- Address femicide and discriminatory sentencing by recognising discriminatory gender-related motivation as an aggravating factor or creating a specific offence; limiting discriminatory use of "provocation" defences; and ensuring proper consideration of prolonged abuse in cases where survivors use force.
- Amend the domestic violence framework by broadening definitions; making domestic violence non-compoundable; removing or extending limitation periods; providing for *ex officio* prosecution; limiting reconciliation to survivor-initiated cases with safeguards; appropriate penalties; and establishing protection measures, shelters, effective perpetrator intervention programmes that systematically address behavioural change, and dedicated funding.
- Reform equality and non-discrimination laws by: explicitly including SOGIE grounds in the Gender Equality Act; removing broad exceptions; strengthening enforcement mechanisms; and expediting the adoption of a comprehensive Non-Discrimination Act.
- Decriminalize abortion and sex work, and ensure access to safe and legal abortion, post-abortion care, HIV prevention, and guarantee that other sexual and reproductive health services are accessible, acceptable and high-quality for all.
- Remove immigration and refugee-protection barriers by allowing migrant workers, asylum seekers and refugees to report SGBV without fear of arrest or deportation; reforming the National Screening Mechanism; and adopting legislation recognizing and protecting asylum seekers and refugees.
- Ensure SGBV cases are not automatically diverted to informal, religious or community-based mechanisms, including in the southern border provinces; ensure survivors are informed of their right to access the formal justice sytem; and allow alternative resolution only with free, informed consent and strong safeguards.
- Strengthen evidentiary and procedural safeguards by revising police, prosecutorial and judicial guidelines to reflect international human rights law and standards, combat gender stereotypes, and ensure survivor-centred, trauma-informed processes, including specialized SGBV units and increased numbers of trained female officers and interpreters.
- Expand and adequately fund State-run emergency shelters, long-term safe housing, and trauma-informed medical, psychosocial and counselling services, and allocate dedicated funding for survivor assistance.
- Ensure comprehensive access to justice and effective remedies for SGBV survivors with disabilities by guaranteeing physical, informational and communication accessibility; providing comprehensive training for justice sector actors on the human rights of persons with disabilities; and ensuring the right of persons with disabilities to provide testimony on an equal basis with others.
- Systematically collect and publish disaggregated SGBV data to inform policy and improve access to justice and effective remedies.