

**ALTERNATIVE REPORT TO THE COMMITTEE ON THE ELIMINATION OF  
RACIAL DISCRIMINATION (CERD)**

**REVIEW OF THE PERIODIC REPORT OF THAILAND**

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SOUTHERN ASSOCIATION OF DISABILITIES,  
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**Situation of persons with disabilities belonging to minorities in the  
Southern border provinces of Thailand**



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## I. ABOUT THE REPORT

### A. Co-Sponsoring Organisations

**Minority Rights Group International (MRG)** is an international NGO working to secure the rights of ethnic, religious and linguistic minorities worldwide. MRG has consultative status with the United Nations Economic and Social Council (ECOSOC), observer status with the African Commission on Human and Peoples' Rights (ACHPR) and is a civil society organisation registered with the Organization of American States (OAS). MRG and its partners in Thailand have researched and advocated for the rights of minorities in the Southern Border Provinces for many years.

**Center for Conflict and Cultural Diversity (CSCD), Institute of Peace Studies (IPS), Prince of Songkhla University** was established in 2008 as an institution endorsed by the Prince of Songkhla University Council to develop research on conflicts and cultural diversity in the Deep South through a multidisciplinary approach. The main principle is social sciences, humanities and economics with political sciences that produced in academic work as a supportive mechanisms for resolving conflicts and violence in the southern border provinces. As the unrest has continued for a long time from past to present. Prince of Songkhla University wants CSCD stand out as a center for research studies under Institute of Peace Studies (IPS) on issues of social and political conflicts in the area.

**Southern Association of Disabilities** was founded in 2015 as a branch of the Association of Disabilities Thailand that drives work on disability rights in the Southern region of Thailand, including the Southern Border Provinces of Yala, Narathiwat and Pattani. The activities of the association include promoting the rights of persons with disabilities in line with state legislation, including promoting access to education, vocational training, assistive devices and equipment, tourism and sports, and promoting the specific rights of women and children with disabilities.

### B. Methodology

Data on the situation of persons with disabilities (henceforth PWD) belonging to ethnic and ethno-religious minorities in Thailand's Southern border provinces (henceforth SBPs) were collected from a series of interviews and focus group discussions that took place in August and September 2020 and in July 2021 in Songkhla, Narathiwat, Pattani and Yala provinces. Data were collected from PWDs from various marginalised communities and groups including Malay-Muslims, women and children, and involved consultation with local and national disabled persons organisations (DPOs), government organisations (GOs) and human rights non-governmental organisations (NGOs). A draft of the report was prepared by Minority Rights Group International and reviewed by the Institute for Peace Studies and the Southern Association of Disabilities before being finalised. This report was prepared adhering to the principle of 'Nothing About Us Without Us', in consultation and partnership with the disability community in the deep south of Thailand.

It is the aim of this report to highlight the multiple and intersectional discrimination faced by minorities with disabilities in the Southern Border Provinces in Thailand. This report is written from the standpoint that intersectional discrimination on the grounds of disability and ethnicity or other statuses cannot be separated, and therefore needs to be highlighted and addressed by relevant organisational bodies at the local, national and international levels.

## II. BACKGROUND

### C. Introduction

1. Thailand's Southern border provinces (SBPs), including Pattani, Yala, Narathiwat and four sub-districts of Songkhla, are home to ethnic Malay-Thais. Malay-Thais are Thailand's largest ethnic minority group, numbering 1.5 million people who make up a predominantly Muslim and Malay speaking majority of the southernmost region<sup>1</sup>. Muslims make up an average of 82.6% of the population of the SBPs<sup>2</sup> but just 4.6% of the total population of the country<sup>2</sup>. However, only 18 per cent of Thai Muslims are ethnic Malays<sup>3</sup>. Thai is the official state language but mother tongue Malay or Pattani Malayu speakers account for an average of 74.4% of the population of the three southernmost provinces and Chinese speakers 1.4%<sup>3</sup>. Several thousand people use a sign language as their first language in the region. Thai sign language is used in official settings and by those who have received formal education but many people use an unofficial form of local Malayu sign language in their daily lives and are not fluent in Thai sign language.
2. Official statistics from 2020 put registered numbers of persons with disabilities (PWD) in the three southernmost provinces at 51,920 persons (23,072 women and 28,848 men) or 2.5% of the provincial populations<sup>4</sup>. However, due to the barriers in national citizen and disability registration, such as the complex process to obtain the correct documentation, actual numbers of PWD in the SBPs are likely to be higher. Disability data is not disaggregated by ethnicity nor religion and so numbers of PWD belonging to minority groups are unknown, although census data indicates that a majority of PWDs in the SBPs are likely to be Malay-Muslim, with a smaller number identifying as Sino-Thai or with other ethnic or religious groups.
3. The unrest in the SBPs remains ongoing. From January 2004 to June 2019, there were a total of 20,323 incidents, 6,997 deaths and 13,143 casualties<sup>5</sup>. Although Malay-Muslims have made up a majority of those killed and no community remains unaffected by the conflict, Thai-Buddhists have been disproportionately affected owing to targeting of Buddhist temples and Monks. Beyond persons injured and killed during the conflict, 11,686 persons affected from 2004 to May 2020 have received assistance from the Ministry of Social Development and Human Security (MSDHS). Amongst this number are orphans, children whose parents have been seriously injured, widows, and 719 persons who have become disabled as a result of the unrest, including 101 women and 37 children<sup>6</sup>.
4. The situation of PWDs in the SBPs continues to be affected by administrative or physical barriers to accessing economic, social and cultural rights, as well as psychosocial barriers, with heavy stigmas attached to disability in the SBPs stemming from sociocultural conceptualizations of disability as misfortune or as linked to the ongoing conflict. As a result, even more than in other parts of the country, people with disabilities belonging to ethnic minorities suffer from high rates of unemployment, restricted access to education, poorer health, fewer economic opportunities and increased poverty rates, as well as marginalization from social and political participation.

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<sup>1</sup> Minority Rights Group International. World Directory of Minorities and Indigenous Peoples. 2017.

<https://minorityrights.org/country/thailand/>

<sup>2</sup> Strategic Management Group, Southern Border, 'Strategic planning of Southern Border Provinces 2018–2021', 2017, [https://www.osmsouth-border.go.th/news\\_develop](https://www.osmsouth-border.go.th/news_develop)

<sup>3</sup> Office of National Statistics, National census, 2000.

<sup>4</sup> Office of National Statistics, 2020. Statistics of people with disabilities who have a disabled person's identity card, classified by region, province, type of disability and gender from 1 November 1994 to 31 December 2020.

<sup>5</sup> Deep South Watch database <https://deepsouthwatch.org/th/node/11928>

<sup>6</sup> Duay Jai Group. Information from Deep South Watch. 2020.

5. There are several legal frameworks relevant to persons with disabilities in the country: the Constitution of the Kingdom of Thailand 1997; National Health Security Act 2002; the Persons with Disabilities Empowerment Act 2007 (revised in 2013), and the Persons with Disabilities Education Act 2008. However, PWDs in the SBPs complain of a notable lack of implementation of relevant disability laws and policies in comparison to other parts of the country<sup>7</sup>.
6. Malay-Muslim women with disabilities are a particularly vulnerable group owing to multiple and intersecting discrimination on account of gender, ethnicity, language, religious and disability identities. Anecdotal evidence indicates that rape of Malay-Muslim women with disabilities in family contexts in the SBPs is a widespread yet severely underreported and under-addressed issue, with little recognition by authorities or communities and little or no assistance available to help victims report perpetrators or access medical or psychosocial care.

#### **D. Relevant State Policies**

7. The Human Security Strategy Plan 2013 - 2023 developed by the Ministry of Social Development and Human Security (MSDHS) makes several references to persons with disabilities (PWD) living in the SBPs, noting the impact of the conflict on the main risk groups which include ‘elderly and persons with disabilities who have had more difficulties accessing health services’<sup>8</sup>. The Strategy also notes the impact of the ongoing conflict on widows, who ‘are engaged in income earning to care for orphans, people with disabilities and other members of their households. Despite efforts by government agencies to provide assistance, state remedies are difficult to manage and have caused long-term issues with some people receiving little support, some receiving more and some none at all. Nonetheless, this assistance remains only a short-term solution’<sup>9</sup>. According to local NGO data, between 2004 and 2020 there were a total of 3772 widows, including 649 who have been widowed since 2012, approximately 60% of whom are Malay Muslim women<sup>10</sup>.
8. Whilst the The Master Plan for the Development of Ethnic Minorities in Thailand B.E. 2558 – 2560 (2015–2017)<sup>11</sup> made specific references to providing support to PWD belonging to various ethnic groups, this has now been subsumed into the Co-existence Promotion in a Multicultural Society Plan B.E. 2561 – 2564 (2018–2021), which makes no explicit mention of PWD belonging to ethnic minorities.
9. Thailand is also party to the CRPD, which makes explicit mention of persons with disabilities who are subject to multiple or aggravated forms of discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national, ethnic, indigenous or social origin, property, birth, age or other status, in its preamble<sup>12</sup>.

#### **E. Economic, social and cultural rights**

10. There is no information in Pattani Malayu language about disability rights, welfare and services available to PWD in the SBPs. Owing to the low levels of education amongst PWD in the region, literacy levels in Thai language amongst PWD are low therefore information on disability rights in Thai is inaccessible. This lack of accessible information

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<sup>7</sup> Unpublished study conducted by Institute of Peace Studies, Prince of Songkhla University (IPS) and Southern Association of Disabilities on behalf of Minority Rights Group International, July 2021

<sup>8</sup> Human Security Strategy Plan 2013 – 2023, p.6 <http://www.bps.m-society.go.th/uploads/content/download/539681f52ccac.pdf> [in Thai]

<sup>9</sup> Human Security Strategy Plan 2013 – 2023, p.26 <http://www.bps.m-society.go.th/uploads/content/download/539681f52ccac.pdf> [in Thai]

<sup>10</sup> Duay Jai Group. Information from Deep South Watch. 2020.

<sup>11</sup> <https://hhdc.anamai.moph.go.th/th/master-plan-for-ethnic-development-in-thailand> [in Thai]

<sup>12</sup> Convention on the Rights of Persons with Disabilities, Preamble, section P. 2006. United Nations.

on disability rights, policies and services creates barriers to PWD belonging to ethnic minorities enjoying their economic, social and cultural rights in the SBPs<sup>13</sup> and contributes to the high levels of disability stigma in the SBPs. Disability stigma based on misinformation leads to discrimination against PWD with many being hidden by their families within the home and not being registered with a disability card<sup>14</sup>. Therefore, many do not receive benefits for which they are eligible and are prevented from participating in public life, which further compounds their marginalization.

11. Many deaf people in the SBPs, especially those who have not been able to access formal education in sign language, use an unofficial form of local ‘Malayu’ sign language to communicate in their daily lives. Since most official sign language interpreters use only Thai sign language and are unable to use local sign, interpretation services are inaccessible to many deaf people in the SBPs. This causes problems with communication between deaf people in official settings where interpretation is employed, such as in hospitals or other public service officials and prevents access to information and communication means, which constitute obstacles to their enjoyment of economic, social and cultural rights.<sup>15</sup>

#### **F. The right to work**

12. Thailand has specific targets and strategies to promote employment of PWD in the government and private sectors. For example, the disability employment quota (section 33, 34, 35 of the Act for Promotion and Development of Quality of Life of Persons with Disabilities 2007) requires government agencies and private businesses with more than 100 employees to employ 1 PWD per 100 employees thereafter<sup>16</sup>. However, this quota cannot be effectively implemented in Narrathiwat, Pattani and Yala provinces, due to the lack of large businesses with more than 100 employees in the region.
13. According to The Promotion and Development of the Quality of Life of Persons with Disabilities Act, B.E. 2550, PWD and their carers are eligible to apply for start-up business loans for small enterprises from the Promotion and Development of the Quality of Life of Persons with Disabilities Fund<sup>17</sup>. However, interviewees in the SBPs reported discriminatory behaviour from employees of the Ministry of Social development and Human Security, who withheld information about the scheme and how to access it<sup>18</sup>.
14. PWDs in the region are unable to benefit from income generation from the national Thai lottery quota. The quota allocates 1.3 million tickets to vendors with disabilities<sup>1</sup>, who generate income from the scheme. However, the lottery scheme is culturally inappropriate for Malay-Muslim PWDs, as it is considered to be against the laws of Islam.

#### **G. Right to health, social security and social services**

15. According to the National Health Security Act (2002), PWD are eligible for a Universal Health Coverage Gold Card for use at public hospitals and free community-based rehabilitation (CBR). However, PWD in the SBPs report discrimination in accessing their

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<sup>14</sup> Unpublished study conducted by Institute of Peace Studies, Prince of Songkhla University (IPS) and Southern Association of Disabilities on behalf of Minority Rights Group International, July 2021

<sup>15</sup> Unpublished study conducted by Institute of Peace Studies, Prince of Songkhla University (IPS) and Southern Association of Disabilities on behalf of Minority Rights Group International, July 2021

<sup>16</sup> Act for Promotion and Development of Quality of Life of Persons with Disabilities 2007

<sup>17</sup> Department of Empowerment of Persons with Disabilities. 2021. <https://www.dep.go.th/th/rights-welfares-services/borrow-money>

<sup>18</sup> Unpublished study conducted by Institute of Peace Studies, Prince of Songkhla University (IPS) and Southern Association of Disabilities on behalf of Minority Rights Group International, July 2021

right to public health and rehabilitation services from healthcare workers, who are not trained on the needs and rights of PWD<sup>19</sup>.

16. Access to the national disability grant is reliant on an assessment and diagnosis via the Ministry of Public Health followed by registration and procurement of a disability I.D card, through the Ministry of Social Development and Human Security (MSDHS). The national survey of people with disabilities in 2017 revealed that 50% of PWD were still unregistered country-wide and more than half of PWDs were not accessing their full entitlement to social assistance, such as the disability grant<sup>20</sup>. This data was not disaggregated by province, but local organisations of PWDs estimate numbers of unregistered PWDs in the SBPs to be higher than the national average owing to lack of disability rights information, widespread discrimination and inaccessibility creating additional barriers to the registration process. As the process for procuring a disability I.D card is complicated and involves travel to multiple locations, which is a barrier to PWD in the SBPs for whom accessible public transport is limited<sup>21</sup>.
17. For Deaf and hearing-impaired persons, availability of interpreters proficient at using local 'Malayu' sign language at health facilities in the SBPs are lacking. This means that they are unable to communicate their health needs and wishes effectively to healthcare staff, therefore compromising their personal safety and the quality of medical treatment received<sup>22</sup>.

## H. The right to education

Article 5 (e) (v) of the Convention

18. Whilst in other parts of the country, specialist education centres are available in each province to provide specialist inclusive education teaching and training, there are currently none located in the three southernmost SBPs, representing 3.1% of the Thai population or over 2 million people, with the first currently under construction in Yala province.<sup>23</sup>

## Recommendations to the Thai Government

1. *Promote awareness of the rights of PWD and their families including disseminating information on disability registration and benefits, healthcare, education and employment schemes available in accessible formats, in Pattani Malayu language and in local sign language.*
2. *Remove barriers to accessing disability services and assistance by simplifying processes to obtain a national disability card and training personnel to provide appropriate assistance.*
3. *Ensure the right to work by developing and implementing employment schemes that are economically and culturally appropriate to the SBPs in conjunction with local organisations of PWD.*
4. *Remove barriers to accessing public health, medical care and social security, and procurement of assistive devices for PWD belonging to ethno-linguistic minorities by making services and information accessible and providing disability rights training for healthcare and social services personnel throughout the territory.*

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<sup>19</sup> Unpublished study conducted by Institute of Peace Studies, Prince of Songkhla University (IPS) and Southern Association of Disabilities on behalf of Minority Rights Group International, July 2021

<sup>20</sup> Office of Statistics, Survey of Deople with Disabilities, 2017

<sup>21</sup> Unpublished study conducted by Institute of Peace Studies, Prince of Songkhla University (IPS) and Southern Association of Disabilities on behalf of Minority Rights Group International, July 2021

<sup>22</sup> Unpublished study conducted by Institute of Peace Studies, Prince of Songkhla University (IPS) and Southern Association of Disabilities on behalf of Minority Rights Group International, July 2021

<sup>23</sup> Unpublished study conducted by Institute of Peace Studies, Prince of Songkhla University (IPS) and Southern Association of Disabilities on behalf of Minority Rights Group International, July 2021