

# EFFECTIVE PRACTICE TO ENHANCE ACCESS TO JUSTICE FOR WOMEN AS VICTIMS IN THAILAND

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## I. INTRODUCTION

Ensuring gender equality and equitable treatment for women are crucial elements in achieving social development for all. Accordingly, this has been embedded in the 2030 Sustainable Development Goals (SDGs). The global community recognizes that the SDGs draw together the strands of peace, the rule of law, human rights, development and equality into a comprehensive and forward-looking framework to reduce conflict, crime, and discrimination in order to ensure an inclusive society. Goal 5, in particular, mandates the elimination of all forms of violence against women and gender discrimination. Combined with Goal 16 — the rule of law and access to justice for all — access to justice to end violence against women has now become one of the world's biggest promises in order to achieve sustainable development.

While the SDGs can be seen as '*promises*' to be realized by the year 2030, the issue of non-discrimination, access to justice and non-violence against women have been a mainstay in a number of core international instruments, including but not limited to, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic and Social Rights, and the Convention on the Elimination of all forms of Discrimination Against Women. In particular, these SDG principles have been echoed in a number of key international documents in the field of crime prevention and criminal justice. One key example is the 'Doha Declaration'<sup>1</sup>, which was unanimously adopted at the 13th United Nations Congress on the Crime Prevention and Criminal Justice in April 2015, and which requires mainstreaming the gender perspective into criminal justice systems by developing and implementing national strategies and plans to promote the full protection of women and girls from all acts of violence. To this end, states are encouraged to adopt gender-specific measures as an integral part of national policies on crime prevention, criminal justice as well as the treatment of offenders.

In a more detailed manner, *the Updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the field of Crime Prevention and Criminal Justice*, adopted by the United Nations General Assembly in December 2010, provides comprehensive guidelines to respond to specific needs of women in the criminal justice system. By these Model Strategies, States are guided to apply gender sensitive measures in each step of the criminal process including, but not limited to, protecting the privacy and identity of the victims; to develop mechanisms to ensure a comprehensive multidisciplinary, coordinate, systematic response to violence against women; to ensure specific needs of victims of violence during the investigation; to ensure gender-equitable representation in the police force and other agencies of the justice system and; to ensure access to legal aid.

Despite the proliferation of international standards highlighting equal treatment of and ending violence against women, the situation remains worrying. According to UN Women, 35 per cent of women worldwide have experienced either physical or sexual violence at some point in their lives. This disturbing phenomenon is amplified when coupled with current statistics showing that as much as 80 percent of women victims of violence across the globe do not even report the violence they have encountered. Shortfalls in legal procedures as well as social and economic factors continue to challenge justice systems in addressing the urgent need for women to access justice in many parts of the world.

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<sup>1</sup> The Doha Declaration on integrating crime prevention and criminal justice into the wider United Nations agenda to address social and economic challenges and to promote the rule of law at the national and international levels, and public participation, paragraphs 5(f) and 5(g)

Thailand is not immune to these challenges. Sexual and domestic violence as well as violence in the context of human trafficking continue to be reported throughout the kingdom. However, SDGs and emerging trends in criminal justice frameworks have provided an array to better accommodate the needs of women. This paper will provide an overview of Thailand's situation and the challenges women face in accessing justice as well as measures adopted by the Thai government and other stakeholders to address those challenges in the first and the second parts. The final part will focus on the way forward in conjunction with the framework of SDGs presenting as opportunity to better address access to justice for women.

## II. CONTEXT AND BACKGROUND IN THAILAND

### A. Major Forms of Violence against Women in Thailand

Statistics suggest that violence against women is a universal problem. The World Health Organization (WHO) estimates that, globally, around one in three women have experienced either physical and/or sexual intimate partner violence or non-partner sexual violence in their lifetime<sup>2</sup>. A study commissioned by the Thailand Institute of Justice reveals that the forms of violence against women across ASEAN countries include domestic violence, trafficking, rape and sexual assault. In Thailand, there are three main forms of violence against women, namely sexual violence, domestic violence and violence in the context of human trafficking.

#### 1. Sexual Violence

In 2017, the estimated rate of rape was 0.95 per 1,000 women. An average of 87 cases of sexual violence are reported each day to the support service groups and health centers around the country, but very few reach the police station<sup>3</sup>. Female students are particularly vulnerable. It was found that 60% of the almost 32,000 girls and women raped in Thailand in 2013 were students and that alcohol had contributed to the violence in 37.7% of the cases surveyed<sup>4</sup>. The cases of sexual violence are mostly caused by someone the victims know: family members, current and ex partners, neighbors, friends, work colleagues or acquaintances. A study on sexual violence in Viet Nam and Thailand found that between 86 and 98 per cent of the suspects were known to the victims<sup>5</sup>.

#### 2. Domestic Violence

In some societies, certain types of violence may appear to be normal especially when law enforcement has little grasp or control on violence against women<sup>6</sup>. In Southeast Asian households, examples of justifications for using violence against women range from burning the food, arguing with one's husband, going out without telling the husband, neglecting children or refusing to have sex with one's husband. In Thailand, while country-wide statistics from government or academic sources are not available, a survey conducted in Bangkok by a human rights group indicated that 38 per cent of 2,800 women had experienced physical violence by an intimate partner during their lifetimes<sup>7</sup>. In addition, the Thai Health Promotion Foundation has reported that there is an increase in Thai women being subject to domestic violence. Factors contributing to the increase of domestic violence include work stress and the consumption of alcohol<sup>8</sup>.

#### 3. Violence against Women in the Human Trafficking Context

According to a recent report on Trafficking in Persons from Cambodia, Lao PDR and Myanmar to Thailand<sup>9</sup>, 21 per cent of migrant workers in Thailand are victims of human trafficking, and most victims of trafficking in domestic services and sex industries are female. The ILO found that approximately 20 per cent

<sup>2</sup> Violence against women. Intimate partner and sexual violence against women. 2017. Fact Sheet. World Health Organization. WHO. Retrieved from: <http://www.who.int/mediacentre/factsheets/fs239/en/>

<sup>3</sup> Study: one rape every 15 minutes. 2014. The Bangkok Post. Retrieved from <https://www.bangkokpost.com/print/400874/>

<sup>4</sup> Ibid.

<sup>5</sup> The Trial of Rape: Understanding the Criminal Justice Sector Response to Sexual Violence in Thailand and Viet Nam. 2017. Skinnider, E., Montgomery, R. and Garrett, S. UN Women, UNDP and UNODC.

<sup>6</sup> Scoping study, page 57

<sup>7</sup> Women who experience intimate partner violence, 2016. kNOwwVAWdata. Measuring prevalence of violence against women in Asia Pacific. UNFPA Asia and the Pacific region. Retrieved from: [http://asiapacific.unfpa.org/sites/default/files/pub-pdf/VAW%20Regional%20Snapshot\\_2.pdf](http://asiapacific.unfpa.org/sites/default/files/pub-pdf/VAW%20Regional%20Snapshot_2.pdf)

<sup>8</sup> <http://morning-news.bectero.com/social-crime/22-Sep-2017/110920>

<sup>9</sup> The report commissioned by the Thailand Institute of Justice in collaboration with the United Nations Office for Drugs and Crime (UNODC)

of those domestic workers experienced physical and sexual abuse in the premises where they work and live ranging from unwanted touching to sexual advances, beatings, rapes, and other forms of violence. Of the aforementioned figure, 8 per cent experienced sexual harassment. Another report commissioned by UNODC in 2013 estimated that around 140,000 workers operate in the sex industry in Thailand and 90 per cent of those are female. Consequently, about 5,600 sexual workers, both Thai and foreign nationals, might be victims of trafficking for sexual exploitation.

While depicting major forms of violence, it is useful to draw attention to three common characteristics of violence faced by women in Thailand. The first one is that the majority of perpetrators are known to the victim, and in most cases are known men comprising current and ex-intimates, family members, neighbors, and work colleagues. A study conducted by UN Women on sexual violence in Thailand and in Viet Nam shows that a staggering 98 per cent of the suspects are known to women. The second characteristic is that women are more likely to experience repeated acts of violence by the same perpetrator rather than a one-off victimization. Thirdly, the violence is often trivialized through inaccurate and unhelpful descriptions such as 'date rape'. The context in which the violence takes place can impact how criminal justice providers view the seriousness of the violence and in some situations, the violence might not even be criminalized.

## **B. Identified Problems in Access to Justice for Women**

Worldwide, only 20 per cent of violence cases have been reported to police and undergone processes in the criminal justice system. In Southeast Asia, women who are subjected to violence face numerous legal, social, and cultural procedural and institutional hurdles that discourage reporting and cooperating with criminal justice officials. This section will analyze the following key barriers that women face in Thailand. This section will analyze several key barriers that women face in Thailand.

According to the 2017 UN Women, UNODC and UNDP report, "The Trial of Rape: Understanding the criminal justice system response to sexual violence in Thailand and Viet Nam," these excerpts capture the key obstacles to Thai women's access to justice:

- Delays in the criminal justice system: Court proceedings can be long and drawn out, and often focus on physical or forensic evidence or the victim's credibility rather than the credibility of the reported event or the victim's lack of consent. Significant delays plague many victims going through the administration of justice, which can start with late onset and completion of police investigations and carry through to delays in setting trial dates. The victim's character, behaviour or dress is often called into question. There is little preparation or court support for the victim. In many cases, the court acquits the accused.
- Inadequate sense of gender sensitivity among criminal justice providers: While sexual violence cases are complex and challenging to investigate, there are no specialized investigative units, and officers and investigators receive little or no specialized training or professional development. There are few female police and investigating officers. Many victims are turned away and urged to seek mediation or other forms of settlement outside of the formal criminal justice system. Victims are often required to tell their story multiple times or are treated with disrespect and insensitivity.
- Inadequate coordination among service providers: There are limited referral networks and coordination mechanisms within the justice system, and among government departments, justice system agencies, and civil society service providers. Data systems from different parts of the criminal justice system that do not speak to one another, and that may even use different definitions, terminology or casefile numbers, further hamper effective collaboration and increase the risk of information loss.
- Victims' lack of knowledge of legal rights and procedures: Many women have limited knowledge and limited access to information about their legal and procedural rights and what they can and should expect as they navigate complex criminal justice systems and processes. Protections offered to victims of sexual violence can be inadequate, as in limited victim or witness protection programmes, and communication between criminal justice service providers and victims largely ceases once the initial report has been taken. Where support services are limited, victims and their families may choose to forego seeing their cases through to completion.

### III. DEVELOPMENT AND GOOD PRACTICES

Despite the shortfalls in criminal justice system and challenges faced by women in Thailand, there are promising emerging developments both in Thai law and practices that enhance access to justice for women. This section will identify key developments with the 1997 Constitution as a milestone towards the reform of the justice system responding to the needs of individuals and vulnerable groups. Developments are focused on the existence of the legislation, implementation of the laws and measures applied by the government and other stakeholders that have made significant, positive changes to the access to justice for women.

#### A. Developments in Thai Legislation

The 1997 Constitution lays the foundation for revolutionary reforms of the criminal justice system in Thailand. It puts great emphasis on establishing the rule of law and due process. Its constitutional legacy particularly on the protection of fundamental human rights, liberties, and equality of the Thai people is upheld by the 2007 Constitution and the 2017 Constitution. Among many progressive clauses, for the first time the rights of victims and witnesses in criminal cases were recognized in the constitution. Section 244 established that in a criminal case, a witness has the right to protection, proper treatment, and necessary and appropriate remuneration from the State as provided by law. Section 245 mandates that an injured person in a criminal case has the right to protection, proper treatment and necessary and appropriate remuneration from the State, as provided by law.

Following the 1997 Constitution, the Witness Protection in Criminal Act B.E. 2546 (2003) was approved by Parliament. For women as witnesses in cases of sexual offences, the Witness Protection in Criminal Act provides that the witnesses under the Penal Code in respect of the following offenses may be provided special protection: witnesses to procuring offences under the law on women and children trafficking, and prostitution or prostitution business.

In accordance with the 2007 Constitution and criminal justice reform efforts, amendments to the Thai Criminal Procedure Code were made in 2008 to add provisions which offer greater guarantees of rights and protection for women as victims and witnesses at all stages of criminal procedure including:

- *The presence of female officers:* For collection of evidence during the investigation process, Section 132 (1) requires that a female officer or other woman shall be in charge of inspecting the body of a female injured person. Upon interrogation, Section 133 states that in the case of an offence relating to sexuality, inquiries of the female injured person shall be made by a female officer, unless the injured person gives consent otherwise or there is other cause of necessity, and such consent or cause must be noted. In addition, the injured person may request to bring another person to be present during the examination.
- *Non-confrontational procedure:* In the taking of evidence during trial, Section 172 allows for non-confrontational procedures after taking into consideration sexuality, age, status, health and mental state of a witness and her potential anxiety. A procedure may be conducted without direct confrontation between a witness and the accused person via closed circuit television, electronic media or any other method as prescribed under decisions of the President of the Supreme Court. In addition, inquiries may be conducted by a psychologist, social worker or other individual whom the witness trusts. One of the regulations issued by the President of the Supreme Court in 2013 reaffirms the provisions under Section 172 and further underlines that non-confrontational principles be applied before, during, and after the procedure.
- *Special measures in responding to sensitivity of violence cases:* As an exception to the principle of open trial, Section 177 upholds that the Court may, of its own motion or on the application of either party, issue an order that the trial be held behind closed doors, provided that it is in the interest of public order or good morals. In addition, Section 226/4 prohibits the accused person from presenting evidence or cross-examining the victim with a sensitive question unless permitted by the Court.

With regard to women as victims of domestic violence, the Protection of Victims of Domestic Violence Act B.E. 2550 (2007) is the first Thai law that defines “domestic violence” and allows a “person in the family” to be legally liable for offences under the Act. In this Act, a person in the family is interpreted widely and

includes spouse, former spouse, those who cohabit or used to cohabit as husband and wife without registering for marriage, child, adopted child, members of the family, including any individual who depends on or lives in the same household.

Most importantly, the law authorizes the competent official who witnesses or receives notification of an alleged act of domestic violence to: enter the residence or the scene to interview the person who allegedly committed domestic violence, the victim, or potential witnesses; arrange for the victim's medical treatment and advice from the psychiatrist, psychologist, or social worker; file the complaint on the victim's behalf when she lacks the ability or opportunity to do so.

In interviewing a victim of Domestic Violence, in accordance with the Criminal Procedure Code, the Inquiry Official shall arrange for the psychiatrist, Psychologist, Social Worker, or person which the victim of Domestic Violence has requested to join the interview in order to provide advice.

In the case of human trafficking, the Anti-Human Trafficking Act B.E. 2560 (2017) extends protection to women as victims and witnesses of human trafficking. Under this act, conducting bodily examination on a potential victim of human trafficking must be done with the victim's consent. If such person is a woman, the procedure must be carried out by a female examiner. The victim, as a witness, shall be under protection according to the law on protection of witnesses in criminal cases. In recognition that victims of human trafficking may be illegal migrants and are thus at risk of being denied fair access to justice if faced with prosecution, this Act clearly states that, unless written permission is granted by the Minister of Justice, the inquiry official shall be barred from taking legal proceedings against any victim on immigration offences. The same prohibition is applied to the following immigration-related offenses: providing false information to authorities; forging or using a forged travel document under the Penal Code; offences on prevention and suppression of prostitution, particularly on contacting, persuading, introducing, soliciting or pestering a person for the purpose of prostitution and assembling together in the place of prostitution for the purpose of prostitution; being an alien working illegally in Thailand.

## **B. Emerging Good Practices Enhancing Access to Justice for Women**

In addition to improvements to Thai law, support is available for women in each stage of the justice system starting from awareness-raising programmes to encourage and provide information for women and girl victims to report violence. Once violence has been reported, services and necessary funding are available to assist females in each stage of the justice process. Capacity-building programmes for police and practitioners have also been put in place to enhance the quality of legal services provided for female victims.

Emerging key good practices are as follows:

### **1. One Stop Crisis Centres (Ministry of Social Development and Human Security)**

Despite existing response services, multi-sectoral coordination mechanisms remain a challenge. This has led the Ministry of Social Development and Human Security to establish One Stop Crisis Centres (OSCC) all throughout Thailand, in partnership with the Ministry of Public Health, the Royal Thai Police, the Ministry of Labour, and non-governmental organizations working to end violence against women. The OSCC includes a hotline managed by trained staff, a network of 22,000 crisis centres around the country and 1,300 mobile units to access communities nationwide.

The crisis centres receive complaints, transfer cases and coordinate responses between Government agencies. Each OSCC is a multidisciplinary unit that provides comprehensive services for victims of violence in Thailand. The centres provide physical and mental treatment, legal assistance, and recovery and rehabilitation, with multidisciplinary teams to help women victims of all forms of violence. They work not only with medical doctors and nurses, but also representatives from the Royal Thai Police, the Office of the Attorney-General, non-governmental organizations, and emergency shelters. As a result, victims have access to immediate critical services and assistance. An OSCC usually assumes multifunctional roles.

The OSCCs are administered by the Ministry of Social Development and Human Security. They are computerized and able to track specific cases or survivors' rehabilitation programmes. They also feature a database that provides a snapshot of the true extent of violence reporting and the demand for social assistance, while collecting information on the OSCC's use, to ensure improvements in their responsiveness

and effectiveness. This national initiative responds to violence against women by providing immediate social assistance to victims of gender-based violence. It is expected also to play a preventive role by raising public awareness and focusing on rehabilitation.

2. Multi-disciplinary Team (Office of Attorney General)

The Model Strategies and Practical Measures on the Elimination of VAW in the field of CPCJ places one of its focuses on the establishment of a multidisciplinary response to violence against women which should include specially *trained police, prosecutors and other criminal justice officials as well as health* and social services and supports to contribute to the well-being of the victim. The aforementioned One Stop Crisis Centre is a clear example of how Thailand is operationalizing international standards. In addition, more progress has been recently made as multidisciplinary teams are being set up in the nation's provinces and include provincial attorneys, investigative officers, One Stop Crisis Center (OSCC) officers, local administrative officials, social workers and provincial Social Development and Human Security agents.

The Office of Attorney General of Thailand set up the multidisciplinary team, in consultation with public prosecutors, as a local mechanism for the effective response to violence against children cases and child protection particularly children in contact with the justice system. The team is expected to play roles in improving the reporting mechanism and designing prevention measures as well as rehabilitation plans. In designing the best course of action for each specific case, the views from various disciplines and stakeholders are very crucial. Team members come from various professions such as police, medical staff, social workers, teachers, and community leaders. In 2017, the team was able to resolve 90 violence cases — mostly domestic violence — affecting children in 9 provinces.

3. Justice Fund (Right and Liberty Department)

The Justice Fund was set up in 2006 to ensure equal access to legal assistance and fair treatment for the underprivileged by enabling impoverished people facing legal charges or victims of abuse to gain access to financial aid. The Rights and Liberties Protection Department has played an active role in the Justice Fund since its establishment, which led to the 2015 enactment of the Justice Fund Act. The Justice Fund has so far dealt with 18,530 of approximately 19,000 cases. More than 500 million baht has been spent on legal services and aid for assistance seekers.

Access to justice for Muslim women in southern provinces was one of the major challenges of Thailand not least due to the more limited economic opportunity in the area. The Justice Fund was in place to support the most poor and vulnerable to access justice, but for women in the south the largest challenge was to overcome stigma and social pressure in coming forward with complaints of domestic violence. The Government was promoting projects which raised the awareness and knowledge of women in the south about their rights, and how to access justice and approach the legal system. The Southern Border Provinces Administration was one agency which provided legal aid and information to women and also helped women understand how to apply all that knowledge in their daily lives.

4. Victim Support Programmes

In the past 20 years, efforts to combat violence against women have been made by cooperation among organizations in both the public and the private sectors in Thailand. NGOs focused on ending violence against women have played key roles in finding measures to provide gender sensitive assistance to women.

The Association for the Promotion of the Status for Women (APSW), a charitable organization mandated to address violence against women has provided shelter and fully comprehensive services for women and children confronting physical, psychological and sexual abuses, unwanted pregnancies, and abandonment including HIV/AIDS. The past 25 years have seen over 50,000 women and children receiving assistance from APSW and at present, on any single day, there are about 120 women and children sheltered at the APSW Emergency Home. APSW has in the past several years launched many rehabilitative as well as preventive activities. It has opened up a one stop service centre for rape victims (Kanitnaree Centre), fully equipped with medical examination and video-recorded investigation facilities to provide gender-sensitive and comprehensive services assistance.

5. Capacity Building Programmes

The lack of legal knowledge poses great challenges to womens access to justice. The criminal justice

system continues to disadvantage many women who find themselves in the process. There are many obstacles to accessing justice that women have to overcome including the lack of knowledge on criminal justice procedures and the awareness of legal rights.

Enhancing legal awareness is the key to women empowerment. To this end, the *Paralegal Training: Women for Justice, Justice for Women* training programme was initiated by Thailand Institute of Justice in collaboration with Foundation for Women, Law and Rural Development and Chiang Mai University. Upon completing training, participants are expected to be able to provide legal advice or assistance to women and others in need. Participants included social workers, community leaders, women right advocates, lawyers and local criminal justice practitioners. In 2017, the training was organized three times in the northern, southern and central regions of Thailand.

The Office of Attorney General has been working together with UN Women, UNICEF and Ministry of Social Development and Human Security in providing a number of training programmes for public prosecutors regarding violence against women cases. The training focused on the functions and the role of Prosecutors in protecting victims of sexual violence. Moreover, The Office of Attorney General also collaborated with the police cadet academy on organizing workshops for third-year police cadets on the topic of violence against women and the role of law enforcement in tackling such issues.

#### **IV. CONCLUSION AND WAYS FORWARD**

The SDGs and the Doha Declaration provide normative frameworks to mainstream gender perspectives into criminal justice systems. Although not legally binding, the SDGs and Doha Declaration provide principled guidance on how to tackle the issues of inequality, violence against women and access to justice for women in an integrated manner. Sections I and II of this paper depicts the current situation and remaining problems in accessing justice for women as well as developments in Thai legislations and good practices endeavoring to address these challenges. In moving forward, it is useful to draw lessons learned from practices in Thailand and to rethink opportunities presented to us by the framework of SDGs to improve access to justice for women. In this regard, this paper posits three lesson learned in Thailand's context from which we can draw to better improve the access of justice for women. These are, namely: the significance of inclusive and integrated approaches; the role of the rule of law; the use of a development framework to tackle the root causes of existing problems; and the crucial roles addressed below.

##### **A. Inclusive and Integrated Approaches**

The SDGs, in the preamble of the resolution A/RES/70/1, call for the involvement of all stakeholders. The role of civil society are recognized in several parts of the document as a key to making critical changes for a sustainable society. Likewise, the Doha Declaration highlights consultative and participatory processes to ensure the contribution of civil society, the private sector, academia, and all other relevant stakeholders, in the development and implementation of crime prevention policies.

Challenges faced by women in accessing justice are a combined result of social values, cultural patterns and practices, and lack of gender responsiveness in the criminal justice system. To fight these multi-dimensional challenges we need participants from all sectors, not just governmental bodies. A number of good practices in Thailand reflect the important role of civil society. One is capacity-building activities. Academics and NGOs have significantly enriched Thai training programmes by adding their views, knowledge and practical experiences. Another example is victim support programmes. A number of NGO-led shelters are being operated throughout the country to provide accommodation, physical and mental health care, and assistance for female victim. Assistance provided for victims includes legal assistance with intervention from pro bono lawyers.

At present there are a number of MOUs between groups of civil society and government bodies on services provided for women. As such, in moving forward, the role of civil society, such as NGOs and academics, cannot be underestimated. In addition, international stakeholders must not be overlooked. Not only local NGOs can be benefit from an inclusive and integrated approach, but international stakeholders as well. The government should consider the role of international organizations.

## **B. The Rule of Law**

Every country has laws criminalizing rape and other forms of sexual violence. However this does not guarantee access to justice for female victims of violence. The rule of law is not only a matter of having the laws in place. It is also the way that the law and its implementation in reality understand and take into account the interests and concerns of people, or in this case of women. SDG Goal 16 on the rule of law comes into play by providing an appropriate legal infrastructure to protect women against violence. The international community has recognized that the rule of law, peace, justice and security are key elements in realizing sustainable development. The rule of law has therefore become one of the specific targets to guide our efforts to transform the world we live in.

For the SDGs, Goal 16 on the rule of law does not only stand as a goal in and of itself, it also provides an enabling environment for the achievement of other goals. When effective, the rule of law provides a society with a clear sense of assurance that the use of coercive power by the government, the utilization of natural resources, and the promotion of economic development shall benefit everyone. The rule of law implies a sense of respect for human rights, non-discrimination, mutual interest as well as effectiveness and due process when state agencies are to apply executive power.

Drawing from practices and developments in the Thai context, the rule of law has much to contribute to the improvement of access to justice for women. The rule of law helps us understand the situation by taking account of the vulnerability of female victims and sensitivity of issues. In this sense, the 1997 constitution and other legislation provides special measures in dealing with female victims and witnesses such as the non-confrontational process, prohibition of cross-examination with a question being concerned with the injured person's sexual behaviour with a person other than the accused, appropriate remuneration and support from the government, etc.

The rule of law also provides a creative framework for legal enforcement that serves the needs of all individual and vulnerable groups — female victims in this case. To ensure equal access to justice for all, the justice fund programme was therefore created to provide support for victims with financial difficulties.

## **C. Empowerment of Women to Tackle the Inequality**

Challenges in accessing justice for women are rooted in inequality and resultant discrimination between men and women and gender stereotyping. To deal with inequality, one good approach is to work on the empowerment of women as key contributors to the development of society. The SDGs, in particular Goal 5, emphasize the empowerment approach which involves a process of systematic change through which women are enabled to exercise and advance their rights and interests using the law, together with access to educational and economic opportunities.

To depict this in a concrete way, one can think about providing opportunities for women to become players in the criminal justice system, or “justice makers.” For women to fully enjoy gender equality, it is recognized that the fair and equal treatment is linked to broader questions of social justice. This includes the need to have more women as practitioners and administrators in justice systems. Women justice makers are agents of change and most of them contribute to improving the relationship between women and the justice system. This is particularly the case where access to justice of women is jeopardized due to the lack of gender sensitivity among justice personnel. The UN Committee on the Elimination of Discrimination against Women also noted that improving women's professional participation in the justice sector is key to enhance women's access to justice, achieving women's equality, democracy and the rule of law.

## **D. Crucial Role of Culture**

In order to deal with social factors such as gender stereotypes and misconceptions identified as social barriers to access to justice, we should highlight the crucial role of culture. We need to build momentum from awareness-raising activities targeted at a broad spectrum of violence within our society.

TIJ has been working with partners in organizing the campaign *SpeakUp SpeakOut* continuously since 2014, targeting young people and the new generation. The activity seeks to encourage open discussions and debates on gender equality by sharing knowledge and raising awareness about one's roles in ending violence against women and girls. To ensure access to justice for women, it is essential to change the attitudes of the public towards violence against women—encouraging the justice system to be aware of the vulnerability of

women victims and improve procedures to protect and provide them with emotional support. Moreover, civil society plays a crucial role in promoting change so that women have the courage to utilize the justice system and enforce their legal rights. This will eventually lead to a greater decrease of violence against women and girls in the future.

In changing social norms and culture, also the media plays an important role. The media has a significant influence on how society understands and approaches the problem. It can contribute to activating community members regarding the seriousness of the issue. At the same time, media should not itself be a barrier to the access to justice for women. The positive role of media is, therefore crucial, and it can make change in our society.

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