

Thailand

Mid-term Implementation Assessment



Promoting and strengthening
the Universal Periodic Review
<http://www.upr-info.org>

Introduction

1. Purpose of the follow-up programme

The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four and one half years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created a follow-up process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also, more specifically, to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs, and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC) plenary session.

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are disposed to follow through on and to implement their commitments. States should implement the recommendations that they have accepted and civil society should monitor that implementation.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be adversely affected.

The methodology used by UPR Info to collect data and to calculate the index is described at the end of this document.

Geneva, 24 July 2014

Follow-up Outcomes

1. Sources and results

All data are available at the following address:

<http://followup.upr-info.org/index/country/thailand>

We invite the reader to consult this webpage since all recommendations, all stakeholders' reports, as well as the unedited comments can be found at the same internet address.

36 stakeholders' reports were submitted for the UPR. 45 NGOs were contacted. 2 UN agencies were contacted. The Permanent Mission to the UN was contacted. The National Human Rights Institution (NHRI) was contacted as well.

9 NGOs responded to our enquiry. None of the UN agencies responded. The State under Review did respond to our enquiry. The NHRI responded as well.

The following stakeholders took part in the report:

1. **State** of Thailand
2. **NHRI**: National Human Rights Commission of Thailand (NHRCT)
3. **NGOs**: (1) Equal Rights Trust (ERT) (2) Global Initiative to End Corporal Punishment Against Children (GIEACPC) (3) Human Rights and Development Foundation (HRDF) (4) People's Empowerment Foundation (PEF) (5) Planned Parenthood Association of Thailand (PPAT) (6) Rainbow Sky Association of Thailand (RSAT) (7) Raks Thai Foundation (RTF) (8) Reporters sans frontières (RSF) (9) Silkworm Books (SB)

IRI: 27 recommendations are not implemented, 49 recommendations are partially implemented, and 39 recommendations are fully implemented. No answer was received for 76 out of 192 recommendations and voluntary pledges.

2. Index

Hereby the issues that the MIA covers:

rec. n°	Rec. State	Issue	IRI	page
40	Algeria	Women's rights	fully impl.	page 73
39	Argentina	Women's rights	partially impl.	page 73
101	Argentina	International instruments	partially impl.	page 44
1	Australia	International instruments, Migrants, Rights of the Child, Trafficking, Women's rights	partially impl.	page 39
67	Australia	Other	partially impl.	page 58
3	Austria	International instruments, Torture and other CID treatment	partially impl.	page 41
38	Austria	Detention conditions	partially impl.	page 52
66	Austria	Human rights violations by state agents	fully impl.	page 58
99	Austria	Civil society, UPR process	fully impl.	page 43
106	Austria	Enforced disappearances, International instruments	not impl.	page 46
107	Austria	CP rights - general, Death penalty, Detention conditions, International instruments, Torture and other CID treatment	not impl.	page 47
34	Bangladesh	Rights of the Child, Women's rights	fully impl.	page 70
96	Bangladesh	Migrants	fully impl.	page 27
59	Bhutan	Justice	partially impl.	page 56
87	Bhutan	Poverty	fully impl.	page 13
93	Brazil	Migrants	partially impl.	page 22
108	Brazil	Asylum-seekers - refugees, Detention conditions, International instruments, Torture and other CID treatment	partially impl.	page 48
181	Brazil	Asylum-seekers - refugees	not impl.	page 34
24	Brunei Darussalam	Minorities	fully impl.	page 15
80	Cambodia	Poverty	fully impl.	page 10
4	Canada	International instruments, Torture and other CID treatment	partially impl.	page 41
68	Canada	Other	partially impl.	page 59
100	Canada	Civil society, UPR process	fully impl.	page 43
172	Canada	Freedom of association and peaceful assembly, Freedom of opinion and expression	not impl.	page 8
175	Canada	Asylum-seekers - refugees, Migrants, Trafficking	partially impl.	page 29
180	Canada	Asylum-seekers - refugees	not impl.	page 32
85	Cuba	ESC rights - general, Right to education, Right to health	fully impl.	page 12
8	Egypt	General	fully impl.	page 87
15	Egypt	Human rights education and training	fully impl.	page 10
33	Egypt	Rights of the Child, Women's rights	fully impl.	page 70
17	Finland	Special procedures	fully impl.	page 41
42	Finland	Other	partially impl.	page 18
174	Finland	Right to health	partially impl.	page 13
46	France	Trafficking	not impl.	page 77
115	France	Enforced disappearances, International instruments	not impl.	page 46
149	France	Impunity	fully impl.	page 61



rec. n°	Rec. State	Issue	IRI	page
161	France	Freedom of opinion and expression, International instruments	not impl.	page 49
162	France	Freedom of opinion and expression, International instruments	not impl.	page 50
41	Honduras	Rights of the Child	partially impl.	page 73
19	Hungary	Special procedures	fully impl.	page 41
130	Hungary	Freedom of opinion and expression, International instruments, Special procedures	fully impl.	page 49
94	Indonesia	Justice, Labour, Migrants, Right to health	partially impl.	page 24
49	Japan	Trafficking	partially impl.	page 78
117	Japan	Enforced disappearances, International instruments	partially impl.	page 46
20	Laos	Technical assistance	fully impl.	page 87
61	Lebanon	Justice	partially impl.	page 57
45	Malaysia	Asylum-seekers - refugees, Migrants, Rights of the Child, Trafficking, Women's rights	partially impl.	page 76
58	Malaysia	Justice	partially impl.	page 56
28	Moldova	Women's rights	fully impl.	page 68
32	Moldova	Women's rights	partially impl.	page 69
51	Moldova	Labour, Rights of the Child, Trafficking	partially impl.	page 78
95	Myanmar	Labour, Migrants	fully impl.	page 27
7	Nepal	General	fully impl.	page 82
97	Nepal	Labour, Migrants	fully impl.	page 28
18	New Zealand	Special procedures	fully impl.	page 41
47	New Zealand	Labour, Migrants, Trafficking	partially impl.	page 18
60	New Zealand	Extrajudicial executions, Freedom of opinion and expression, Justice	partially impl.	page 57
146	New Zealand	Extrajudicial executions, Human rights violations by state agents	partially impl.	page 59
163	New Zealand	Freedom of opinion and expression, International instruments	not impl.	page 50
177	New Zealand	Migrants	partially impl.	page 31
50	Nicaragua	Trafficking	partially impl.	page 78
116	Nicaragua	Enforced disappearances, International instruments	partially impl.	page 46
2	Norway	International instruments, Trafficking	fully impl.	page 40
128	Norway	Freedom of opinion and expression, Special procedures	fully impl.	page 49
164	Norway	Freedom of opinion and expression	not impl.	page 7
165	Norway	Freedom of opinion and expression	not impl.	page 7
166	Norway	Freedom of opinion and expression	not impl.	page 7
25	Oman	Minorities	partially impl.	page 17
48	Pakistan	Trafficking	partially impl.	page 77
14	Philippines	Human rights education and training	fully impl.	page 9
55	Qatar	Justice	partially impl.	page 53
98	Qatar	Civil society, Internally displaced persons	not impl.	page 88
27	Republic of Korea	Disabilities, Minorities, Women's rights	fully impl.	page 68
9	Saudi Arabia	Disabilities, Right to education, Right to health	fully impl.	page 14
89	Saudi Arabia	Right to health	fully impl.	page 13
21	Singapore	Rights of the Child, Women's rights	fully impl.	page 62
44	Singapore	Trafficking	fully impl.	page 73



rec. n°	Rec. State	Issue	IRI	page
37	Slovakia	Detention conditions	partially impl.	page 52
77	Slovakia	Detention conditions,Rights of the Child,Women's rights	fully impl.	page 79
178	Slovakia	Asylum-seekers - refugees,Labour,Migrants	partially impl.	page 32
31	Slovenia	Women's rights	partially impl.	page 69
70	Slovenia	Corruption,Impunity	not impl.	page 59
144	Slovenia	Rights of the Child,Torture and other CID treatment	not impl.	page 81
167	Slovenia	Freedom of opinion and expression	not impl.	page 7
36	South Africa	Rights of the Child	fully impl.	page 72
54	South Africa	Justice	partially impl.	page 53
123	South Africa	International instruments	fully impl.	page 48
104	Spain	Enforced disappearances,International instruments	partially impl.	page 46
105	Spain	CP rights - general,Death penalty,ESC rights - general,International instruments,Torture and other CID treatment	not impl.	page 47
127	Spain	Special procedures	partially impl.	page 41
147	Spain	Human rights violations by state agents	-	page 60
169	Spain	Freedom of opinion and expression,Freedom of the press	not impl.	page 8
88	Sri Lanka	Right to health	fully impl.	page 13
91	Sri Lanka	Right to education,Rights of the Child	partially impl.	page 80
53	Sweden	Justice,Rights of the Child,Trafficking	partially impl.	page 79
168	Sweden	Freedom of opinion and expression	not impl.	page 8
129	Switzerland	Freedom of opinion and expression,Special procedures	fully impl.	page 49
150	Switzerland	Impunity	partially impl.	page 62
171	Switzerland	Freedom of association and peaceful assembly,Freedom of opinion and expression	not impl.	page 8
173	Switzerland	Freedom of association and peaceful assembly,Freedom of opinion and expression	not impl.	page 8
182	Switzerland	Asylum-seekers - refugees	not impl.	page 35
185	Thailand	Enforced disappearances,Freedom of association and peaceful assembly,International instruments,Labour	not impl.	page 47
186	Thailand	CP rights - general,Disabilities,International instruments,Women's rights	partially impl.	page 50
187	Thailand	Enforced disappearances,International instruments,Rights of the Child,Torture and other CID treatment,Women's rights	partially impl.	page 51
188	Thailand	Special procedures	fully impl.	page 41
190	Thailand	Labour,Migrants,Trafficking	partially impl.	page 36
145	United Kingdom	Public security	fully impl.	page 58
176	United Kingdom	Labour,Migrants	not impl.	page 29
26	Uruguay	Minorities,Rights of the Child	partially impl.	page 67
29	Uruguay	International instruments,Women's rights	fully impl.	page 42
35	Uruguay	International instruments,Rights of the Child	partially impl.	page 42
52	Uruguay	Rights of the Child,Trafficking,Women's rights	partially impl.	page 79
102	Uruguay	Enforced disappearances,International instruments	not impl.	page 46
103	Uruguay	CP rights - general,Death penalty,Detention conditions,International instruments,Justice,Torture and other CID treatment	not impl.	page 47
141	Uruguay	Labour,Rights of the Child,Torture and other CID treatment	partially impl.	page 80
23	Viet Nam	Migrants,Minorities,Poverty,Rights of the Child,Women's rights	partially impl.	page 63

3. Feedback on recommendations

CP Rights

Recommendation n°164: *Ensure public and transparent proceedings in cases concerning violations of the lèse-majesté legislation and the 2007 Computer Crimes Act (Recommended by Norway)*

IRI: *not implemented*

Reporters sans frontières (RSF) response:

Entre fin 2011 et 2013, plusieurs cas de poursuites pour crime de lèse-majesté ont fait l'objet d'un manque de transparence de la part des autorités thaïlandaises. Les cas de Somyot Prueksakasemsuk, de Ampon Tangnoppakul, de Chiranuch Premchaiporn montrent une tendance claire des tribunaux à opérer une interprétation particulièrement floue de cet article de loi, au détriment des accusés. Il est à craindre que le crime de lèse-majesté ne soit utilisé abusivement par le gouvernement afin de faire taire les critiques à son encontre.

Silkworm Books (SB) response:

Situation remains unchanged.

Recommendation n°165: *Strengthen efforts to ensure adequate legal counselling for all persons charged for violations of the lèse-majesté legislation and the 2007 Computer Crimes Act (Recommended by Norway)*

IRI: *not implemented*

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Recommendation n°166: *Undertake a thorough review of the relevant laws to safeguard the basic rights to freedom of opinion and expression (Recommended by Norway)*

IRI: *not implemented*

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Recommendation n°167: *Consider repealing the lèse-majesté law so as to expand the freedom of opinion and expression to include full freedom of expression in relation to the monarchy (Recommended by Slovenia)*

IRI: *not implemented*

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Recommendation n°168: *Address the issue of possible infringements of the right to freedom of expression, not least by evaluating the current legislation*



and its consequences in the form of high rates of convictions (Recommended by Sweden)

IRI: *not implemented*

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Recommendation n°169: *Lift all restrictions on the media which violate the constitutionally recognized right to the freedom of expression and establish a calendar for the revision of norms such as the Emergency Decree of the Public Administration in Emergency Situations, the 2007 Computer Crimes Act and article 112 of the Penal Code which defines the crime of lèse-majesté tied to the concept of national security* (Recommended by Spain)

IRI: *not implemented*

SB response:

Situation remains unchanged.

Recommendation n°171: *Reconsider decrees and laws in force which limit freedoms of expression and assembly (such as Article 112 of the Penal Code and the Computer Crimes Act (2007))* (Recommended by Switzerland)

IRI: *not implemented*

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Recommendation n°172: *Engage in a review of special security laws, with a view to amending legislation and regulations which restrict or deny freedoms of expression, association and peaceful assembly that are inconsistent with obligations under international law, including the Internal Security Act, the Computer Crimes Act, the Emergency Decree, the Official Information Act, and lèse-majesté provisions* (Recommended by Canada)

IRI: *not implemented*

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Recommendation n°173: *Ensure, through legislative reforms, that protection and promotion of laws of freedom of expression as well as of peaceful assembly and association are guaranteed for all inhabitants of the country* (Recommended by Switzerland)

IRI: *not implemented*

SB response:

The 2011 Computer Crime Act worsens the situation.

ESC Rights

Recommendation n°14: *Continue to promote human rights education, training and capacity building (Recommended by Philippines)*

IRI: *fully implemented*

National Human Rights Commission of Thailand response:

The Department of Rights and Liberties Protection (DRLP), Ministry of Justice, has organized a series of seminar and training to promote awareness and understanding about human rights among different target groups both in Bangkok and in other parts of the country. These include seminars to enhance knowledge about Thailand's human rights obligations for judicial officers, prosecutors and administrative officials; trainings for government officials to increase their awareness of human rights when performing their duties and to encourage implementation of the Second National Human Rights Plan by relevant agencies; and seminars to promote knowledge about the rights in the judicial process and the rights to remedy among the local media to improve people's access to justice. The National Human Rights Commission welcomes the efforts of the DRLP in disseminating knowledge about human rights in various population groups.

On its part, the National Human Rights Commission has organized two trainings for law enforcement and security officers in southern border provinces to enhance their knowledge and understanding about Thailand's obligation under the Convention against Torture with a view to reducing reported torture incidents in the region.

Rainbow Sky Association of Thailand (RSAT) response:

There is still limited resources to promote LGBT human rights education, training and capacity building - mostly as an activity in a project and mostly a one-time session.

State of Thailand response:

Human Rights Education and Capacity Building in the field of human rights

The draft 3rd National Human Rights Plan (2014-2018) has integrated our recommendations and voluntary pledges under the UPR framework into its human rights targets and indicators.

Thailand has distributed manuals and organised nationwide training on the international human rights instruments to which we are Party, including on



the UPR, to government officials and the public. The UPR publication also includes the Braille version and audio book in order to make it accessible to visually-impaired and older persons.

Human rights education and training has been regularly organised for government officials, especially for law enforcement officers, the youth and the general public.

Human rights-sensitising tools in the forms of calendars, posters, exhibition sets, short documentaries, and radio spots in both Bahasa Melayu and Thai have been created to disseminate information about human rights principles and basic laws for police officers and military personnel in the Southern Border Provinces.

Recommendation n°15: Develop and implement plans and strategies to raise awareness about human rights, including at the local and community levels, and provide human rights training and education for Government officials in particular law enforcement officials (Recommended by Egypt)

IRI: fully implemented

NHRCT response:

Same comments as in recommendation no. 14 above.

State of Thailand response:

[See response to recommendation n°14]

Recommendation n°80: Address further the fundamental structural problem of social inequality and unequal access to opportunities and services of the poor and marginalized to enable the people to enjoy their rights as indicated in the reform programme and policies (Recommended by Cambodia)

IRI: fully implemented

State of Thailand response:

Rights of Specific Groups

Various measures are implemented to address violence against women and children. These measures include development of a manual on a non-violent approach to child rearing and caring in various settings which are distributed to parents and teachers. Efforts have also been undertaken to increase the role of the community to protect children and women and to combat violence against them including domestic violence. In this regard, the provincial Memorandum of Understanding (MOU) was already concluded in 31 provinces and will be developed throughout the country in the near future. Thailand is also in the process of drafting measures to prevent sexual harassment in the workplace. The draft is opened for public hearings in June 2014.



Thailand is undertaking a study on the situation of children with legal status problem including children in the temporary shelters for displaced persons with an aim to establish a guideline to promote the welfare of these children.

Projects and training on women's empowerment and capacity building are regularly conducted to promote their participation in politics and public administration. The Government, in cooperation with the United Nations Development Programme (UNDP) also jointly implements a women's empowerment project in 14 provinces in the South of Thailand, which covers the period of 2012-2016.

Thailand is implementing the second National Plan of Action on the Treatment of Women Prisoners (2014-2017) in prisons and correctional facilities throughout the country. The Plan serves as a mechanism and guideline on the implementation of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders or the Bangkok Rules. The Thailand Institute of Justice (TIJ) has also publicised the guidance and e-course on the implementation of the Bangkok Rules.

The Persons with Disabilities Empowerment Act of 2007 was amended in 2013 to include provisions on monitoring of the access by persons with disabilities to their rights, establishment of service centres for persons with disabilities, increasing the role of persons with disabilities organisations, developing disability-friendly environment and providing services on sign language interpreters and assistants for persons with disabilities.

With regard to the protection of irregular migrants, displaced persons and those with protection needs in the country, Thailand has always adhered to humanitarian and human rights principles. Thailand is currently establishing national mechanisms under the framework of the Comprehensive Strategy on Addressing Illegal Migrants of 2012 to be in line with international standards and practices.

The Universal Health Coverage Scheme has been expanded to cover undocumented migrant workers since January 2013. Health Officers and Volunteers for Migrants nationwide are also trained to help disseminate information on healthcare and government services for migrant workers.

To promote and protect the rights of persons living in vulnerable conditions, Thailand is implementing the Strategy for the Empowerment and Protection



of the Rights of Vulnerable Groups (2012-2016). The Strategy aims to strengthen systematic data collection, enhance access to government services for these people, and promote positive attitudes toward these people, such as HIV-infected persons and former inmates.

Thailand is developing the draft Civil Partnership Act to legalise same-sex marriage in the country, pending our domestic procedure.

Thailand has already achieved most of the Millennium Development Goals (MDGs). We have also set up our own Millennium Development Goals Plus, to accelerate inclusive development in the country, especially on poverty eradication and addressing disparities.

Recommendation n°85: Continue its on-going positive efforts for the promotion and protection of economic, social and cultural rights, and especially the priority given to health and education (Recommended by Cuba)

IRI: fully implemented

NHRCT response:

Some progress has been made toward addressing the discrepancies among the country's different health security systems. The Government has prepared a bill to amend the Social Security Act that would allow beneficiaries of the Social Security Fund established by the Act, mostly employees of business establishments, to have access to some health care services enjoyed by the majority of Thai people under the universal health scheme, namely health promotion and disease prevention. However, the bill was still under consideration of the House of Representative when the Government declared the dissolution of the House on 9 December 2013.

There are also efforts by some health economics scholars to push for access to health services for some 150,000 stateless persons living in the country. The Thai Government has in fact been providing health care services to some 450,000 people with status problem through a special fund with allocation from the public budget since 2010. However, some 150,000 persons with status problem have been omitted from the fund's registration and thus do not have access to any health services provided for by the fund. A proposal has been put forward that this group of stateless people be covered by the fund to guarantee their right to access health care services. The proposal was discussed with a Senate ad-hoc committee tasked with finding solutions to the situation of persons having status problem in Thailand last October. The Ministry of Public Health has also recognized this problem and is considering ways to provide appropriate health security arrangement to this group of stateless people.

Recommendation n°87: *Continue to address remaining social inequalities and unequal access to opportunities and services by the poor and the marginalized* (Recommended by *Bhutan*)

IRI: *fully implemented*

NHRCT response:

Same comments as in recommendation no. 85 above.

State of Thailand response:

[See response to recommendation n°80]

Recommendation n°88: *Continue improving the health security system to further minimize discrepancies and to provide equitable access* (Recommended by *Sri Lanka*)

IRI: *fully implemented*

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Recommendation n°89: *Continue to develop the health system so as to strengthen the enjoyment of the right to health in all segments of society* (Recommended by *Saudi Arabia*)

IRI: *fully implemented*

NHRCT response:

Same comments as in recommendation no. 85 above.

RSAT response:

Specialized and model clinics for gay men and transgender are being piloted.

Recommendation n°174: *Apply a comprehensive sexual and reproductive health and rights approach to guarantee access of all sex workers, as well as their clients and clients' spouses and partners, to adequate health services and sexual education* (Recommended by *Finland*)

IRI: *partially implemented*

Planned Parenthood Association of Thailand (PPAT) response:

For Thai citizens, the government of Thailand has come up with policies to facilitate access to services for sex workers, such as allowing for reimbursement of VCCT check-up fees (two times/year) which is under the National Health Security Office's programme. In addition, for non- Thai citizens, the government has promoted the health insurance scheme for all migrant workers, regardless of their legal status, which they will be able receive health treatments and care, including ARV, at hospital where they purchase the insurance. However, in practice, there is still some hiccups in implementation as some hospitals did not have enough budget to cover for health insurance scheme for migrant workers, this results in limiting



numbers of migrants who can to enroll in the programme at such hospitals. In addition, staff does not aware or understand the criterias of applicants of this policy as some have requested for confirmed identification documents of their legal status from migrants who want to apply despite the policy indicated that it is not necessary. This has been barrier for illegal migrant workers, including sex workers, to access to health services and information. Attitude of service providers is also another part of reason that hindering access to health services and information, including sexual and reproductive health and rights, of sex workers. Although, the government works with many NGOs to improve the service provision system and provide trainings for service providers to sensitize them on this issue, many providers made sex workers uncomfortable during their visits, both intentionally and unintentionally. Thai government should work on having clear policy and guidelines to work with all marginalized and vulnerable groups of population, including migrants and sex workers, to reduce misunderstanding and error which may become barrier to access to health services and information, including sexual and reproductive health. The amendment of legislations which created barriers for illegal migrants to access health services, as well as to have laws to protect rights of all people despite their legal status and nationalities when they are in Thailand, are still needed.

RSAT response:

Sexuality education does not cover the issues of sexual orientation and gender identity.

Minorities

Recommendation n^o9: *Continue to develop the capacities of institutions working with persons with disabilities, including educational and health institutions* (Recommended by Saudi Arabia)

IRI: *fully implemented*

State of Thailand response:

The Persons with Disabilities Empowerment Act of 2007 was amended in 2013 to include provisions on monitoring of the access by persons with disabilities to their rights, establishment of service centres for persons with disabilities, increasing the role of persons with disabilities organisations, developing disability-friendly environment and providing services on sign language interpreters and assistants for persons with disabilities.



Recommendation n°24: *Continue its efforts in promoting and protecting the human rights of its people, in particular those of vulnerable groups* (Recommended by *Brunei Darussalam*)

IRI: *fully implemented*

NHRCT response:

One of the vulnerable groups of people living in Thailand is stateless persons. The Thai Government has adopted a policy to grant the Thai nationality or a legal status to certain groups of stateless people residing in the country as manifested in the Strategy to Deal with Problems relating to Status and Rights of Persons and subsequent cabinet resolutions, the latest one being that of 7 December 2010. However, there has been a long delay in the implementation of such policy, causing many stateless persons unable to access their basic rights. Concerned agencies should expedite the implementation process including by simplifying the procedures for application of nationality or legal status. The timeframe of implementation of such policy should also be extended to ensure that all eligible stateless persons have access to the nationality/status granting process.

There are another group of stateless people who are not included in the above-mentioned policy and whose status problem has not yet been resolved. The National Human Rights Commission has recommended to the Government that it should extend the coverage of such policy to include this latter group of stateless people and their children so that they can have access to basic rights.

RSAT response:

Thailand is moving forward to legalize same-sex marriage. 1. A complete draft was done by parliamentarians for same-sex marriage and it is now ready to be considered but we don't have a real and functioning government. This bill has to be certified by at least 20 Mps in order to be considered but there is no parliament and parliamentarians at the moment. The recent election on 4 Feb 2014 was voided.

Another channel, some CSO organizations are pushing forward the amendment of the Civil Code. - This will be a long shot since it won't be easy to amend the Civil Code in the country that applies code laws like Thailand.

Another route, led by For-Sogi Foundation and LGBT Network, we are propping a Civil Union draft in collaboration with the Law Reform Commission of Thailand. Now, the draft is complete and will be up for public hearings soon. I have summarized the key points of the Civil Union Code in



English for you as attached. The original Thai version can be found at [this [website](#)] but it allows only online viewing but not for downloading.

State of Thailand response:

Rights of Specific Groups

Various measures are implemented to address violence against women and children. These measures include development of a manual on a non-violent approach to child rearing and caring in various settings which are distributed to parents and teachers. Efforts have also been undertaken to increase the role of the community to protect children and women and to combat violence against them including domestic violence. In this regard, the provincial Memorandum of Understanding (MOU) was already concluded in 31 provinces and will be developed throughout the country in the near future. Thailand is also in the process of drafting measures to prevent sexual harassment in the workplace. The draft is opened for public hearings in June 2014.

Thailand is undertaking a study on the situation of children with legal status problem including children in the temporary shelters for displaced persons with an aim to establish a guideline to promote the welfare of these children.

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With regard to the protection of irregular migrants, displaced persons and those with protection needs in the country, Thailand has always adhered to humanitarian and human rights principles. Thailand is currently establishing national mechanisms under the framework of the Comprehensive Strategy on Addressing Illegal Migrants of 2012 to be in line with international standards and practices.

The Universal Health Coverage Scheme has been expanded to cover undocumented migrant workers since January 2013. Health Officers and Volunteers for Migrants nationwide are also trained to help disseminate information on healthcare and government services for migrant workers.

To promote and protect the rights of persons living in vulnerable conditions, Thailand is implementing the Strategy for the Empowerment and Protection of the Rights of Vulnerable Groups (2012-2016). The Strategy aims to strengthen systematic data collection, enhance access to government services for these people, and promote positive attitudes toward these people, such as HIV-infected persons and former inmates.

Thailand is developing the draft Civil Partnership Act to legalise same-sex marriage in the country, pending our domestic procedure.

Thailand has already achieved most of the Millennium Development Goals (MDGs). We have also set up our own Millennium Development Goals Plus, to accelerate inclusive development in the country, especially on poverty eradication and addressing disparities.

Recommendation n°25: Continue to strengthen the general concept recognizing social and ethnic diversity in Thai society and protect fundamental rights (Recommended by Oman)

IRI: partially implemented

People's Empowerment Foundation (PEF) response:

The Overall Strategy for Illegal Migration by the National Security Council (NSC) was enacted with a view that “irregular migration is illegal migration. “The current policy only protect “ethnic minority who are rejected by the country of origin [who are] socially integrated into Thai society... and recorded with ID card in MOI's civil registration system and persons of thai descents, alien migrations granted the status of legal migrant and their children.” Thus, in this regard the policy overlook remaining stateless people in Thailand who have not been registered, some cases, the biggest



obstacle is corruption. People with Thai descents who wanted to prove their Thai Nationality must conduct their own expensive DNA tests or wait for charity free DNA test.

Recommendation n°42: *Increase its efforts to address the human rights challenges faced by all sex workers (Recommended by Finland)*

IRI: *partially implemented*

RSAT response:

Sex workers still experience double standard of the laws and are still periodically hassled by the police based on no grounds. However, access to healthcare services for sex workers are better improved by the health sector.

Recommendation n°47: *Continue to strengthen its efforts to combat trafficking and abuses of labour rights, particularly against vulnerable migrants (Recommended by New Zealand)*

IRI: *partially implemented*

Human Rights and Development Foundation (HRDF) response:

As per fact-finding of HRDF, there has been a general increase in the number of human-trafficking cases filed by the police division. The Commissioner-General of the Royal Thai Police has issued an internal order calling for the concentrated efforts to suppress human trafficking. This is supported by the fact that the persecution and investigations ratio where there were 305 trafficking-related cases in 2012, compared to 222 cases. Despite the increase in the number of complaints made with the police, the number of cases where the prosecutor filed charges before the court decreased from 67 cases in 2011 to 27 cases in 2012.

The gap between the number of cases investigated, and the number of cases finally prosecuted could be indicative of the fact that because of inadequate investigation, not proper evidence of committing crimes relation to human trafficking could be found against the suspected persons.

A high number of complaints registered by the police could also be related to the fact that there is a State policy to free high-risk areas from human trafficking. And in order to show their progress towards achieving this goal, police maybe filing complaints, but not conducting proper investigation into the complaints in order to collect required evidence.

Further, the RTG has made distinctions between the acts of smuggling and trafficking of Rohingyas entering into Thailand And the RTG has claimed in its Trafficking Record for 2013 that there are no Rohingya people who have been trafficked into Thailand. In this way, the Thai Government can



understate the severity of the human trafficking problems and report less cases.

Though 'practices resulting in forced extortion' is one of eight forms of human exploitation recognized as human trafficking in Anti-Trafficking in persons Act B.E. 2551 (2008) till date, though there are reports that forced extortion is an issue, no case has been filed before the courts of law under that provision. This could be attributed to the fact that investigators fail to provide the prosecutor with required evidence of exploitation by the brokers or the employers. Thus, the prosecutor will not file human trafficking charge against the perpetrator. As per fact-finding by the HRDF Rohingya people are usually arrested while they are in detention camps, waiting to be transferred to another places. Even though there is clear evidence that they have been smuggled, detained and beaten up by the brokers, however, as their destination is still vague and the act of 'forced labour' has not yet occurred, so police often classify these cases as smuggling of people rather than cases of trafficking.

HRDF also has intervened in the mediation of labour dispute cases of human trafficking victims. It has been noted that throughout the mediation process, the officials and mediators often fail to realize that the employees had been subjected to forced labour. Thus, while intervening in such cases, there is an assumption of normal employer-employee relations, where as in reality it is not so. Specific mediation process concerning labour disputes relating to human trafficking needs to recognise this important fact.

Raks Thai Foundation (RTF) response:

Although the fishing industry is covered under the Labour Protection Act, and there have been initiatives recently put into place intended to protect men working on fishing boats, especially migrants, there are questions regarding the effectiveness of these initiatives. The ILO has taken an active role in brokering changes in Thailand's fishing industry by working with the Department of Fisheries and the National Fisheries Association of Thailand. The objective is to improve working conditions and safeguard labor rights on fishing boats by developing systems for recruitment and training on occupational safety and health, and to promote guidelines for good labor practices among employers. Most of the initiatives are voluntary and employers are urged to adopt these practices. Monitoring and enforcement through the inspection of boats at sea is supposedly the responsibility of the Royal Thai Marine Police and Royal Thai Navy. Both of these agencies are dubious in their ability to carry out such a task as they are unfamiliar with labor rights. The recruitment system now includes MOUs with neighboring countries, supposedly including Bangladesh, and will use work contracts.



While work contracts are available at recruitment centers located in provinces with fishing industry in Thailand they are only in Thai language and are not promoted. For the use of contracts to be an effective rights protection tool for workers on fishing boats, especially migrants, there needs to be translations with labor representatives to assist in negotiations, and an effective monitoring and enforcement system in place to follow-up and ensure that the terms of work contracts are mutually agreed, that they are met, and that there is no contract substitution. Additionally, contradictory policies, such as Thailand's Ministerial Regulation No. 10 on Sea Fisheries Work which does not place limits on working hours or require set periods of rest, needs to be harmonized.

Equal Rights Trust (ERT) response:

Because many Rohingya cannot have access to a valid work permit they are driven into the informal work sector and then are likely to be arrested by the authorities or to be bribed.

State of Thailand response:

Human Trafficking

Thailand is implementing the Policy, Strategy and Measure on the Prevention and Suppression of Human Trafficking (2011-2016). Specialised task forces have been established to draft and monitor implementation of the Plan of Action on Prevention of Human Trafficking and to enhance collaboration among related agencies.

In the area of prosecution and law enforcement, Thailand has made remarkable progress, dramatically increasing the number of investigations, prosecutions and convictions in the year 2013. Three main law enforcement agencies, namely, the Royal Thai Police, the Department of Special Investigation and the Office of the Attorney General are working closely to integrate and coordinate our efforts to bring those traffickers to justice.

Recent national anti-trafficking measures include: (a) improving data collection system and exchange of information among criminal justice agencies, (b) establishing a centre to facilitate workers seeking jobs overseas in 10 provinces, (c) developing Good Labour Practices (GLP) for shrimp and seafood primary processing workplaces, shrimp and seafood processing, shrimp farms, and fishing boats and (d) establishing the Labour Coordination Centres in Fishery Industry.

On protection and recovery, recent progresses include development of the Joint Standard on Guidelines and Standard Operating Procedures (SOPs)



to Identify Victims of Trafficking in Persons and increasing efforts to assist trafficked victims to find jobs outside shelters.

With regard to child labour, training has regularly been organised for labour inspectors and multidisciplinary teams to address the issue of child labour. The National Plan on the Elimination of the Worst Forms of Child Labour (2015-2020) and the Strategy to Prevent and Combat Transnational Organised Crime are being drafted. The guideline on good practices for tourism industry to prevent sexual exploitation of children will also be developed in the near future.

Relevant agencies have conducted several measures to enhance the efficiency of labour inspection on fishing boats and high-risk worksites, such as including indicators on human trafficking in the labour inspection form and revising relevant laws.

With regard to the protection of irregular migrants, displaced persons and those with protection needs in the country, Thailand has always adhered to humanitarian and human rights principles. Thailand is currently establishing national mechanisms under the framework of the Comprehensive Strategy on Addressing Illegal Migrants of 2012 to be in line with international standards and practices.

PEF response:

Legal Framework

The Anti-trafficking in persons Act (2008) provides criminal sanctions against those responsible for illicit recruitment practices that can be classified as human trafficking cases, namely, if one used or threatened to use the “means” of force, abduction, fraud, deception, abuse of power or gave money or benefits to achieve the consent of a person having control over another person for the “purpose” of exploitation. The law, theoretically, applies to both outbound Thai migrant workers and inbound foreign migrants.

The law also provides a guarantee of fair access and treatment within the judicial system. Victim protection includes victims of trafficking may only be detained by the Thai authorities for a short period of time, and must not be held in a detention center or prison. Women and children trafficked into Thailand are to be given food, shelter and repatriation to their home country.



Cases of Human Trafficking

Some Rohingyas were sold to human right traffickers. There are some report that some Thai authority were involved with the trafficking network. Recently on May 2014, 30 Rohingyas were rescued from a trafficker's camp in brutal conditions that they lost the use of their legs. The captured Rohingya reported that they were transferred from Immigration Detention Center to Myanmar but found that they were handed over to trucks taking them to trafficker's jungle camp.

Recommendation n°93: *Take measures with a view to preventing and combating of arbitrary arrest, violence, abuse and exploitation of migrants* (Recommended by Brazil)

IRI: *partially implemented*

HRDF response:

Please refer to the comment on Recommendation No. 94

ERT response:

The detention of stateless Rohingya is discriminatory and arbitrary if it fails to take into consideration their vulnerabilities including difficulties in removing them within a reasonable period of time. Rohingyas are held in detention for various reasons.

Every day in the [news](#) are reported allegations of arbitrary detention and torture in Thai prisons especially against Rohingya people.

PEF response:

Migrants

Legal framework

(a) Legal protection and benefits are only available to those who are classified as “workers” with employees, such as Social Security Fund (SSF) under the Social Security Act, the Workmen's Compensation Fund(WCF), and the Universal Coverage Scheme (UCS) for informal sector migrant workers. Undocumented workers are not entitled to any benefit unless they have passed one of migrant worker registration processes. Illegal migrants are not entitled to SSF, WCF and UCS unless they are registered as documented workers or be employed under the MOU between Thailand and Myanmar, Laos PRD and Cambodia and the former Nationality Verification process. (For MOU, See below.)

(b) The Immigration Act (1979) stipulated that “Any alien who enters or come to stay in the Kingdom without permission or when such permission expires or is revoked, the competent official will deport such alien out of the Kingdom.” Additionally, the Act mentioned that “The competent official may



also detain the alien at any given place as many be necessary. The expense of detention shall be charged to the alien's account. "Thus, illegal migrants are to be detained at an immigration detention center, pending for deportation. It is also reported that indefinite detention is imposed on stateless asylum seekers or migrants.

Noting significant improvement to provide better protection to migrants and foreign workers in fishery and related industry and fishing trawlers in various policies. Thailand must improve protection for migrants, with a view of human rights, safety and welfare and particularly bring any officials involved in right violation to justice.

Asylum seekers Rohingyas and/or other Muslim ethnic migrants facing persecution in Myanmar, escaped by boats to Thailand in order to seek resettlement in Malaysia or other Islamic countries. Despite Thailand recently suspended a policy to "escorted" their boats out to the sea by the Thai military in 2008-2009 the boats accommodating the Rohingyas at the sea, however, they faced arrests and indefinite detentions in many detention centers across the South of Thailand.

In the Southern Thailand, the Rohingya males are currently detained at the Immigration Detention Centers (IDCs), while women and children are detained at various Provincial Social Development and Welfare Home, a welcoming process but it is not applicable to the IDCs in Bangkok and other groups of asylum seekers.

Apart from the Rohingyas, given the political situation in their home country, the Uyghur Muslim should have been recognized as political asylum seekers. The Turkey ambassador in Bangkok also recognize them as "Turks" but the Thai immigration officials believe that they are Uyghurs, thus it is likely that they immigration will forcibly return them to Chinese officials. Hence the Uyghurs asylum seekers maybe persecuted upon their return to China.

According to the Environmental Justice Foundation, Thai fishing and seafood industry was powered partly by trafficked migrant workers from neighboring Myanmar and Cambodia. Rescued workers said they must work for 20 hour a day with little or no pay and physical harassment by Thai crew member. Most of workers ended up in the fishing trawlers are either trafficked and sold or cheated that they would be working in factories. Worse form of abuses witnesses report also involved murders, torture and slavery.



Recommendation n°94: *Strengthen law enforcement in order to provide adequate protection, guarantee the minimum wage and work safety, and to ensure equal access to health services and justice for migrant workers* (Recommended by *Indonesia*)

IRI: *partially implemented*

HRDF response:

HRDF had overseen a case where a Burmese worker was arrested by police officers and then was accused of involving with selling of prohibited drugs. The victim was, then, tortured to obtain confession. No action was taken by the authorities on the complaint of torture. No action was taken to bring the perpetrators before the justice system and give appropriate remedy to the victim.

Case study: Mr. Somchai Saelee, a burmese migrant worker, arrested by police officers on May 5, 2009. He was accused of involve with drug seller. He was torture to obtain his confession and he received serious injuries. Mr. Somchai filed a complaint against police officer 2 years after he was released from the prison through the complaints mechanism below;

1. File the complaints to the head of police station that Mr. Somchai was tortured
2. File the complaints to the Head of Police at police region 9 to investigate the case. Police investigations concluded that Mr. Somchai had got injured while he was he joking with other suspects. The investigation further stated that the reason Mr. Somchai filed a complaint against the alleged police officers was because he was unhappy at being arrested by the police.
3. Filed the complaint to National Human Rights Commission: NHRC dropped its investigation into the case as it was also being investigated by the Office of Ombudsman
4. File the complaints to the Office of Ombudsman – NO PROGRESS
5. Thailand acceded to the Convention against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment in 2007. The absence of recognition of torture as an offence under the criminal laws enables the Thai officials to enjoy impunity.

Access to justice under the Labour Protection law: Monitoring interventions by HRDF reveal that in labor disputes court trials are delayed as a result of which, when they receive any compensation, the value of the amount is lower than the value in the year they filed their case before the court.

Case study: HRDF had assisted 81 Burmese workers who had been discharged from work without any compensation in 2005. In 2013, they received a compensation of the amount of 1,864,450.29 baht in total from



the Supreme Court, which gave a decision on the case in 2012. The justice process needs to be more expeditious in order to ensure the social protection of the migrant workers.

However, HRDF appreciates the improvements in the protection of the rights of the underprivileged. In case of migrant worker filed a civil lawsuit against the Local authority to seek the compensation for her daughter at the Administrative Court. The mother received the compensation according to the court order and the local authority decided not to appeal the case.

Obstacles relating to access to workmen compensation

HRDF has reported issues where the workers have obstacles accessing to the Workmen's Compensation Fund, managed by the Thai Government. The RTG discriminate against migrant worker's access to workmen compensation, especially if there is information that the employer has not paid its share of contribution to the fund.

Case Study: Mr. Pang Loongmong, Mr. Sa Naiar, Mr. Co Loongnae and Mr. San Loongtee were labour contractors working for Waret Galiwong, a subcontractor of the Chiang Mai Wiengthong Co., Ltd. contracted for the construction of the 75th anniversary building of the Church of Christ. On 25 April 2010, all four migrant workers fell victims of workplace accident. As a result, Mr. Pang Loongmong and Sa Naiar suffered occupational fatality on the construction site and Mr. Co Loongnae and Mr. San Loongtee suffered severe injuries.

On 26 August 2010, legal representatives filed a case to the SSO on behalf of the four migrants and their families and requested for work-related accidents compensation. 7 January 2011, the Social Security Office (SSO) issued its Order granting compensation from the Workmen Compensation Fund only to Mr. Pang Loongmong on the basis of his highlander identification card with the right of permanent residence. The SSO facilitated access of Pang Loongmong to the WCF on an equal footing with Thai nationals. Therefore, the SSO approved to pay compensation from the WCF pursuant to Article 18 (4) of the WCA in the total amount of 389,376 baht, which divided to the instalment of 4,056 baht per month and funeral expense of 20,600 baht.

RTF response:

Equal access to health services by migrants is still not guaranteed. Many migrants are entitled to enrolment under Social Security, which is the health insurance scheme for Thai and migrants laborers in the formal sector. Employers have the power to decide whether or not to enroll migrant



employees under this system. This has resulted in many migrants not being enrolled in Social Security, often without their knowledge until they need health services. In all, only around 340,000 migrants were enrolled under Social Security as of Aug. 2013 - around one-half of those who were eligible (out of 736,000). The Migrant Health Insurance program, which is for migrants in the informal sector, recently increased its fee from 1,300 Baht to 2,200 Baht with the promise of antiretroviral drugs for those living with HIV. However, local hospitals have expressed confusion regarding the policy's implementation including the financing system, which has resulted in reports of some hospitals refusing migrants living with HIV from buying this new insurance. This means those migrants who are on or in need of ARV and who have been rejected, will need to pay the costs out of pocket, which is around 1,800 Baht per month just for the ARV. Moreover, with the increase in the insurance cost, it is likely that fewer healthy migrants will purchase insurance and will therefore have no health coverage. In 2013, there were around 234,200 migrants enrolled in the Migrant Health Insurance system. This means that roughly 625,800 migrants were not covered with health insurance in 2013. [...]

State of Thailand response:

With regard to the protection of irregular migrants, displaced persons and those with protection needs in the country, Thailand has always adhered to humanitarian and human rights principles. Thailand is currently establishing national mechanisms under the framework of the Comprehensive Strategy on Addressing Illegal Migrants of 2012 to be in line with international standards and practices.

The Universal Health Coverage Scheme has been expanded to cover undocumented migrant workers since January 2013. Health Officers and Volunteers for Migrants nationwide are also trained to help disseminate information on healthcare and government services for migrant workers.

PEF response:

Migrant workers are a part of the Thai economy. First, under the categorization of “illegal migrant workers pending deportation” in 1996, then the Thai state imposed the first illegal migrant registration in 1998. The policy from 1998-2003 is annual allowance and registration of illegal migrant workers on annual basis, until 2004, the first formalized system to register migrant workers and dependents as well their employees was established along with the Memorandum of Understanding between Thailand, Cambodia, Laos PRD and Myanmar to regularized migrant workers from the three countries to be legal migrant workers. Nevertheless,



the health benefits, social protection and legal framework available to migrant worker, (see above section), remain largely unchanged.

Regularization process was with lack of foresight on convenience and cost reduction. Due to the complicate procedure, of the Nationality Verification Process and the MOU registration, the use of brokers is inevitable to complete the process, which increases the price for the MOU registration or a passport through Nationality Verification at the rate of 1-3 times of the controlled price.

Migrant workers who used the MOU process from Ranong reportedly “experienced a three-month recruitment process and had paid between THB18,000 and THB20,000 in service fees” (about 580-650 USD).

Despite Thai and migrant workers are paid equally under the same rate of minimum wage, migrant workers are more susceptible to illegal wage deduction due largely to high recruitment fee. Currently, the policies regarding recruitment of migrant workers to Thailand are nonexistent. Private Recruitment Agencies for migrant workers in Thailand are under-regulated. The regulation and complaint mechanism in the current legal framework is only available for outbound workers and recruitment agencies. Migrant workers can only use their country's diplomatic channel, local NGOs and their own recruiting agencies to assist with filing complaint to Thai labor office.

Recommendation n°95: Continue to focus its efforts on ensuring full protection of the human rights for all migrant and foreign workers, particularly to enhance their safety and welfare (Recommended by Myanmar)

IRI: fully implemented

HRDF response:

Please refer to the comment on Recommendation No. 94

State of Thailand response:

[See response to recommendation n°94]

PEF response:

[See response to recommendation n°93]

Recommendation n°96: Continue its efforts to promote and protect rights of migrants (Recommended by Bangladesh)

IRI: fully implemented

HRDF response:

Please refer to the comment on Recommendation No. 94.

RSAT response:

International migrants still do not have equal access, even for HIV and antiretroviral treatment to Thai nationals.

ERT response:

Rohingya in Thailand have been able to carve out livelihood opportunities in Bangkok's informal labour sector, their status as irregular migrants renders them perpetually vulnerable to arrest for working illegally. Only a change in policy which takes into consideration the special needs of stateless refugees, most of who are willing and able to work, will improve their circumstances. Examples of Rohingya working illegally provided by the 2014 ERT report underlined the fact that Thailand did not particularly make efforts on protecting the rights of this particular population.

State of Thailand response:

[See response to recommendation n°94]

Recommendation n°97: *Continue efforts in protecting the interests of migrant workers, including through appropriate legislative measures* (Recommended by Nepal)

IRI: *fully implemented*

HRDF response:

Please refer to the comment on Recommendation No. 94

RSAT response:

International migrants still do not have equal access, even for HIV and antiretroviral treatment to Thai nationals.

RTF response:

There are numerous cases of documented migrants facing rights violations in supply-chain factories for the seafood processing and garment industries. Many of these documented migrants either entered the country legally through the MOU or obtained passports through the Nationality Verification process. Employers are known to confiscate these documents and withhold them as a threat until orders are completed. They also deduct fees from the migrants for charges related to recruitment and generally do not pay overtime. One problem is that there are too few local labor inspectors. Similarly, labor auditors from international companies lack the ability to find factories that are a part of the sub-contracting chain where these sorts of violations take place. At the same time, there are regular reports of



migrants organizing strikes to demand better conditions, fair treatment or compensation for unpaid wages. However, Thailand has yet to sign ILO Conventions 87 and 98 on Freedom of Association and the Right to Organise and Bargain Collectively. As a result, while migrants protest through work stoppages, they are generally unsuccessful in making real changes to work conditions or payment of wages due to the lack of ability to form their own unions.

State of Thailand response:

[See response to recommendation n°94]

Recommendation n°175: *Strengthen the legal rights framework and enforcement of these rights for migrants, asylum seekers and victims of trafficking* (Recommended by Canada)

IRI: *partially implemented*

RTF response:

The US government's TIPs report notes that there were 270 foreign victims of trafficking in 2012, down from 329 in 2011. Yet, according to a report by Thailand to the US State Department for the TIPs report, Thailand convicted 225 people for human trafficking in 2013, compared to 49 people in 2012. (The State Department, however, identified only 10 convictions in 2012.) There are [reports](#) of obstruction of justice in trafficking cases with pressure being put on victims not to reveal names or details of the boat or owner. At the same time, the Thai government supposedly doubled its anti-trafficking budget to 235 million baht (\$7.3 million) in 2013.

PEF response:

[See response to recommendation n°93]

Recommendation n°176: *Establish a long term policy for addressing migrant workers* (Recommended by United Kingdom)

IRI: *not implemented*

RTF response:

The framework for Thailand's Migrant Policy over the past ten years has been based on the premise of normalizing migrants, but has been implemented inconsistently with changes every couple of years. The normalization process has been done through two main streams. There is the MOU where migrants are recruited from their home countries, obtain a passport and work permit prior to entering the country, and are then placed with an employer. The other stream allows migrants who have entered the country without proper documentation to be processed under what is known as the "Nationality Verification" system to receive a temporary passport and work permit which is good for two years and can be renewed once for



another two years. Although both systems have reduced the danger of trafficking and forced labor, there are still problems in protecting migrant workers' labor rights with reports of employers withholding passports and making excessive deductions from wages to reimburse placement fees. Many of the migrants with temporary passports and the equivalent of a four year work permit under the Nationality Verification system were then supposed to return to their home countries for three years before they could return to work in Thailand, similar to the MOU system. This proved counter-productive for employers, who were losing their skilled laborers, and for migrants, many of who hadn't been home in years and wished to remain working and living in Thailand. During the period when the first batch of four year work permits expired, hundreds of thousands of migrants were left in limbo. The Thai government had discussions with the Myanmar government and agreed to: reduce the time required to return home from three years to one day; have migrants with expired passports or passports with less than two years validity left obtain real passports; and open one-stop centers at the border for the complete registration process. A 180 day extension of stay for those with expired passports was to be granted, but was delayed due to the political unrest in Thailand that resulted in the dissolution of the House, leaving many with uncertain status. The new policy has finally been initiated but the response by migrants has been minimal. In May 2014, only around 6,000 migrants were reported to have renewed their documents out of hundreds of thousands. Part of the reason for the low turnout is that the price charged by agents for facilitating this process, including transportation back and forth, is excessive, and migrants are tired of having to pay these fees every couple of years with commensurate policy changes. While it is unclear the status of those migrants who did not renew their documents, it is most likely only a small percentage chose to return home. The rest, it is assumed, are still in Thailand working, either with false or no documents. It is migrants' uncertain status that leaves them vulnerable to exploitation, and there is still no long-range Migrant Policy in place to provide a sense of security.

PEF response:

Migrant workers are a part of the Thai economy. First, under the categorization of "illegal migrant workers pending deportation" in 1996, then the Thai state imposed the first illegal migrant registration in 1998. The policy from 1998-2003 is annual allowance and registration of illegal migrant workers on annual basis, until 2004, the first formalized system to register migrant workers and dependents as well their employees was established along with the Memorandum of Understanding between Thailand, Cambodia, Laos PRD and Myanmar to regularized migrant workers from the three countries to be legal migrant workers. Nevertheless,



the health benefits, social protection and legal framework available to migrant worker, (see above section), remain largely unchanged.

Regularization process was with lack of foresight on convenience and cost reduction. Due to the complicate procedure, of the Nationality Verification Process and the MOU registration, the use of brokers is inevitable to complete the process, which increases the price for the MOU registration or a passport through Nationality Verification at the rate of 1-3 times of the controlled price.

Migrant workers who used the MOU process from Ranong reportedly “experienced a three-month recruitment process and had paid between THB18,000 and THB20,000 in service fees” (about 580-650 USD).

Despite Thai and migrant workers are paid equally under the same rate of minimum wage, migrant workers are more susceptible to illegal wage deduction due largely to high recruitment fee. Currently, the policies regarding recruitment of migrant workers to Thailand are nonexistent. Private Recruitment Agencies for migrant workers in Thailand are under-regulated. The regulation and complaint mechanism in the current legal framework is only available for outbound workers and recruitment agencies. Migrant workers can only use their country's diplomatic channel, local NGOs and their own recruiting agencies to assist with filing complaint to Thai labor office.

Recommendation n^o177: Ensure migrants found at sea are afforded the full measures of protection they are entitled to under international law (Recommended by New Zealand)

IRI: partially implemented

RTF response:

“Sold to the Sea” by the Environmental Justice Foundation was released last year with a follow up report “Slavery at Sea” in 2014. The reports are damning of the Thai seafood industry, and in many ways corroborate other reports (IOM, 2011; ILO, 2013) of forced labor under debt bondage or threats of violence as the mechanisms employed by boat captains to ensure the crew continues working under the awful conditions, often with little nutritious food or clean water and very little rest. While most fishermen cited deductions from their wages to pay back debt imposed by brokers to find work, thus reporting under payment or no payment, there were others who reported working on a fishing boat against their will. (In the ILO research, “Employment practices and working conditions in Thailand’s fishing sector,” around 5% or 32 respondents, indicated they were working on a fishing boat against their will, with one in six found on long-haul boats,



and half of whom had been deceived by the broker at home. 17% indicated they could not leave work for threat of penalty, including possibly violence.) There have also been reports of men jumping overboard and swimming for miles to escape, often in Malaysia, as this is the closest they get to land for months or years.

ERT response:

The response of Thailand to the 2012/13 influx of boat people has not been adequate. While Thailand took the unprecedented step of offering a grace period for new arrivals, its response has not been grounded in a protection framework. The “help on” policy and the prolonged detention of arrivals have raised international concern. It is difficult for any country to deal with such a large and unpredictable number of migrants, and distinguishing Rohingya refugees from Bangladeshi migrants also poses a challenge. However, Thailand is urged to approach this situation from a humanitarian and human rights perspective, to ensure the integrity of its borders while also protecting the rights of all vulnerable migrants including asylum seekers and stateless persons.

In this regard, it must be noted that over the past few years, Thailand has gradually begun introducing more policies which provide protection to vulnerable persons. The state is urged to continue to protect its sovereignty and borders in a manner which increasingly also prioritises the human rights protection of vulnerable persons. Such a human rights-based approach to sovereignty is a difficult but achievable goal which will strengthen human rights protection and serve as an example to other nations.

PEF response:

[See response to recommendation n°93]

Recommendation n°178: *Reverse current practices regarding the rights of refugees, asylum seekers and migrant workers (Recommended by Slovakia)*

IRI: *partially implemented*

State of Thailand response:

[See response to recommendation n°94]

Recommendation n°180: *Ensure respect for the principle of non-refoulement with respect to asylum seekers and refugees, avoid a premature move to close camps on the Western border while conditions for voluntary, safe and dignified return do not exist, and meet the protection*



needs of vulnerable peoples, such as the Rohingya, in accordance with international law (Recommended by Canada)

IRI: not implemented

HRDF response:

Regarding to the situation of refugees and asylum seekers, the news surfaced that “Thai authorities have forcibly returned Rohingya asylum-seekers to Myanmar earlier in the year, in violation of the principle of non-refoulement. According to media sources, Thai security forces reportedly returned 73 Rohingya, including 15 women and up to 20 children, by land on 2 January 2013 after intercepting their boat off the coast of Thailand the previous day.” Thai authorities launched a somewhat secretive policy, called “Option-Two”, to deport refugees back to Myanmar. This response has led to Rohingyas being sold into Human Trafficking rings. The number of Rohingyas detained in the Immigration Detention center dramatically decreased from 2,058 in early October 2013 to 154 by the first week of December. There were also reports that, in 2013, approximately 40,000 Rohingyas became victims through the trafficking camps. This is in violation of the recommendation suggested at the UPR where refoulement of asylum-seekers and refugees are strongly discouraged.

Since, there is no any progress to correctly identify and update the status of the Rohingyas as the asylum seekers, the RTG cannot provide shelters for their safety. HRDF has suggested that the RTG, along with the Immigration Division to exercise the Section 54 of the Immigration Act to set up the shelter for the Rohingyas, especially women, children, disabled and sick persons. As improvements, the Immigration Bureau has recently accepted the HRDF recommendation of the model of the shelter for trafficking victims as an example for setting up rehabilitation center for the women, children, disabled and sick persons.

Unidentified Muslims might not fit the refugee status. The Chinese government had verified that 40% of them are Chinese people and they will be returned. The Turkish government is still in the process of identification. HRDF strongly believes that Non-refoulement should not apply to this group as long as intention into coming into Thailand is not clear and believed that this particular group of people had been smuggled into Thailand.

RTF response:

Rohingya are allegedly being trafficked through Thailand to Malaysia in great numbers. Their boats continue to wash up on Thai shores where they are briefly detained either in detention centers or in camps, and then are allegedly trafficked by gangs that extort money for passage to Malaysia, with some ending up trafficked onto fishing boats as forced labor. According



to investigative reporting by Reuters, these people are not being counted as trafficked individuals by the Thai government and are considered as being smuggled in what seems to be a ploy to avoid a downgrade of its trade status under the US's TIPs report. It is alleged that possibly up to 40,000 Rohingya have passed through Thailand in 2013 alone. It is also known that many Rohingya have been moved to detention centers in other parts of the country, namely the eastern seaboard, because conditions have become so overcrowded in southern provinces. Blurring the distinction between smuggling and trafficking, a large group of people believed to be Uighurs from China were also found in camps in Songkla Province, possibly being moved by the same gang that dealt with the Rohingya. Clarity is needed on the status of Rohingya who enter the country, and these people need to be processed as asylum seekers and provided official protection status if that is the case.

ERT response:

On February 7, 2013, the Thai government reported that 5,899 Rohingya had arrived since October 2012. Understandably not prepared for this spike of arrivals, the Thai government developed practices in violation with the principle of non-refoulement. Rohingya people can be briefly detained and then sent to areas where brokers bring them to Malaysia or intercepted and "pushed-back". For instance, a boat carrying 73 people, including up to 20 children, was intercepted near Bon Island in Phuket on January 1, 2013 and the passengers were brought to the Phuket Immigration office before being taken in two trucks to Ranong, where they were sent back to Myanmar. Facing a lot of criticisms from the international community, Thailand developed another practice stemming from the "pushed-back". The Thai authorities, since early 2012, have begun referring to boats of Rohingya being "helped on" to Malaysia. This practice usually entails the provision of food and water before being towed out to sea or sent towards Malaysian waters. For instance, on February 3 2013, a boat carrying 145 Rohingya, including two women and two children, was reportedly found off Mook Island in Sikao District, Trang Province and was given basic humanitarian aid and food supplies before being pushed on.

Recommendation n°181: *Refrain from the refoulement of asylum-seekers* (Recommended by *Brazil*)

IRI: not implemented

HRDF response:

Please refer to the comment on recommendation No.180

ERT response:

In the absence of a domestic refugee law framework in Thailand, the Immigration Act of 1979 serves to regulate all foreigners entering the state's territory, including refugees. While Thailand has accommodated persons displaced by protracted conflict in Myanmar for decades in temporary camps along the Myanmar-Thailand border, the country does not formally recognise refugees who live outside these camps. Urban refugees, including the Rohingya, are thus regarded as 'illegal migrants' and subject to arrest, detention and deportation under the Immigration Act. The discrepancy between the treatment of refugees in the border regions and other refugees perhaps is indicative of selective application of Thailand's international obligations. Furthermore, the accommodation of Myanmar refugees in border camps but the non-acceptance of the Rohingya as refugees from Myanmar is perhaps because the Rohingya are seen primarily as irregular economic migrants, a view that is backed by the fact that many Rohingya arrive from Bangladesh. This policy places the Rohingya at a disadvantage vis-à-vis other refugees from Myanmar and is discriminatory. It is also inconsistent with the principle of non-refoulement.

The [Amnesty shadow report](#) for the CAT reported that in February 2014 the Thai Authorities announced that 1.300 Rohingya people were deported to Myanmar violating the principle of non-refoulement (Footnote 44, p.11).

It was also reported in the [news](#).

Recommendation n°182: *Facilitate the access to asylum procedures in order to guarantee an international protection to asylum seekers* (Recommended by Switzerland)

IRI: not implemented

HRDF response:

Please refer to the comment on recommendation No.180.

ERT response:

ERT noticed that Thailand, with other Asian countries, are reluctant to facilitate the access to the asylum procedure and to grant refugee protection to Rohingya people. Indeed, they fear it will become a 'pull factor' and result in more Rohingya seeking asylum. However, Thailand is not party to the 1951 Refugee Convention and its 1967 Protocol or to the 1954 Statelessness Convention. Furthermore, Thailand does not have a legal or administrative framework for managing asylum claims and protecting refugees.

Moreover, ERT report showed that the dual Thai policy which discriminates in favour of refugees in the border camps and against other refugees in the country has been exacerbated – in the context of the Rohingya – by the



Thai Provincial Admissions Board in 2005 assuming sole control of the refugee status determination processes for all asylum seekers from Myanmar. This board only processes asylum applications in the border camps – a further indication that the Rohingya, whose traditional migration route is by sea, are not considered by Thailand to be refugees from Myanmar.

According to reports, when UNHCR is approached by Rohingya seeking asylum they counsel them to seek registration with the Thai Provincial Admissions Board in the border camps, despite the knowledge that the Board would not conduct refugee status determination for Rohingya. This situation has placed the Rohingya in the vulnerable and frustrating position of not knowing who to turn to for protection and who to hold responsible for failure to register them. As stated by a Rohingya representative at a public event, his people were being treated “like human ping pong balls”, being sent back and forth between UNHCR and Thailand’s Provincial Admissions Board, with neither conducting refugee status determination for them

Recommendation n^o190: Thailand will enhance human rights protection for migrant workers and will redouble its efforts to prevent human trafficking, especially through enhancing the labour inspection system (Recommended by Thailand)

IRI: partially implemented

RTF response:

Thai authorities were implicated in being not only derelict in their duties but even being complicit in trafficking men onto boats and profiting from this – raising concerns over Thai naval officers being relied upon for the monitoring of labor rights on fishing boats. Illustrative of this, in January 2014 the [BBC](#) did a piece on forced labor on Thai fishing boats. The piece showed the general lackadaisical attitude and farcical monitoring system of the naval authorities charged with labor monitoring on the boats, such as looking for “obvious” signs of forced labor such as a lock-up room. Yet, none of the authorities involved could speak migrants’ languages and they did not have a translator. Instead, they simply relied on the boat captain to respond to questions and show documents.

Another [article](#) quoted a senior officer in the Thai Immigration Bureau as saying that “inspectors tasked with identifying trafficking victims regularly used pier gang masters to communicate with migrant workers, despite them often being key components of the networks of brokers, business owners and corrupt local officials involved in trafficking onto fishing vessels.” Further complicating monitoring efforts through inspections, a link between over-fishing and reduced catches were seen as influencing human



trafficking and labour abuses onboard boats by forcing boats to fish further away and for longer periods of time.

Phil Robertson, deputy Asia director for the U.S.-based Human Rights Watch, said the industry still has much work to do to recognize the rights of migrants and other workers." Enforcement of laws is the responsibility of the government and the Thai Government has failed to implement even the most rudimentary regulations for the Thai fishing industry," Robertson said.

Currently, human rights defenders and whistle blowers are being deterred to speak out under threat of legal reprisals for defamation. The stories raised could potentially impact Thailand's TIPs ranking under the US government which will potentially negatively affect trade. Specifically, Andy Hall, who works for an NGO and is an independent researcher, and Alan Morison and Chutima Sidasathian, who are journalists for the Phuketwan newspaper, are facing spurious legal cases where they are accused of liable under criminal defamation laws and the Computer Crimes Act. Andy Hall is being charged by the owners of the Natural Fruit Company (who happens to be a powerful politician) with defamation for an interview he did on Aljazeera about his research for Finnwatch on working conditions of migrants in the company's factories in Prachuap Khiri Khan Province. The journalists from Phuketwan are similarly being charged for their story on the trafficking of Rohingya which implicates the Thai Navy in being part of a system that puts these people at increased danger of trafficking gangs, rather than providing them with humanitarian aid and protection status.

ERT response:

See [recommendation n°] 26 on Education: because Rohingya children are stateless and then not registered to the authorities they cannot access school.

State of Thailand response:

With regard to the protection of irregular migrants, displaced persons and those with protection needs in the country, Thailand has always adhered to humanitarian and human rights principles. Thailand is currently establishing national mechanisms under the framework of the Comprehensive Strategy on Addressing Illegal Migrants of 2012 to be in line with international standards and practices.

The Universal Health Coverage Scheme has been expanded to cover undocumented migrant workers since January 2013. Health Officers and Volunteers for Migrants nationwide are also trained to help disseminate information on healthcare and government services for migrant workers.



Human Trafficking

Thailand is implementing the Policy, Strategy and Measure on the Prevention and Suppression of Human Trafficking (2011-2016). Specialised task forces have been established to draft and monitor implementation of the Plan of Action on Prevention of Human Trafficking and to enhance collaboration among related agencies.

In the area of prosecution and law enforcement, Thailand has made remarkable progress, dramatically increasing the number of investigations, prosecutions and convictions in the year 2013. Three main law enforcement agencies, namely, the Royal Thai Police, the Department of Special Investigation and the Office of the Attorney General are working closely to integrate and coordinate our efforts to bring those traffickers to justice.

Recent national anti-trafficking measures include: (a) improving data collection system and exchange of information among criminal justice agencies, (b) establishing a centre to facilitate workers seeking jobs overseas in 10 provinces, (c) developing Good Labour Practices (GLP) for shrimp and seafood primary processing workplaces, shrimp and seafood processing, shrimp farms, and fishing boats and (d) establishing the Labour Coordination Centres in Fishery Industry.

On protection and recovery, recent progresses include development of the Joint Standard on Guidelines and Standard Operating Procedures (SOPs) to Identify Victims of Trafficking in Persons and increasing efforts to assist trafficked victims to find jobs outside shelters.

With regard to child labour, training has regularly been organised for labour inspectors and multidisciplinary teams to address the issue of child labour. The National Plan on the Elimination of the Worst Forms of Child Labour (2015-2020) and the Strategy to Prevent and Combat Transnational Organised Crime are being drafted. The guideline on good practices for tourism industry to prevent sexual exploitation of children will also be developed in the near future.

Relevant agencies have conducted several measures to enhance the efficiency of labour inspection on fishing boats and high-risk worksites, such as including indicators on human trafficking in the labour inspection form and revising relevant laws.

International Instruments

Recommendation n°1: *Ratify the United Nations Convention against Transnational Organized Crime and its Protocols to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and Against the Smuggling of Migrants by Land, Sea and Air (Recommended by Australia)*

IRI: *partially implemented*

HRDF response:

The Royal Thai Government (RTG) has signed the two major Protocols on Convention against Transnational Organized Crime and Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children on 17 Oct 2013. Based on these protocols, some clauses and amendments were introduced into Thai law. The RTG has adopted Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, focusing on explicitly explaining the terms of Trafficking in persons and Exploitation.

In terms of implementation, fact-finding by HRDF has indicated that there are a very small number of cases in which employers are prosecuted and mostly anti-money laundering measures against human traffickers are not imposed. According to the 2013 TIPs report released in June 19 2013, 305 trafficking-related cases were investigated in 2012 but only 27 cases were prosecuted which significantly decreased from 67 in 2011. Thus, there appears to be some gaps in bringing the perpetrators before the justice system.

The RTG has not ratified the Protocol to Prevent Against the Smuggling of Migrants by Land, Sea and Air. Thus there are no proper standards to address the situation of Rohingya people coming into Thailand and people from unidentified nationalities, being smuggled in from the neighbouring countries.

NHRCT response:

Thailand already ratified the UN Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children on 17 October 2013.

ERT response:

Thailand ratified the United Nations Convention against Transnational Organised Crime and its Protocols to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children on 17 October 2013.

Thailand did not ratify the Protocol against the Smuggling of Migrants by Land, Sea and Air.

State of Thailand response:

Thailand ratified the United Nations Convention against Transnational Organised Crime (UNTOC) and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children in October 2013. Thailand has taken a leading role in advocating ratification and implementation of the Convention among member countries of the Bali Process since 2012. Nationally, we completed internal process to revise our legislation and develop mechanisms to implement our obligation under the Convention and the Protocol.

Recommendation n°2: Accede to the Palermo Protocol and continue improving its implementation of policy and legal framework related to human trafficking (Recommended by Norway)

IRI: fully implemented

HRDF response:

Please refer to the comment at Recommendation No.1

NHRCT response:

Please see comments to recommendation no. 1 above.

ERT response:

Thailand ratified the Palermo protocol on 17 October 2013.

State of Thailand response:

Thailand ratified the United Nations Convention against Transnational Organised Crime (UNTOC) and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children in October 2013. Thailand has taken a leading role in advocating ratification and implementation of the Convention among member countries of the Bali Process since 2012. Nationally, we completed internal process to revise our legislation and develop mechanisms to implement our obligation under the Convention and the Protocol.



Recommendation n^o3: *Include a definition of torture into the Criminal Code, in line with article 1 of the Convention against Torture (Recommended by Austria)*

IRI: *partially implemented*

+

Recommendation n^o4: *Enact legislation criminalizing torture and amend all relevant laws to fully comply with the obligations under CAT (Recommended by Canada)*

IRI: *partially implemented*

NHRCT response:

The Government has made an effort to amend the Criminal Code to make torture a specific criminal offence. However, the definition of torture in the draft amendment of the Criminal Code may not be in full conformity with Article 1 of the Convention and should be reviewed.

State of Thailand response:

Thailand has undertaken efforts to incorporate the definition of “torture” into our domestic laws by amending the Criminal Code and Criminal Procedure Code to be in line with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

Recommendation n^o17: *Issue a standing invitation to all special procedures (Recommended by Finland)*

IRI: *fully implemented*

+

Recommendation n^o18: *Issue a standing invitation to all special procedures' mandate holders (Recommended by New Zealand)*

IRI: *fully implemented*

+

Recommendation n^o19: *Issue a standing invitation to all mandate holders of the Council (Recommended by Hungary)*

IRI: *fully implemented*

+

Recommendation n^o127: *Issue a standing invitation to all Special Procedures, and establish a calendar (Recommended by Spain)*

IRI: *partially implemented*

+

Recommendation n^o188: *Thailand will issue a standing invitation to all the special procedures of the Human Rights Council (Recommended by Thailand)*

IRI: *fully implemented*

NHRCT response:

The Thai Government has issued a standing invitation to all special procedures and specific invitation to some UN special rapporteurs. The UN Special Rapporteur on the right to safe drinking water and sanitation, Catarina Albuquerque, visited Thailand from 1-8 February 2013 at the invitation of the Thai Government. Thailand has also extended an invitation to Mr. Juan Mendez, the UN Special Rapporteur on torture, who is scheduled to visit the country in August 2014.

State of Thailand response:**Cooperation with special procedures mandate holders of the Human Rights Council**

Thailand issued a standing invitation to all special procedures mandate holders of the HRC during the presentation of our first UPR report in 2011.

In 2013, Thailand welcomed the visit of the Special Rapporteur on the human right to safe drinking water and sanitation. Relevant agencies will take into account the recommendations of the Special Rapporteur when implementing their policies in order to improve the right to safe drinking water and sanitation of all people in the country.

Recommendation n°29: Adopt all necessary measures to eradicate and eliminate practices and customs which discriminate against women, including stereotypes which undermine their social and legal condition and hinder, at the same time, the implementation of commitments to the CEDAW (Recommended by Uruguay)

IRI: fully implemented

State of Thailand response:

Projects and training on women's empowerment and capacity building are regularly conducted to promote their participation in politics and public administration. The Government, in cooperation with the United Nations Development Programme (UNDP) also jointly implements a women's empowerment project in 14 provinces in the South of Thailand, which covers the period of 2012-2016.

Recommendation n°35: Review the legislation and national public policies regarding the rights of the child in the light of the Convention on the Rights of the Child and its Optional Protocols (Recommended by Uruguay)

IRI: partially implemented

ERT response:

The [Amnesty shadow report](#) for the CAT in April 2014 reported the death of several Rohingya children because of the inadequate conditions of detention (p.12).

State of Thailand response:

Thailand was among the first countries that ratified the Optional Protocol to the Convention on the Rights of the Child (CRC) on a communications procedure in September 2012. We are establishing a national mechanism to implement our obligation under this instrument and to disseminate information on the Optional Protocol to children and youth nationwide.

Various measures are implemented to address violence against women and children. These measures include development of a manual on a non-violent approach to child rearing and caring in various settings which are distributed to parents and teachers. Efforts have also been undertaken to increase the role of the community to protect children and women and to combat violence against them including domestic violence. In this regard, the provincial Memorandum of Understanding (MOU) was already concluded in 31 provinces and will be developed throughout the country in the near future. Thailand is also in the process of drafting measures to prevent sexual harassment in the workplace. The draft is opened for public hearings in June 2014.

Thailand is undertaking a study on the situation of children with legal status problem including children in the temporary shelters for displaced persons with an aim to establish a guideline to promote the welfare of these children.

With regard to child labour, training has regularly been organised for labour inspectors and multidisciplinary teams to address the issue of child labour. The National Plan on the Elimination of the Worst Forms of Child Labour (2015-2020) and the Strategy to Prevent and Combat Transnational Organised Crime are being drafted. The guideline on good practices for tourism industry to prevent sexual exploitation of children will also be developed in the near future.

Recommendation n°99: *Enable the participation of civil society and NGOs also in the follow-up process to this review* (Recommended by Austria)

IRI: *fully implemented*

+

Recommendation n°100: *Translate into Thai and make public the recommendations received during its UPR and broadly engage civil society in the process of follow-up and implementation of accepted recommendations* (Recommended by Canada)

IRI: *fully implemented*

State of Thailand response:

The Cabinet approved our accepted recommendations from the first cycle of the UPR review and tasked the National UPR Committee to monitor the implementation of such recommendations and voluntary pledges in addition to preparation of the mid-term and second UPR reports. The National Committee is chaired by Permanent Secretary for Foreign Affairs and comprises representatives from all relevant agencies, including representatives from the National Human Rights Commission (NHRC), civil society and human rights experts.

The Committee has met several times since May 2012 to discuss implementation of our accepted recommendations and preparation of the mid-term and second UPR reports. In 2013, a national action plan was developed and distributed to government agencies to use as a guideline on the implementation of the recommendations and voluntary pledges. The Plan was also distributed to the NHRC and civil society organizations for them to help monitor the government's efforts in this regard.

Recommendation n°101: Study the possibility of ratifying the International Convention on the Protection of All Persons from Enforced Disappearance (CED), the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR-OP2), the Optional Protocol to the Convention against Torture (OP- CAT), the Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR-OP1), the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), and the Optional Protocol to the Convention on the Rights of Persons with Disabilities (OP-CRPD) (Recommended by Argentina)

IRI: partially implemented

HRDF response:

Up to this point, the RTG has not made any progress in study or research to ratify the convention.

NHRCT response:

Thailand has taken steps toward becoming party to some of the international instruments mentioned in this recommendation. As regards the CED, Thailand signed the CED on 9 January 2012 and is now preparing a bill on protection of persons from enforced disappearance to pave way for its ratification of the CED. The bill has yet to be approved by the Cabinet before submission to the Parliament.



The Department of Rights and Liberties Protection has organized several seminars to obtain views from various stakeholders on the possibility to abolish capital punishment. The National Human Rights Commission welcomes such activities which could help facilitate an informed discussion on the issue as the Government is considering the possibility of acceding to the Second Optional Protocol to the ICCPR.

During the review of Thailand's first initial report on the implementation of the Convention against Torture by the Convention's Committee, the Thai delegation has declared that Thailand will accede to the Optional Protocol to the Convention (OPCAT) by 2015. The National Human Rights Commission welcomes Thailand's commitment to take further steps to prevent torture by acceding to the OPCAT and stands ready to work with concerned agencies on matters relating to the national preventive mechanism required by the OPCAT.

State of Thailand response:

Ratification of international human rights instruments and amendment of human rights related legislation

Thailand ratified the United Nations Convention against Transnational Organised Crime (UNTOC) and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children in October 2013. Thailand has taken a leading role in advocating ratification and implementation of the Convention among member countries of the Bali Process since 2012. Nationally, we completed internal process to revise our legislation and develop mechanisms to implement our obligation under the Convention and the Protocol.

Thailand was among the first countries that ratified the Optional Protocol to the Convention on the Rights of the Child (CRC) on a communications procedure in September 2012. We are establishing a national mechanism to implement our obligation under this instrument and to disseminate information on the Optional Protocol to children and youth nationwide.

In February 2014, Thailand established a national committee to consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance (CED).

Thailand is also studying the possibility of ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP CAT) and expects to complete the study by August 2014. We hope to become Party to the Optional Protocol by 2015.



In July 2012, Thailand withdrew our reservation to Article 16 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which guarantees the rights of women in all matters relating to marriage and family relations.

Thailand also withdrew our interpretative declarations to Article 6(5) and Article 9(3) of the International Covenant on Civil and Political Rights (ICCPR) regarding the abolition of death penalty for persons below 18 years of age and the obligation to promptly bring arrested or detained persons on a criminal charge before a judge or other officer authorized by law to exercise judicial power.

Thailand is in the process of withdrawing our interpretative declaration to Article 18 of the Convention on the Rights of Persons with Disabilities (CRPD) regarding liberty of movement and nationality.

Thailand has undertaken efforts to incorporate the definition of “torture” into our domestic laws by amending the Criminal Code and Criminal Procedure Code to be in line with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

Recommendation n°102: *Ratify or accede as appropriate to the CED (Recommended by Uruguay)*

IRI: *not implemented*

+

Recommendation n°104: *Sign and ratify CED (Recommended by Spain)*

IRI: *partially implemented*

+

Recommendation n°106: *Ratify CED (Recommended by Austria)*

IRI: *not implemented*

+

Recommendation n°115: *Ratify the CED and investigate all allegations of forced disappearances (Recommended by France)*

IRI: *not implemented*

+

Recommendation n°116: *Sign and ratify promptly the CED (Recommended by Nicaragua)*

IRI: *partially implemented*

+

Recommendation n°117: *Sign and ratify CED at an early stage (Recommended by Japan)*

IRI: *partially implemented*

+



Recommendation n°185: *Thailand will become a party to the Convention for the Protection of All Persons from Enforced Disappearance, ILO Conventions No. 87 on Freedom of Association and Protection of the Right to Organise and No. 98 on the Right to Organise and Collective Bargaining (Recommended by Thailand)*

IRI: not implemented

NHRCT response:

Please see relevant comments in recommendation no. 101 above.

State of Thailand response:

In February 2014, Thailand established a national committee to consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance (CED).

Recommendation n°103: *Ratify or accede as appropriate to the Rome Statute of the International Criminal Court, OP-CAT and ICCPR-OP1 and ICCPR- OP2 (Recommended by Uruguay)*

IRI: not implemented

State of Thailand response:

[See response to recommendation n°101]

Recommendation n°105: *Sign and ratify ICCPR-OP1, ICCPR-OP2, OP-ICESCR and OP- CAT (Recommended by Spain)*

IRI: not implemented

+

Recommendation n°107: *Ratify the Optional Protocols to ICCPR and CAT (Recommended by Austria)*

IRI: not implemented

NHRCT response:

During the review of Thailand's first initial report on the implementation of the Convention against Torture by the Convention's Committee, the Thai delegation has declared that Thailand will accede to the Optional Protocol to the Convention (OPCAT) by 2015. The National Human Rights Commission welcomes Thailand's commitment to take further steps to prevent torture by acceding to the OPCAT and stands ready to work with concerned agencies on matters relating to the national preventive mechanism required by the OPCAT.

State of Thailand response:

[See response to recommendation n°101]



Recommendation n°108: *Consider ratifying the conventions on refugees and on stateless persons and OP-CAT (Recommended by Brazil)*

IRI: *partially implemented*

HRDF response:

Currently, HRDF does not see any considerations by the Thai government to ratify this particular convention.

NHRCT response:

With regard to the OPCAT, please see comments in recommendation no, 105 above.

ERT response:

Thailand did not ratify The Convention on the refugee status or the Convention on Statelessness.

State of Thailand response:

[See response to recommendation n°101]

Recommendation n°123: *Consider withdrawing its reservations to various human rights instruments (Recommended by South Africa)*

IRI: *fully implemented*

NHRCT response:

In July 2012, the Thai Government withdrew the interpretative declarations to article 6 paragraph 5 and article 9 paragraph 3 of the International Covenant on Civil and Political Rights relating to the capital punishment of persons under 18 years of age and of pregnant women and the period of pre-trial detention respectively. It also withdrew its reservation to article 16 of the Convention on the Elimination of All Forms of Discrimination against Women relating to discrimination in marriage and family relations the same year. The withdrawal of interpretative declarations and reservation came after successful amendment of several relevant laws.

State of Thailand response:

In July 2012, Thailand withdrew our reservation to Article 16 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which guarantees the rights of women in all matters relating to marriage and family relations.

Thailand also withdrew our interpretative declarations to Article 6(5) and Article 9(3) of the International Covenant on Civil and Political Rights (ICCPR) regarding the abolition of death penalty for persons below 18 years of age and the obligation to promptly bring arrested or detained



persons on a criminal charge before a judge or other officer authorized by law to exercise judicial power.

Thailand is in the process of withdrawing our interpretative declaration to Article 18 of the Convention on the Rights of Persons with Disabilities (CRPD) regarding liberty of movement and nationality.

Recommendation n°128: *Consider favourably the request for visits also by other mandate holders, including the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression* (Recommended by Norway)

IRI: *fully implemented*

+

Recommendation n°129: *Extend an invitation to the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression* (Recommended by Switzerland)

IRI: *fully implemented*

+

Recommendation n°130: *Invite the Special Rapporteur on freedom of expression, which could also promote the harmonization of the provisions of the Computer Crimes Act and their implementation in line with international human rights standards* (Recommended by Hungary)

IRI: *fully implemented*

State of Thailand response:

Cooperation with special procedures mandate holders of the Human Rights Council

Thailand issued a standing invitation to all special procedures mandate holders of the HRC during the presentation of our first UPR report in 2011.

In 2013, Thailand welcomed the visit of the Special Rapporteur on the human right to safe drinking water and sanitation. Relevant agencies will take into account the recommendations of the Special Rapporteur when implementing their policies in order to improve the right to safe drinking water and sanitation of all people in the country.

Recommendation n°161: *Reconsider the lèse-majesté and Computer Crime laws in the framework of a public debate open to everyone and transparent, in order to bring them into line with the provisions of the International Covenant on Civil and Political Rights* (Recommended by France)

IRI: *not implemented*

SB response:

Thailand Art 112, lèse majesté, the law remains unchanged. The 2011 Computer Crime Act that replaced the 2007 Computer Crime Act, added on



the responsibility of the website owner, webmaster, and web administrator to the contents, thus created more self-censorship practice. Clause 16 in the 2011 CCA, added the 3-years jail term for copying or download the file, which could be imply for any back-up or downloading for off-line reading. The responsible for the contents will be charge separately. Though the policy of the present administration on enforcement had been relaxed, once any complain was made, the punishment was more severed.

Recommendation n°162: *Reconsider criminal convictions handed down on the basis of lèse- majesté and the Computer Crimes laws when the conditions of a fair and equitable trial as defined by the international human rights law have not been met* (Recommended by France)

IRI: *not implemented*

SB response:

Situation remains unchanged.

Recommendation n°163: *Ensure that its legislation is consistent with international human rights law pertaining to freedom of expression* (Recommended by New Zealand)

IRI: *not implemented*

SB response:

Situation remains unchanged.

Recommendation n°186: *Thailand will withdraw its reservation to article 16 of the Convention on the Elimination of All Forms of Discrimination against Women. It will also withdraw the interpretative declarations to articles 6 and 9 of the International Covenant on Civil and Political Rights and article 18 of the Convention on the Rights of Persons with Disabilities* (Recommended by Thailand)

IRI: *partially implemented*

NHRCT response:

With regard to the withdrawal of reservation to article 16 of CEDAW and of interpretative declarations to articles 6 and 9 of the ICCPR, please see comments in recommendation no.123 above.

State of Thailand response:

In July 2012, Thailand withdrew our reservation to Article 16 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which guarantees the rights of women in all matters relating to marriage and family relations.

Thailand also withdrew our interpretative declarations to Article 6(5) and Article 9(3) of the International Covenant on Civil and Political Rights



(ICCPR) regarding the abolition of death penalty for persons below 18 years of age and the obligation to promptly bring arrested or detained persons on a criminal charge before a judge or other officer authorized by law to exercise judicial power.

Thailand is in the process of withdrawing our interpretative declaration to Article 18 of the Convention on the Rights of Persons with Disabilities (CRPD) regarding liberty of movement and nationality.

Recommendation n°187: Thailand will amend its laws to be more in alignment with international human rights instruments, which includes ensuring that criminal laws are aligned with the Convention against Torture and the Convention for the Protection of All Persons from Enforced Disappearance and improving the laws to better protect women and children (Recommended by Thailand)

IRI: partially implemented

NHRCT response:

Same comments as in recommendations no. 3 and 101 above.

Thailand signed and ratified the Optional Protocol to the Convention on the Rights of the Child on a communications procedure on 25 September 2012. This initiative is welcome as it represents another step forward to better protect the child's rights.

State of Thailand response:

[See response to recommendation n°101]

Various measures are implemented to address violence against women and children. These measures include development of a manual on a non-violent approach to child rearing and caring in various settings which are distributed to parents and teachers. Efforts have also been undertaken to increase the role of the community to protect children and women and to combat violence against them including domestic violence. In this regard, the provincial Memorandum of Understanding (MOU) was already concluded in 31 provinces and will be developed throughout the country in the near future. Thailand is also in the process of drafting measures to prevent sexual harassment in the workplace. The draft is opened for public hearings in June 2014.

Thailand is undertaking a study on the situation of children with legal status problem including children in the temporary shelters for displaced persons with an aim to establish a guideline to promote the welfare of these children.

Justice

Recommendation n^o37: *Address, as a matter of priority, the conditions in Thai prisons and detention centres, including the expansion of the necessary infrastructure, prison personnel, as well as the improvement of inmates' access to medical care and legal counsel (Recommended by Slovakia)*

IRI: *partially implemented*

NHRCT response:

While the general conditions in Thai prisons have yet to be addressed, the Thai Government has taken a significant step to improve the treatment of prisoners in line with its obligation under the Convention against Torture. In May 2013, the Corrections Department abolished the use of shackling on prisoners with death sentence or heavy imprisonment terms while in prisons to allow them more freedom of movement. Some 560 prisoners at Central Banhwang Prison have benefitted from this initiative, which is reported to have positive effects on their behaviour.

ERT response:

In its 2014 report about Stateless Rohingya people in Thailand ERT noticed the acceptable shelters housing government where women and children Rohingya were staying. However, Thailand did not respect its commitment regarding the conditions of detention especially for men. ERT researchers showed that men are detained in inhuman conditions, for instances in a detention centre housing in Phang Nga there had been 276 men, crammed in two cage-like cells designed to hold only 15 people. At the time of the researchs approximately 2000 Rohingya were held in detention in the southern provinces of Thailand ERT argued that regarding the conditions of some detention facilities Thailand is not respecting the international law standards.

Recommendation n^o38: *Take effective measures to improve access by all prisoners to legal advice, health and education services (Recommended by Austria)*

IRI: *partially implemented*

RSAT response:

HIV prevention, HIV counseling and Testing, Access to antiretroviral medications have begun to be available and accessible.



ERT response:

The [Amnesty shadow report](#) for the CAT in April 2014 reported inhuman detention facilities where Rohingya people were held. They denounced overcrowded cells and no access to medical care (p.11)

State of Thailand response:

Thailand is implementing the second National Plan of Action on the Treatment of Women Prisoners (2014-2017) in prisons and correctional facilities throughout the country. The Plan serves as a mechanism and guideline on the implementation of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders or the Bangkok Rules. The Thailand Institute of Justice (TIJ) has also publicised the guidance and e-course on the implementation of the Bangkok Rules.

In 2013, there is a pilot project in maximum-security Bang Kwang Central Prison to remove a shackle for well-behaved inmates, most of whom on death row, in order to comply with international human rights standards. This initiative affirms the Thai Government's determination to focus on rehabilitation of the inmates rather than punishment.

Recommendation n^o54: *Continue to accelerate efforts to resolve the situation in the Southern Border Provinces and ensure the reconciliation remains a priority* (Recommended by South Africa)

IRI: *partially implemented*

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Recommendation n^o55: *Strengthen efforts to find a solution to the unrest in the southern border areas and ensure that justice is achieved for all sides* (Recommended by Qatar)

IRI: *partially implemented*

NHRCT response:

The Thai Government has engaged in peace talks with the Barisan Revolusi Nasional (BRN), one of the Muslim insurgent group operating in the south, in an effort to resolve the problem there since early 2013. However, the impact of the peace talks on the situation in the region is unclear as violent incidents continue to take place. The current political problem has also cast uncertainty on the peace dialogue in the future.

State of Thailand response:

Human Rights Education and Capacity Building in the field of human rights

Human rights-sensitising tools in the forms of calendars, posters, exhibition sets, short documentaries, and radio spots in both Bahasa Melayu and Thai



have been created to disseminate information about human rights principles and basic laws for police officers and military personnel in the Southern Border Provinces.

Administration of Justice

In October 2013, the Bureau of Legal Enforcement, Human Rights and Forensic Science under the Internal Security Operations Command, Region 4 was established. The mandate and responsibility of the office is to strengthen the prevention of human rights violation and protection of people in the Southern Boarder Provinces (SBPs).

The special office under the Office of Regional Public Prosecution has also been set up to take charge of prosecution of cases in the SBPs.

PEF response:

Regarding the implementation of the Unified Thai to Contribute to the Goodness of the Land and other peace building efforts according to recommendation No. [54], it is found that the Unified Thai to Contribute to the Goodness of the Land, though it seems to address unrest in the region, but in reality, it has pushed burden to the participants as most of the participants are male and they feel they have to join because they have been instructed so. The program can run for several days each time causing impact on their livelihood and income of the participants. Thus less people have joined the program. But the persons who decline to participate can be accused as being uncooperative to the state and will be monitored by the authorities, or could face prosecution. And the peace building activity is a forum where security forces get to meet local leaders. Both Buddhist and Muslim people are brought together to exchange their ideas to resolve problems and to develop the SBPs. The problem is since the forum is organized by the security forces, so it has failed to garner cooperation from local people since most people have their fear and mistrust over the work by the officials. Thus, most participants turn out to the religion local leaders who are close to the authorities. Also, they are not sure if by participating in this program, they will get the right to speak their mind and the program has failed to cover people from all walks of life. Thus, it has not been effective in solving any problem.

Regarding the effort to increase understanding and collaboration with local youth to solve conflicts nonviolently by the Southern Border Provinces Administrative Center (SBPAC), as per the recommendations No. [54] and No. [145], it is found that the implementation has failed to cover a range of youth groups who have the potential to build peace and to have effective outreach to local people. In an interview with us, Mr. Suhaimi Dulsala,



Chairperson of the Federation of Patanian Students and Youth (PerMAS) in Pattani had this to say “We have never participated in the policy to increase understanding and to involve youth to solve conflicts nonviolently by SBPAC, even though we are one of the largest youth groups in the area and we have a large number of members.”

Regarding investigations of human rights abuse committed by any parties, the Thai state accepts to implement the recommendation No. [67] and to ensure that the Royal Thai Police work for fairness. Regarding the recommendations No. [54, 55 and 67], investigations started have not provided convincing evidence. For example, the case of shooters raided the house and gunned down three brothers in Narathiwat is a serious and frightening case and elicited condemnation from various domestic and international agencies. The investigation falls under the charge of the Narathiwat Provincial Police Headquarters. Later two suspects were arrested by local rangers But in the end, the reason for the fight was about personal anger, but security issues. But the weapons used by the perpetrators have made people puzzled. The problem with the investigation is a lack of participation from civil society and thus the inquiry file is not convincing. The monitoring of human rights abuse by the Thai state should be carried out based on participation and monitoring of civil society and international agencies in order to make the investigation effective and convincing.

In response to recommendation No.[55], The Thai government has set up complaint centers, emergency centers and Office of Law Enforcement and Human Rights to show their effort in improving the justice system. However, in reality, it has been found that many cases of human rights violation were actually committed by the state authorities themselves and as a punishment, the perpetrators were only transferred to a different position. If the case is proved to be committed by the authorities, it is often interpreted as a personal issue between two individuals rather than the misuse of power of the state. At the end no impunity perpetrators. This creates distrustfulness among the local towards state authorities and justice system in the SBPs. Most of the victims often turn to the civil society organizations in the area such as Muslim Attorney Centre Foundation (MAC) The Hak Asasi Pree Kemanusiaan Patani (HAP) for help. Moreover, the solving of unrest in the SBPs by providing remedies and financial is only a bandage solution. The government should also look at the political aspect where the voice and right to self-determination of the people should be taken into account.



Regarding recommendation No. 98, it is found that parts of the problems in the administration of the state agencies in the SBPs are associated with the national political unrest which has caused several changes in the government in the past years. This has been obstructing the improvement in solving the unrest of the SBPs since the policies are often changed according to the ruling government.

For recommendation No. [145] the Thai state committed to demilitarizing the area and improving efficiency of the government officials and local security forces as well as revoking the Emergency Decree when the normal situation returns and devolving of administrative power to local agencies. Until now, there has been no disclosure as to the number of troops stationed in the three Southern Border Provinces including military forces and local civilian forces. ISOC claims that the information is concerned with security. Thus, we are not able to verify as to how many troops have been pulled out during the time or of the number of local civilian forces has increased. Meanwhile, the Emergency Decree has not been revoked yet.

Regarding the work of the National Security Council (NSC) concerning the administration and development of the Southern Border Provinces, one of the most visible implementations in 2013 was the peace dialogue with the BRN with Lt Gen Paradorn Pattanathabutr being the delegation of the government when any deal was signed. Then, the NSC was subject to a huge change. On 7 March 2014, the Supreme Administrative Court decided to reinstate Mr. Thawin Pliansri as the NSC Secretary General. It has given rise to concern since the return of Mr. Thawin Pliansri may affect policies concerning the administration and development of the Southern Border Provinces, particularly on the continuity of the peace dialogue process since Mr. Thawin Pliansri has given his view to the press many times that he did not agree with such open dialogue which to him contains many flaws. Also, he criticized it for being conducted and concluded in haste.

Recommendation n°58: Continue pursuing efforts aimed at national reconciliation, including through the implementation of the recommendations of the Truth and Reconciliation Commission of Thailand (Recommended by Malaysia)

IRI: partially implemented

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Recommendation n°59: Continue its efforts to build reconciliation among different sectors in the society, based on the principles of democracy and the rule of law (Recommended by Bhutan)

IRI: partially implemented

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Recommendation n°61: *Pursue the process of reconciliation* (Recommended by *Lebanon*)

IRI: *partially implemented*

NHRCT response:

The Truth and Reconciliation Commission of Thailand (TRC) has completed its task and issued in September 2012 its final report on violent political incidents that took place in April-May 2010. The Government has so far implemented only some of the recommendations of the TRC relating to facilitation and promotion of public dialogue on the root causes of the political problem and ways to address it, and provision of compensation and remedy to those affected by the violent incidents.

Despite the TRC recommendation for all sides to refrain from acts that might create a new round of political conflict, members of the ruling Pheu Thai Party proposed three amnesty bills to the Parliament which might be against the rule of law as criminal and corruption offences would be exempted from prosecution. The bills had drawn a strong opposition from the opposition party and the public and the approval of the consolidated bill by the majority votes in the House of Representative triggered a prolonged political protest which is still going on at the present.

Recommendation n°60: *Maintain its prioritisation of the reconciliation processes required to support positive human rights outcomes in the areas of personal liberty, including freedom of expression and freedom from reprisal and extra judicial punishment* (Recommended by *New Zealand*)

IRI: *partially implemented*

RSF response:

La liberté d'expression reste en difficulté en Thaïlande, où critiquer des membres des autorités demeure dangereux. Les crimes de lèse-majesté ou de diffamation semblent être utilisés de façon abusive afin de faire taire les opinions mettant en cause des représentants du pouvoir. Le procès pour diffamation ouvert en 2013 contre Alan Morison, rédacteur en chef du site d'information Phuketwan et de sa collègue Chutima Sidasathian pour un article révélant des pratiques de corruption au sein de l'armée est un exemple de cette tendance. Les autorités doivent s'assurer que les procédures judiciaires ne soient pas utilisées contre les acteurs de l'information à des fins de représailles, particulièrement lorsque les informations révélées sont d'intérêt public.

NHRCT response:

Same comments as in recommendation no. 58 above.

Recommendation n°66: *Continue to take measures to ensure that alleged human rights violations by the police and security services are properly investigated and prosecuted* (Recommended by *Austria*)

IRI: *fully implemented*

RSF response:

Les autorités thaïlandaises ont officiellement reconnu que la mort en 2010 du cameraman japonais Hiroyuki Muramoto et du journaliste italien Fabio Polenghi avait été causée par des agents des forces de sécurité. Néanmoins, malgré des enquêtes poussées de la part des autorités sur ces cas, il est à craindre que les responsables ne soient jamais véritablement sanctionnés. S'il est avéré que le ciblage spécifique de journalistes a été effectivement ordonné au sein des forces de sécurité lors de cet épisode, il faut envoyer un signal clair aux milieux concernés et garantir que de telles actions ne demeurent pas impunies.

State of Thailand response:

Administration of Justice

In October 2013, the Bureau of Legal Enforcement, Human Rights and Forensic Science under the Internal Security Operations Command, Region 4 was established. The mandate and responsibility of the office is to strengthen the prevention of human rights violation and protection of people in the Southern Border Provinces (SBPs).

The special office under the Office of Regional Public Prosecution has also been set up to take charge of prosecution of cases in the SBPs.

Recommendation n°67: *Investigate allegations of human rights abuses by all parties in the southern border provinces of Thailand* (Recommended by *Australia*)

IRI: *partially implemented*

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Recommendation n°145: *Take immediate steps to improve the situation in Southern Thailand so the special security laws can be lifted* (Recommended by *United Kingdom*)

IRI: *fully implemented*

State of Thailand response:

Administration of Justice

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The special office under the Office of Regional Public Prosecution has also been set up to take charge of prosecution of cases in the SBPs.

PEF response:

[See response to recommendation n°54]

Recommendation n°68: *Promptly investigate all allegations of human rights violations, including in the three southernmost provinces, and bring perpetrators to justice* (Recommended by Canada)

IRI: *partially implemented*

State of Thailand response:

Administration of Justice

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The special office under the Office of Regional Public Prosecution has also been set up to take charge of prosecution of cases in the SBPs.

Recommendation n°70: *Increase efforts to tackle corruption and impunity of State officials* (Recommended by Slovenia)

IRI: *not implemented*

RSF response:

Le procès pour diffamation ouvert en 2013 contre Alan Morison, rédacteur en chef du site d'information Phuketwan et de sa collègue Chutima Sidasathian pour un article révélant des pratiques de corruption au sein de l'armée est contre-productif vis-à-vis de la lutte anti-corruption en Thaïlande. Les autorités doivent s'abstenir d'utiliser des procédures judiciaires contre les acteurs des médias à des fins de représailles, particulièrement lorsque les informations révélées sont d'intérêt public.

ERT response:

Channel 4 [investigations](#) denounced Thai public officials for bribe-taking from traffickers of Rohingya fleeing Burma (2013).

Recommendation n°146: *Ensure all allegations of extra-judicial killings by security personal over the past ten years are fully investigated and the perpetrators brought to justice* (Recommended by New Zealand)

IRI: *partially implemented*

RSF response:

Les autorités thaïlandaises ont officiellement reconnu que la mort en 2010 du cameraman japonais Hiroyuki Muramoto et du journaliste italien Fabio Polenghi avait été causée par des agents des forces de sécurité. Néanmoins, malgré des enquêtes poussées de la part des autorités sur ces cas, il est à craindre que les responsables ne soient jamais véritablement sanctionnés. S'il est avéré que le ciblage spécifique de journalistes a été effectivement ordonné au sein des forces de sécurité lors de cet épisode, il faut envoyer un signal clair aux milieux concernés et garantir que de telles actions ne demeurent pas impunies.

ERT response:

Through its researches, ERT found evidences of extra-judicial killing occurring. For instance on 22 February 2013, Thai security forces in Phang Nga province reportedly shot at a group of about 20 Rohingya men who jumped into the water when they were being transferred from a large boat to a smaller vessel. Two men were killed and local Thai villagers sheltered four others who swam to shore. ERT could not find evidences of any investigations conducted by the authorities to punish the perpetrators. The 2014 report on Thailand revealed common impunity for the perpetrators of human rights violations against Rohingya people.

State of Thailand response:**Administration of Justice**

In October 2013, the Bureau of Legal Enforcement, Human Rights and Forensic Science under the Internal Security Operations Command, Region 4 was established. The mandate and responsibility of the office is to strengthen the prevention of human rights violation and protection of people in the Southern Border Provinces (SBPs).

The special office under the Office of Regional Public Prosecution has also been set up to take charge of prosecution of cases in the SBPs.

Recommendation n°147: Take measures to request, without delay, the Armed Forces, security forces and other governmental bodies to cooperate fully with official investigations on human rights abuses in any part of the national territory, as an integral part of the necessary establishment of a culture of responsibility on human rights among public authorities and state agents (Recommended by Spain)

IRI: -

ERT response:

Because of the cycle of arrest and deportation that Rohingya people are facing they are being more vulnerable and more likely to be victim of



bribery. Besides being subject to human traffickers, Rohingya people can also have their rights violated by the Thai authorities. The 2014 ERT interviewed people who had to pay the Thai authorities when they were being deported: "I was arrested in Bangkok and taken to Mae Sot and then Thai police dropped me off on the Burma side. I had to pay Thai authorities." ERT report also showed that Rohingya people being held in detention can be subject to violence from the authorities.

Recommendation n°149: Take all the necessary measures to fight against impunity for the perpetrators of human rights violations (Recommended by France)

IRI: fully implemented

RSF response:

Les autorités thaïlandaises ont officiellement reconnu que la mort en 2010 du cameraman japonais Hiroyuki Muramoto et du journaliste italien Fabio Polenghi avait été causée par des agents des forces de sécurité. Néanmoins, malgré des enquêtes poussées de la part des autorités sur ces cas, il est à craindre que les responsables ne soient jamais véritablement sanctionnés. S'il est avéré que le ciblage spécifique de journalistes a été effectivement ordonné au sein des forces de sécurité lors de cet épisode, il faut envoyer un signal clair aux milieux concernés et garantir que de telles actions ne demeurent pas impunies.

ERT response:

The impunity with which acute human rights abuses have been inflicted against the Rohingya is challenging in Thailand. Their protracted statelessness and lack of legal status make them easy targets for state and non-state actors alike. The mass violence in Myanmar of 1978, 1992 and 2012/13, the violent acts committed in the course of the forced repatriation of Rohingya from Bangladesh since 1994, the sometimes fatal Thai "push-backs" of Rohingya boat people into the sea in 2009, 2011 and 2013 and past practices in Malaysia of 'deporting' Rohingya into the hands of traffickers are all examples of actions undertaken with almost total impunity

State of Thailand response:

Administration of Justice

In October 2013, the Bureau of Legal Enforcement, Human Rights and Forensic Science under the Internal Security Operations Command, Region 4 was established. The mandate and responsibility of the office is to strengthen the prevention of human rights violation and protection of people in the Southern Border Provinces (SBPs).



The special office under the Office of Regional Public Prosecution has also been set up to take charge of prosecution of cases in the SBPs.

Recommendation n°150: Implement all the legal measures that can reveal the truth, punish those who are guilty and grant compensation to the victims in order to put an end to impunity (Recommended by Switzerland)

IRI: partially implemented

RSF response:

Les autorités thaïlandaises ont officiellement reconnu que la mort en 2010 du cameraman japonais Hiroyuki Muramoto et du journaliste italien Fabio Polenghi avait été causée par des agents des forces de sécurité. Néanmoins, malgré des enquêtes poussées de la part des autorités sur ces cas, il est à craindre que les responsables ne soient jamais véritablement sanctionnés. S'il est avéré que le ciblage spécifique de journalistes a été effectivement ordonné au sein des forces de sécurité lors de cet épisode, il faut envoyer un signal clair aux milieux concernés et garantir que de telles actions ne demeurent pas impunies.

ERT response:

The [Amnesty press release](#) regarding the UN Committee against torture review on Thailand (31 April 2014) underlined the common human rights violations committed by the authorities and the common impunity related to it. Between 2007 and 2013, Thailand's National Human Rights Commission received a total of 134 complaints about torture and other ill-treatment. Just over 75 per cent of these came from the country's southern provinces, where security forces have frequently employed torture and other ill-treatment in the context of the ongoing insurgency.

Women & Children

Recommendation n°21: Continue to work closely with ASEAN to build on the mechanisms of the ASEAN Intergovernmental Commission on Human Rights (AICHR) and the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) to promote and protect the rights of the peoples of ASEAN (Recommended by Singapore)

IRI: fully implemented

HRDF response:

Thailand has been regularly participating in ASEAN interventions on promotion and protection of rights of migrant workers. Joint statements, yearly consultations and trainings are all parts of the activities to strengthen



the implementation of AICHR and ACWC. In terms of the RTG's coordination with the ASEAN, Civil Society Organisations have also been involved in sharing the concern of lack of access by the migrant workers to the interpreters and rights protection mechanism. HRDF, along with other CSOs were able to successfully recommend the RTG to present the problems and recommendations in the Thailand National Preparation Workshop for the 6th ASEAN Forum on Migrant Labour (AFML), which is co-hosted by ILO and Ministry of Labour. The problem was then presented to the ASEAN members by the delegate of the RTG in order to implement and improve the mechanism through providing the interpreters, along with complaint mechanism and database for the migrant workers.

RSAT response:

LGBT human rights are not recognized as human rights of the ASEAN.

Recommendation n°23: Strengthen the implementation of policies and measures to protect vulnerable social groups like women, children, poor people, ethnic minorities, migrants (Recommended by Viet Nam)

IRI: partially implemented

HRDF response:

HRDF had overseen a case where a Burmese worker was arrested by police officers and then was accused of involving with selling of prohibited drugs. The victim was, then, tortured to obtain confession. No action was taken by the authorities on the complaint of torture. No action was taken to bring the perpetrators before the justice system and give appropriate remedy to the victim.

Case study: Mr. Somchai Saelee, a Burmese migrant worker, arrested by police officers on May 5, 2009. He was accused of involve with drug seller. He was torture to obtain his confession and he received serious injuries. Mr. Somchai filed a complaint against police officer 2 years after he was released from the prison through the complaints mechanism below;

1. File the complaints to the head of police station that Mr. Somchai was tortured
2. File the complaints to the Head of Police at police region 9 to investigate the case. Police investigations concluded that Mr. Somchai had got injured while he was he joking with other suspects. The investigation further stated that the reason Mr. Somchai filed a complaint against the alleged police officers was because he was unhappy at being arrested by the police.
3. Filed the complaint to National Human Rights Commission: NHRC dropped its investigation into the case as it was also being investigated by the Office of Ombudsman



4. File the complaints to the Office of Ombudsman – NO PROGRESS
5. Thailand acceded to the Convention against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment in 2007. The absence of recognition of torture as an offence under the criminal laws enables the Thai officials to enjoy impunity.

Access to justice under the Labour Protection law: Monitoring interventions by HRDF reveal that in labor disputes court trials are delayed as a result of which, when they receive any compensation, the value of the amount is lower than the value in the year they filed their case before the court.

Case study: HRDF had assisted 81 Burmese workers who had been discharged from work without any compensation in 2005. In 2013, they received a compensation of the amount of 1,864,450.29 baht in total from the Supreme Court, which gave a decision on the case in 2012. The justice process needs to be more expeditious in order to ensure the social protection of the migrant workers.

However, HRDF appreciates the improvements in the protection of the rights of the underprivileged. In case of migrant worker filed a civil lawsuit against the Local authority to seek the compensation for her daughter at the Administrative Court. The mother received the compensation according to the court order and the local authority decided not to appeal the case.

Obstacles relating to access to workmen compensation

HRDF has reported issues where the workers have obstacles accessing to the Workmen's Compensation Fund, managed by the Thai Government. The RTG discriminate against migrant worker's access to workmen compensation, especially if there is information that the employer has not paid its share of contribution to the fund.

Case Study: Mr. Pang Loongmong, Mr. Sa Naiar, Mr. Co Loongnae and Mr. San Loongtee were labour contractors working for Waret Galiwong, a subcontractor of the Chiang Mai Wiengthong Co., Ltd. contracted for the construction of the 75th anniversary building of the Church of Christ. On 25 April 2010, all four migrant workers fell victims of workplace accident. As a result, Mr. Pang Loongmong and Sa Naiar suffered occupational fatality on the construction site and Mr. Co Loongnae and Mr. San Loongtee suffered severe injuries.

On 26 August 2010, legal representatives filed a case to the SSO on behalf of the four migrants and their families and requested for work-related accidents compensation. 7 January 2011, the Social Security Office (SSO)



issued its Order granting compensation from the Workmen Compensation Fund only to Mr. Pang Loongmong on the basis of his highlander identification card with the right of permanent residence. The SSO facilitated access of Pang Loongmong to the WCF on an equal footing with Thai nationals. Therefore, the SSO approved to pay compensation from the WCF pursuant to Article 18 (4) of the WCA in the total amount of 389,376 baht, which divided to the instalment of 4,056 baht per month and funeral expense of 20,600 baht.

NHRCT response:

One of the vulnerable groups of people living in Thailand is stateless persons. The Thai Government has adopted a policy to grant the Thai nationality or a legal status to certain groups of stateless people residing in the country as manifested in the Strategy to Deal with Problems relating to Status and Rights of Persons and subsequent cabinet resolutions, the latest one being that of 7 December 2010. However, there has been a long delay in the implementation of such policy, causing many stateless persons unable to access their basic rights. Concerned agencies should expedite the implementation process including by simplifying the procedures for application of nationality or legal status. The timeframe of implementation of such policy should also be extended to ensure that all eligible stateless persons have access to the nationality/status granting process.

There are another group of stateless people who are not included in the above-mentioned policy and whose status problem has not yet been resolved. The National Human Rights Commission has recommended to the Government that it should extend the coverage of such policy to include this latter group of stateless people and their children so that they can have access to basic rights.

RSAT response:

There is a law on "National Social Welfare Promotion" 2012 clearly states in the Section 13 Article 51 - 56 for people with sexual diversity that the state must provide social welfare appropriate to this population as a vulnerable group.

State of Thailand response:

Rights of Specific Groups

Various measures are implemented to address violence against women and children. These measures include development of a manual on a non-violent approach to child rearing and caring in various settings which are distributed to parents and teachers. Efforts have also been undertaken to increase the role of the community to protect children and women and to



combat violence against them including domestic violence. In this regard, the provincial Memorandum of Understanding (MOU) was already concluded in 31 provinces and will be developed throughout the country in the near future. Thailand is also in the process of drafting measures to prevent sexual harassment in the workplace. The draft is opened for public hearings in June 2014.

Thailand is undertaking a study on the situation of children with legal status problem including children in the temporary shelters for displaced persons with an aim to establish a guideline to promote the welfare of these children.

Projects and training on women's empowerment and capacity building are regularly conducted to promote their participation in politics and public administration. The Government, in cooperation with the United Nations Development Programme (UNDP) also jointly implements a women's empowerment project in 14 provinces in the South of Thailand, which covers the period of 2012-2016.

Thailand is implementing the second National Plan of Action on the Treatment of Women Prisoners (2014-2017) in prisons and correctional facilities throughout the country. The Plan serves as a mechanism and guideline on the implementation of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders or the Bangkok Rules. The Thailand Institute of Justice (TIJ) has also publicised the guidance and e-course on the implementation of the Bangkok Rules.

The Persons with Disabilities Empowerment Act of 2007 was amended in 2013 to include provisions on monitoring of the access by persons with disabilities to their rights, establishment of service centres for persons with disabilities, increasing the role of persons with disabilities organisations, developing disability-friendly environment and providing services on sign language interpreters and assistants for persons with disabilities.

With regard to the protection of irregular migrants, displaced persons and those with protection needs in the country, Thailand has always adhered to humanitarian and human rights principles. Thailand is currently establishing national mechanisms under the framework of the Comprehensive Strategy on Addressing Illegal Migrants of 2012 to be in line with international standards and practices.



The Universal Health Coverage Scheme has been expanded to cover undocumented migrant workers since January 2013. Health Officers and Volunteers for Migrants nationwide are also trained to help disseminate information on healthcare and government services for migrant workers.

To promote and protect the rights of persons living in vulnerable conditions, Thailand is implementing the Strategy for the Empowerment and Protection of the Rights of Vulnerable Groups (2012-2016). The Strategy aims to strengthen systematic data collection, enhance access to government services for these people, and promote positive attitudes toward these people, such as HIV-infected persons and former inmates.

Thailand is developing the draft Civil Partnership Act to legalise same-sex marriage in the country, pending our domestic procedure.

Thailand has already achieved most of the Millennium Development Goals (MDGs). We have also set up our own Millennium Development Goals Plus, to accelerate inclusive development in the country, especially on poverty eradication and addressing disparities.

Recommendation n°26: Combat discriminatory practices against children and adolescents belonging to minorities or in a situation of special vulnerability (Recommended by Uruguay)

IRI: partially implemented

RSAT response:

LGBT children and adolescents are still experiencing bullying in schools due to sub-standard sexuality education and attention from the education sector to address sexual orientation and gender identity issues, despite clear national curriculum and international recommendation (IDAHOT).

ERT response:

In 2012, the Committee on the Rights of the Child congratulated Thailand on its achievements in implementing child rights, but expressed concern about the lack of protection given to asylum-seeking and refugee children.

Rohingya people do not automatically register their children to the authorities because they fear deportation. Moreover, despite the 2008 Civil Registration Act it is still hard for Rohingya parents to obtain birth certificates for their children from the Thai authorities. ERT interviewed some Rohingya parents that alleged difficulties of registering their children to school because of their lack of birth registration. These difficulties lead to discrimination against Rohingya children in accessing education and health services. The 1999 Education All policy respected the international



commitments and allows all children to access primary and secondary education free of charge. However, in practice Rohingya children without legal status are rarely having access to education. The Thai health coverage scheme has a special budget allocated to ensure healthcare for people with unclear status nevertheless, in practice refugees, including children, have had difficulty accessing healthcare. Because Thailand is party to the CRC they have an obligation to protect those of has been deprived from their identity and nationality and should then protect those who have illegally been deprived of their identity and nationality.

State of Thailand response:

Thailand is undertaking a study on the situation of children with legal status problem including children in the temporary shelters for displaced persons with an aim to establish a guideline to promote the welfare of these children.

PEF response:

In 2013, a recent draft ministerial regulation proposed by the Ministry of Interior entitled “(Draft) Ministerial Regulation Specifying the Status and Conditions of Residing in the Kingdom of Thailand for Persons Born in the Kingdom of Thailand Who Are Not Thai Nationals” proposed that “Children, and adults born in Thailand, to non-Thai parents will be deemed to have entered and resided in Thailand without permission under the Immigration Act B.E. 2522 (1979).” This regulation is applicable even they were born in Thailand and have not entered or left the country. Thus the draft regulation jeopardizes protection of those children who have not committed a crime against the Immigration Act, but could be penalized if the draft regulation is enforced.

Recommendation n°27: Redouble its efforts to place greater attention on establishing a legal framework to ensure equal access to women's participation in the decision- making process. Indeed, more consideration should be given to women, persons with disabilities and other minorities (Recommended by Republic of Korea)

IRI: fully implemented

State of Thailand response:

[See response to recommendation n°23]

Recommendation n°28: Adopt and implement temporary special measures in order to accelerate the realization of women's de facto equality with men in all areas, particularly with regard to women's participation in decision-making and access to economic opportunities (Recommended by Moldova)

IRI: fully implemented



NHRCT response:

The Government has established the Thai Women Empowerment Fund with the aim of developing women's capacity in all areas. The National Human Rights Commission and women organizations have jointly submitted proposals on the management of the Fund so that it would help promote de facto equality between women and men and improve the quality of life of women living in difficult situation. However, some women organizations have expressed concerned that the operation of the Fund is not geared toward its intended objectives and the Fund is accessible to only certain groups of women.

State of Thailand response:

Projects and training on women's empowerment and capacity building are regularly conducted to promote their participation in politics and public administration. The Government, in cooperation with the United Nations Development Programme (UNDP) also jointly implements a women's empowerment project in 14 provinces in the South of Thailand, which covers the period of 2012-2016.

Recommendation n^o31: *Take measures towards modifying those social, cultural and traditional attitudes that are permissive of violence against women* (Recommended by *Slovenia*)

IRI: *partially implemented*

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Recommendation n^o32: *Take steps towards modifying those social, cultural and traditional attitudes that were permissive of violence against women* (Recommended by *Moldova*)

IRI: *partially implemented*

NHRCT response:

Last June, the World Health Organization (WHO) released a report stating that intimate violence is the most common type of violence against women, affecting 30% of women worldwide. This is also a problem for Thailand although it has enacted the Act on the Protection of Victims of Domestic Violence since 2007. In a seminar organized by the National Human Rights Commission in December 2013, social and traditional attitudes are one the factors contributing to violence against women. Women are taught to endure physical abuse by their partner while use of violence by men is still accepted. Educational measures should be carried out to promote understanding of gender equality, especially to newly-wed couples, to prevent domestic violence.

State of Thailand response:

Various measures are implemented to address violence against women and children. These measures include development of a manual on a non-violent approach to child rearing and caring in various settings which are distributed to parents and teachers. Efforts have also been undertaken to increase the role of the community to protect children and women and to combat violence against them including domestic violence. In this regard, the provincial Memorandum of Understanding (MOU) was already concluded in 31 provinces and will be developed throughout the country in the near future. Thailand is also in the process of drafting measures to prevent sexual harassment in the workplace. The draft is opened for public hearings in June 2014.

Projects and training on women's empowerment and capacity building are regularly conducted to promote their participation in politics and public administration. The Government, in cooperation with the United Nations Development Programme (UNDP) also jointly implements a women's empowerment project in 14 provinces in the South of Thailand, which covers the period of 2012-2016.

Recommendation n°33: Pursue efforts to ensure gender equality and combat violence against women and children (Recommended by Egypt)

IRI: fully implemented

NHRCT response:

The Protection of Victims of Domestic Violence Act of 2007 is an important instrument in combating violence against women and children but there is a need to strengthen its enforcement if the victims are to be effectively protected. Efforts should be made to inform women and children who are vulnerable to domestic violence about the Act and the kind of protection they will receive should they fall victims to such violence. Training should be provided to government officers at operational level about the practical steps that need to be taken to assist victims of violence as provided for in the Act while more social workers are needed. Coordination among concerned government agencies involved in the enforcement of the Act should also be improved for better efficiency.

State of Thailand response:

[See response to recommendation n°31]

Recommendation n°34: Continue to promote and protect the rights of women and children (Recommended by Bangladesh)

IRI: fully implemented

NHRCT response:

Thailand signed and ratified the Optional Protocol to the Convention on the Rights of the Child on a communications procedure on 25 September 2012. This initiative is welcome as it represents another step forward to better protect the child's rights.

State of Thailand response:

Various measures are implemented to address violence against women and children. These measures include development of a manual on a non-violent approach to child rearing and caring in various settings which are distributed to parents and teachers. Efforts have also been undertaken to increase the role of the community to protect children and women and to combat violence against them including domestic violence. In this regard, the provincial Memorandum of Understanding (MOU) was already concluded in 31 provinces and will be developed throughout the country in the near future. Thailand is also in the process of drafting measures to prevent sexual harassment in the workplace. The draft is opened for public hearings in June 2014.

Thailand is undertaking a study on the situation of children with legal status problem including children in the temporary shelters for displaced persons with an aim to establish a guideline to promote the welfare of these children.

Projects and training on women's empowerment and capacity building are regularly conducted to promote their participation in politics and public administration. The Government, in cooperation with the United Nations Development Programme (UNDP) also jointly implements a women's empowerment project in 14 provinces in the South of Thailand, which covers the period of 2012-2016.

Thailand is implementing the second National Plan of Action on the Treatment of Women Prisoners (2014-2017) in prisons and correctional facilities throughout the country. The Plan serves as a mechanism and guideline on the implementation of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders or the Bangkok Rules. The Thailand Institute of Justice (TIJ) has also publicised the guidance and e-course on the implementation of the Bangkok Rules.



Recommendation n°36: *Enhance policy for the protection of children's rights and strengthen mechanisms currently in place and promote and protect the rights of children (Recommended by South Africa)*

IRI: *fully implemented*

ERT response:

[Human Right Watch](#) alleged that Thailand doesn't have an adequate screening procedures for unaccompanied migrant children, so in a number of cases, there were boys left in immigration detention centers with unrelated adults.

State of Thailand response:

Thailand was among the first countries that ratified the Optional Protocol to the Convention on the Rights of the Child (CRC) on a communications procedure in September 2012. We are establishing a national mechanism to implement our obligation under this instrument and to disseminate information on the Optional Protocol to children and youth nationwide.

Various measures are implemented to address violence against women and children. These measures include development of a manual on a non-violent approach to child rearing and caring in various settings which are distributed to parents and teachers. Efforts have also been undertaken to increase the role of the community to protect children and women and to combat violence against them including domestic violence. In this regard, the provincial Memorandum of Understanding (MOU) was already concluded in 31 provinces and will be developed throughout the country in the near future. Thailand is also in the process of drafting measures to prevent sexual harassment in the workplace. The draft is opened for public hearings in June 2014.

Thailand is undertaking a study on the situation of children with legal status problem including children in the temporary shelters for displaced persons with an aim to establish a guideline to promote the welfare of these children.

With regard to child labour, training has regularly been organised for labour inspectors and multidisciplinary teams to address the issue of child labour. The National Plan on the Elimination of the Worst Forms of Child Labour (2015-2020) and the Strategy to Prevent and Combat Transnational Organised Crime are being drafted. The guideline on good practices for tourism industry to prevent sexual exploitation of children will also be developed in the near future.



Recommendation n°39: *Continue intensifying the efforts to prevent, punish and eradicate all forms of violence against women* (Recommended by Argentina)

IRI: *partially implemented*

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Recommendation n°40: *Pursue measures aiming at protecting women and addressing the issue of violence against them* (Recommended by Algeria)

IRI: *fully implemented*

NHRCT response:

Same comments as in recommendation no. 33 above.

RSAT response:

But violence against women based on sexual orientation and gender identity for lesbian women is not recognized.

State of Thailand response:

[See response to recommendation n°31]

Recommendation n°41: *Strengthen the systems of legal assistance and psycho-social protection so that they are adapted to the particular needs of minors and prevent them from becoming again victims of domestic violence* (Recommended by Honduras)

IRI: *partially implemented*

NHRCT response:

Same comments as in recommendation no. 33 above.

Recommendation n°44: *Continue with its on-going efforts to address its human trafficking situation which has implications beyond Thailand's borders* (Recommended by Singapore)

IRI: *fully implemented*

HRDF response:

As per fact-finding of HRDF, there has been a general increase in the number of human-trafficking cases filed by the police division. The Commissioner-General of the Royal Thai Police has issued an internal order calling for the concentrated efforts to suppress human trafficking. This is supported by the fact that the persecution and investigations ratio where there were 305 trafficking-related cases in 2012, compared to 222 cases. Despite the increase in the number of complaints made with the police, the number of cases where the prosecutor filed charges before the court decreased from 67 cases in 2011 to 27 cases in 2012.

The gap between the number of cases investigated, and the number of cases finally prosecuted could be indicative of the fact that because of



inadequate investigation, not proper evidence of committing crimes relation to human trafficking could be found against the suspected persons.

A high number of complaints registered by the police could also be related to the fact that there is a State policy to free high-risk areas from human trafficking. And in order to show their progress towards achieving this goal, police maybe filing complaints, but not conducting proper investigation into the complaints in order to collect required evidence.

Further, the RTG has made distinctions between the acts of smuggling and trafficking of Rohingyas entering into Thailand And the RTG has claimed in its Trafficking Record for 2013 that there are no Rohingya people who have been trafficked into Thailand. In this way, the Thai Government can understate the severity of the human trafficking problems and report less cases.

Though ‘practices resulting in forced extortion’ is one of eight forms of human exploitation recognized as human trafficking in Anti-Trafficking in persons Act B.E. 2551 (2008) till date, though there are reports that forced extortion is an issue, no case has been filed before the courts of law under that provision. This could be attributed to the fact that investigators fail to provide the prosecutor with required evidence of exploitation by the brokers or the employers. Thus, the prosecutor will not file human trafficking charge against the perpetrator. As per fact-finding by the HRDF Rohingya people are usually arrested while they are in detention camps, waiting to be transferred to another places. Even though there is clear evidence that they have been smuggled, detained and beaten up by the brokers, however, as their destination is still vague and the act of ‘forced labour’ has not yet occurred, so police often classify these cases as smuggling of people rather than cases of trafficking.

HRDF also has intervened in the mediation of labour dispute cases of human trafficking victims. It has been noted that throughout the mediation process, the officials and mediators often fail to realize that the employees had been subjected to forced labour. Thus, while intervening in such cases, there is an assumption of normal employer-employee relations, where as in reality it is not so. Specific mediation process concerning labour disputes relating to human trafficking needs to recognise this important fact.

NHRCT response:

Thailand has shown its commitment in combating human trafficking by ratifying the UN Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially



Women and Children on 17 October 2013. However, statistical information on the prosecution of human trafficking cases is rather low. More efforts should be made to strengthen enforcement of relevant laws, including the 2008 Prevention and Suppression of Human Trafficking Act.

State of Thailand response:

Human Trafficking

Thailand is implementing the Policy, Strategy and Measure on the Prevention and Suppression of Human Trafficking (2011-2016). Specialised task forces have been established to draft and monitor implementation of the Plan of Action on Prevention of Human Trafficking and to enhance collaboration among related agencies.

In the area of prosecution and law enforcement, Thailand has made remarkable progress, dramatically increasing the number of investigations, prosecutions and convictions in the year 2013. Three main law enforcement agencies, namely, the Royal Thai Police, the Department of Special Investigation and the Office of the Attorney General are working closely to integrate and coordinate our efforts to bring those traffickers to justice.

Recent national anti-trafficking measures include: (a) improving data collection system and exchange of information among criminal justice agencies, (b) establishing a centre to facilitate workers seeking jobs overseas in 10 provinces, (c) developing Good Labour Practices (GLP) for shrimp and seafood primary processing workplaces, shrimp and seafood processing, shrimp farms, and fishing boats and (d) establishing the Labour Coordination Centres in Fishery Industry.

On protection and recovery, recent progresses include development of the Joint Standard on Guidelines and Standard Operating Procedures (SOPs) to Identify Victims of Trafficking in Persons and increasing efforts to assist trafficked victims to find jobs outside shelters.

With regard to child labour, training has regularly been organised for labour inspectors and multidisciplinary teams to address the issue of child labour. The National Plan on the Elimination of the Worst Forms of Child Labour (2015-2020) and the Strategy to Prevent and Combat Transnational Organised Crime are being drafted. The guideline on good practices for tourism industry to prevent sexual exploitation of children will also be developed in the near future.

Relevant agencies have conducted several measures to enhance the efficiency of labour inspection on fishing boats and high-risk worksites, such



as including indicators on human trafficking in the labour inspection form and revising relevant laws.

PEF response:

Legal Framework

The Anti-trafficking in persons Act (2008) provides criminal sanctions against those responsible for illicit recruitment practices that can be classified as human trafficking cases, namely, if one used or threatened to use the “means” of force, abduction, fraud, deception, abuse of power or gave money or benefits to achieve the consent of a person having control over another person for the “purpose” of exploitation. The law, theoretically, applies to both outbound Thai migrant workers and inbound foreign migrants.

The law also provides a guarantee of fair access and treatment within the judicial system. Victim protection includes victims of trafficking may only be detained by the Thai authorities for a short period of time, and must not be held in a detention center or prison. Women and children trafficked into Thailand are to be given food, shelter and repatriation to their home country.

Cases of Human Trafficking

Some Rohingyas were sold to human right traffickers. There are some report that some Thai authority were involved with the trafficking network. Recently on May 2014, 30 Rohingyas were rescued from a trafficker's camp in brutal conditions that they lost the use of their legs. The captured Rohingya reported that they were transferred from Immigration Detention Center to Myanmar but found that they were handed over to trucks taking them to trafficker’s jungle camp.

Recommendation n°45: *Continue cooperating closely with neighbouring countries in combating and suppressing trafficking in persons, particularly women and girls and in addressing the situation of irregular migrants, refugees and asylum-seekers* (Recommended by Malaysia)

IRI: *partially implemented*

HRDF response:

Please refer to the comment on Recommendation No.44.

ERT response:

Thailand participated in a two-day international [workshop](#) titled Special Conference on the Irregular Movement of People organised by Indonesia. Representatives are expected to establish measures to protect asylum seekers and prevent human trafficking and people smuggling in the region.



The two-day workshop is also part of the so-called Bali Process, an initiative for dealing with people smuggling and human trafficking.

PEF response:

[See response to recommendation n°44]

Recommendation n°46: Step up the fight against trafficking to which some foreign populations have fallen victim and ensure that no measures which are contrary to human rights are taken against them (Recommended by France)

IRI: not implemented

HRDF response:

Please refer to the comment on Recommendation No.44

ERT response:

Thailand should be downgraded in the Trafficking In Persons (TIP) report to be released next month (June). Thailand has been waived to stay in Tier 2 (countries do not meet the minimum standards but are making significant effort to do so) for two years and this year all concerned sectors were worried if the country would be rated downward or not as the previous TIP report was dismayed at the slow progress in prosecution of trafficking-related cases. [For more information, see [here](#)]

State of Thailand response:

[See response to recommendation n°44]

PEF response:

[See response to recommendation n°44]

Recommendation n°48: Continue its efforts in combating trafficking as well as in the rehabilitation of victims of trafficking (Recommended by Pakistan)

IRI: partially implemented

HRDF response:

Please refer to the comment on Recommendation No.44

ERT response:

According to [OHCHR](#) in 2011, in Thailand when the authorities are rescuing people from traffickers they are then put in prison for being illegal migrants and not considered as victim is the need of assistant.

PEF response:

[See response to recommendation n°44]

Recommendation n°49: *Take capacity-building measures to strengthen the response of law enforcement authorities on human trafficking, including, inter alia, through the increase of budget and the appropriate training of personnel* (Recommended by Japan)

IRI: *partially implemented*

HRDF response:

Please refer to the comment on Recommendation No.44

ERT response:

According to [Reuters](#), Thailand is not recognizing that Rohingya are victims of trafficking (e.g Thai report on human trafficking of 2013).

However, Reuters revealed an informal Thai policy which consist of directly give Rohingya people to traffickers. Reuters is cited an article from Phuketwan website whose investigations showed that: the navy worked "systematically with smugglers to profit from the surge in fleeing Rohingya".

Thailand is now suing the journalists that revealed the [story](#). [Amnesty shadow report](#) is also reported these allegations (p.20).

State of Thailand response:

[See response to recommendation n°44]

Recommendation n°50: *Consolidate the enforcement of the law concerning human trafficking, particularly in cases of sexual and labour exploitation, which are two very sensitive issues in the country* (Recommended by Nicaragua)

IRI: *partially implemented*

HRDF response:

Please refer to the comment on Recommendation No.44

ERT response:

Channel 4 [investigations](#) showed that when Rohingya people smuggled cannot pay their debts they are sold to fisherman for forced labour. No Thai policies were taken at the time of the investigations to stop it (2013).

State of Thailand response:

[See response to recommendation n°44]

Recommendation n°51: *Increase efforts to effectively prevent trafficking in human beings for purposes of sexual exploitation and forced labour, including child prostitution* (Recommended by Moldova)

IRI: *partially implemented*

ERT response:

[See response to recommendation n°50]

State of Thailand response:

[See response to recommendation n°44]

Recommendation n°52: *Adopt all necessary measures to tackle the root causes of the problems of child prostitution, sexual tourism, use of children in pornography and trafficking in women, stepping up its efforts to improve the economic situation* (Recommended by Uruguay)

IRI: *partially implemented*

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Recommendation n°53: *Seriously address the issues of child pornography and human trafficking in girls and boys for sexual purposes, including by encouraging police and border forces to strengthen efforts at fighting these phenomena as well as seeking accountability where lack of state efforts at prosecution could amount to human rights violations* (Recommended by Sweden)

IRI: *partially implemented*State of Thailand response:

[See response to recommendation n°44]

Recommendation n°77: *Review its penitentiary policy to become more gender-sensitive and child-friendly, taking on board the interests of mother-prisoners and their minor children* (Recommended by Slovakia)

IRI: *fully implemented*NHRCT response:

As Thailand has taken the initiative to improve the lives of female inmates which has led to the adoption of the Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, or the "Bangkok Rules," by the UN in December 2010, it has made serious efforts to put the Bangkok Rules to implementation. For women prisoners with small children, they are allowed to have their children aged less than 6 years to stay with them in the correctional institution. Budget has been allotted to various women prisons so that specific area is provided for such purpose.

State of Thailand response:

Thailand is implementing the second National Plan of Action on the Treatment of Women Prisoners (2014-2017) in prisons and correctional facilities throughout the country. The Plan serves as a mechanism and guideline on the implementation of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women



Offenders or the Bangkok Rules. The Thailand Institute of Justice (TIJ) has also publicised the guidance and e-course on the implementation of the Bangkok Rules.

Recommendation n°91: *Continue enhancing the quality of the access to education, including equal access to education for all children* (Recommended by Sri Lanka)

IRI: *partially implemented*

ERT response:

See [recommendation n°] 26 on Education: because Rohingya children are stateless and then not registered to the authorities they cannot access school.

Recommendation n°141: *Adopt all necessary measures to eradicate the abuse and sexual exploitation of children, corporal punishment, and to combat the worst forms of child labour* (Recommended by Uruguay)

IRI: *partially implemented*

Global Initiative to End Corporal Punishment Against Children response:

In accepting this recommendation, the Government asserted that it is "determined to improve the laws in order to prohibit corporal punishment in communities and families". This commitment is to be welcomed, but it appears that moves towards law reform are yet to be made. At present, corporal punishment of children in Thailand is lawful in the home, alternative care settings and day care; it is prohibited in schools and in the penal system, though some legislation authorising flogging of children is still to be repealed.

State of Thailand response:

With regard to child labour, training has regularly been organised for labour inspectors and multidisciplinary teams to address the issue of child labour. The National Plan on the Elimination of the Worst Forms of Child Labour (2015-2020) and the Strategy to Prevent and Combat Transnational Organised Crime are being drafted. The guideline on good practices for tourism industry to prevent sexual exploitation of children will also be developed in the near future.

Various measures are implemented to address violence against women and children. These measures include development of a manual on a non-violent approach to child rearing and caring in various settings which are distributed to parents and teachers. Efforts have also been undertaken to increase the role of the community to protect children and women and to combat violence against them including domestic violence. In this regard, the provincial Memorandum of Understanding (MOU) was already



concluded in 31 provinces and will be developed throughout the country in the near future. Thailand is also in the process of drafting measures to prevent sexual harassment in the workplace. The draft is opened for public hearings in June 2014.

Thailand is undertaking a study on the situation of children with legal status problem including children in the temporary shelters for displaced persons with an aim to establish a guideline to promote the welfare of these children.

Recommendation n^o144: *Prohibit corporal punishment of children in all settings* (Recommended by *Slovenia*)

IRI: not implemented

GIEACPC response:

In accepting this recommendation, the Government asserted that it is "determined to improve the laws in order to prohibit corporal punishment in communities and families". This commitment is to be welcomed, but it appears that moves towards law reform are yet to be made. At present, corporal punishment of children in Thailand is lawful in the home, alternative care settings and day care; it is prohibited in schools and in the penal system, though some legislation authorising flogging of children is still to be repealed.

State of Thailand response:

Various measures are implemented to address violence against women and children. These measures include development of a manual on a non-violent approach to child rearing and caring in various settings which are distributed to parents and teachers. Efforts have also been undertaken to increase the role of the community to protect children and women and to combat violence against them including domestic violence. In this regard, the provincial Memorandum of Understanding (MOU) was already concluded in 31 provinces and will be developed throughout the country in the near future. Thailand is also in the process of drafting measures to prevent sexual harassment in the workplace. The draft is opened for public hearings in June 2014.

Other

Recommendation n^o7: *Continue to work to strengthen national human rights and democratic institutions* (Recommended by Nepal)

IRI: *fully implemented*

RSAT response:

Thailand is moving forward to legalize same-sex marriage. 1. A complete draft was done by parliamentarians for same-sex marriage and it is now ready to be considered but we don't have a real and functioning government. This bill has to be certified by at least 20 Mps in order to be considered but there is no parliament and parliamentarians at the moment. The recent election on 4 Feb 2014 was voided.

Another channel, some CSO organizations are pushing forward the amendment of the Civil Code. - This will be a long shot since it won't be easy to amend the Civil Code in the country that applies code laws like Thailand.

Another route, led by For-Sogi Foundation and LGBT Network, we are propping a Civil Union draft in collaboration with the Law Reform Commission of Thailand. Now, the draft is complete and will be up for public hearings soon. I have summarized the key points of the Civil Union Code in English for you as attached. The original Thai version can be found [[here](#)] but it allows only online viewing but not for downloading.

State of Thailand response:

Ratification of international human rights instruments and amendment of human rights related legislation

Thailand ratified the United Nations Convention against Transnational Organised Crime (UNTOC) and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children in October 2013. Thailand has taken a leading role in advocating ratification and implementation of the Convention among member countries of the Bali Process since 2012. Nationally, we completed internal process to revise our legislation and develop mechanisms to implement our obligation under the Convention and the Protocol.

Thailand was among the first countries that ratified the Optional Protocol to the Convention on the Rights of the Child (CRC) on a communications procedure in September 2012. We are establishing a national mechanism



to implement our obligation under this instrument and to disseminate information on the Optional Protocol to children and youth nationwide.

In February 2014, Thailand established a national committee to consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance (CED).

Thailand is also studying the possibility of ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP CAT) and expects to complete the study by August 2014. We hope to become Party to the Optional Protocol by 2015.

In July 2012, Thailand withdrew our reservation to Article 16 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which guarantees the rights of women in all matters relating to marriage and family relations.

Thailand also withdrew our interpretative declarations to Article 6(5) and Article 9(3) of the International Covenant on Civil and Political Rights (ICCPR) regarding the abolition of death penalty for persons below 18 years of age and the obligation to promptly bring arrested or detained persons on a criminal charge before a judge or other officer authorized by law to exercise judicial power.

Thailand is in the process of withdrawing our interpretative declaration to Article 18 of the Convention on the Rights of Persons with Disabilities (CRPD) regarding liberty of movement and nationality.

Thailand has undertaken efforts to incorporate the definition of “torture” into our domestic laws by amending the Criminal Code and Criminal Procedure Code to be in line with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

Human Rights Education and Capacity Building in the field of human rights

The draft 3rd National Human Rights Plan (2014-2018) has integrated our recommendations and voluntary pledges under the UPR framework into its human rights targets and indicators.

Thailand has distributed manuals and organised nationwide training on the international human rights instruments to which we are Party, including on the UPR, to government officials and the public. The UPR publication also



includes the Braille version and audio book in order to make it accessible to visually-impaired and older persons.

Human rights education and training has been regularly organised for government officials, especially for law enforcement officers, the youth and the general public.

Human rights-sensitising tools in the forms of calendars, posters, exhibition sets, short documentaries, and radio spots in both Bahasa Melayu and Thai have been created to disseminate information about human rights principles and basic laws for police officers and military personnel in the Southern Border Provinces.

Human Trafficking

Thailand is implementing the Policy, Strategy and Measure on the Prevention and Suppression of Human Trafficking (2011-2016). Specialised task forces have been established to draft and monitor implementation of the Plan of Action on Prevention of Human Trafficking and to enhance collaboration among related agencies.

In the area of prosecution and law enforcement, Thailand has made remarkable progress, dramatically increasing the number of investigations, prosecutions and convictions in the year 2013. Three main law enforcement agencies, namely, the Royal Thai Police, the Department of Special Investigation and the Office of the Attorney General are working closely to integrate and coordinate our efforts to bring those traffickers to justice.

Recent national anti-trafficking measures include: (a) improving data collection system and exchange of information among criminal justice agencies, (b) establishing a centre to facilitate workers seeking jobs overseas in 10 provinces, (c) developing Good Labour Practices (GLP) for shrimp and seafood primary processing workplaces, shrimp and seafood processing, shrimp farms, and fishing boats and (d) establishing the Labour Coordination Centres in Fishery Industry.

On protection and recovery, recent progresses include development of the Joint Standard on Guidelines and Standard Operating Procedures (SOPs) to Identify Victims of Trafficking in Persons and increasing efforts to assist trafficked victims to find jobs outside shelters.

With regard to child labour, training has regularly been organised for labour inspectors and multidisciplinary teams to address the issue of child labour. The National Plan on the Elimination of the Worst Forms of Child Labour



(2015-2020) and the Strategy to Prevent and Combat Transnational Organised Crime are being drafted. The guideline on good practices for tourism industry to prevent sexual exploitation of children will also be developed in the near future.

Relevant agencies have conducted several measures to enhance the efficiency of labour inspection on fishing boats and high-risk worksites, such as including indicators on human trafficking in the labour inspection form and revising relevant laws.

Rights of Specific Groups

Various measures are implemented to address violence against women and children. These measures include development of a manual on a non-violent approach to child rearing and caring in various settings which are distributed to parents and teachers. Efforts have also been undertaken to increase the role of the community to protect children and women and to combat violence against them including domestic violence. In this regard, the provincial Memorandum of Understanding (MOU) was already concluded in 31 provinces and will be developed throughout the country in the near future. Thailand is also in the process of drafting measures to prevent sexual harassment in the workplace. The draft is opened for public hearings in June 2014.

Thailand is undertaking a study on the situation of children with legal status problem including children in the temporary shelters for displaced persons with an aim to establish a guideline to promote the welfare of these children.

Projects and training on women's empowerment and capacity building are regularly conducted to promote their participation in politics and public administration. The Government, in cooperation with the United Nations Development Programme (UNDP) also jointly implements a women's empowerment project in 14 provinces in the South of Thailand, which covers the period of 2012-2016.

Thailand is implementing the second National Plan of Action on the Treatment of Women Prisoners (2014-2017) in prisons and correctional facilities throughout the country. The Plan serves as a mechanism and guideline on the implementation of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders or the Bangkok Rules. The Thailand Institute of Justice (TIJ) has also publicised the guidance and e-course on the implementation of the Bangkok Rules.



The Persons with Disabilities Empowerment Act of 2007 was amended in 2013 to include provisions on monitoring of the access by persons with disabilities to their rights, establishment of service centres for persons with disabilities, increasing the role of persons with disabilities organisations, developing disability-friendly environment and providing services on sign language interpreters and assistants for persons with disabilities.

With regard to the protection of irregular migrants, displaced persons and those with protection needs in the country, Thailand has always adhered to humanitarian and human rights principles. Thailand is currently establishing national mechanisms under the framework of the Comprehensive Strategy on Addressing Illegal Migrants of 2012 to be in line with international standards and practices.

The Universal Health Coverage Scheme has been expanded to cover undocumented migrant workers since January 2013. Health Officers and Volunteers for Migrants nationwide are also trained to help disseminate information on healthcare and government services for migrant workers.

To promote and protect the rights of persons living in vulnerable conditions, Thailand is implementing the Strategy for the Empowerment and Protection of the Rights of Vulnerable Groups (2012-2016). The Strategy aims to strengthen systematic data collection, enhance access to government services for these people, and promote positive attitudes toward these people, such as HIV-infected persons and former inmates.

Thailand is developing the draft Civil Partnership Act to legalise same-sex marriage in the country, pending our domestic procedure.

Thailand has already achieved most of the Millennium Development Goals (MDGs). We have also set up our own Millennium Development Goals Plus, to accelerate inclusive development in the country, especially on poverty eradication and addressing disparities.

Administration of Justice

Efforts have been made to disseminate information on the right to state compensation in accordance with the Compensation and Expenses for Injured Person and the Accused Act of 2011. An easy-to-read guideline on submission of complaints and application for remedy, under the said Act is also available in provincial justice offices in every province.



To increase access to justice, the Centre for Remedy of Victims of Crimes has been established to assist victims in this regard. The Compensation and Expenses for Injured Person and the Accused Act of 2011 has also been reviewed with an intention to cover more criminal offences.

In October 2013, the Bureau of Legal Enforcement, Human Rights and Forensic Science under the Internal Security Operations Command, Region 4 was established. The mandate and responsibility of the office is to strengthen the prevention of human rights violation and protection of people in the Southern Border Provinces (SBPs).

The special office under the Office of Regional Public Prosecution has also been set up to take charge of prosecution of cases in the SBPs.

In 2013, there is a pilot project in maximum-security Bang Kwang Central Prison to remove a shackle for well-behaved inmates, most of whom on death row, in order to comply with international human rights standards. This initiative affirms the Thai Government's determination to focus on rehabilitation of the inmates rather than punishment.

Cooperation with special procedures mandate holders of the Human Rights Council

Thailand issued a standing invitation to all special procedures mandate holders of the HRC during the presentation of our first UPR report in 2011.

In 2013, Thailand welcomed the visit of the Special Rapporteur on the human right to safe drinking water and sanitation. Relevant agencies will take into account the recommendations of the Special Rapporteur when implementing their policies in order to improve the right to safe drinking water and sanitation of all people in the country.

Recommendation n°8: Consolidate and strengthen its national human rights infrastructure (Recommended by Egypt)

IRI: fully implemented

State of Thailand response:

[See response to recommendation n°7]

Recommendation n°20: Continue cooperating with the United Nations and other international organizations to develop its legal and institutional framework with respect to the promotion and protection of human rights in Thailand (Recommended by Laos)

IRI: fully implemented

State of Thailand response:

Projects and training on women's empowerment and capacity building are regularly conducted to promote their participation in politics and public administration. The Government, in cooperation with the United Nations Development Programme (UNDP) also jointly implements a women's empowerment project in 14 provinces in the South of Thailand, which covers the period of 2012-2016.

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Recommendation n°98: Continue to strengthen cooperation with the High Commissioner for Refugees as well as donors and non-governmental organizations in order to provide necessary humanitarian aid and fundamental rights' protection to the displaced people hosted by the Kingdom of Thailand (Recommended by Qatar)

IRI: not implemented

HRDF response:

Regarding to the situation of refugees and asylum seekers, the news surfaced that "Thai authorities have forcibly returned Rohingya asylum-seekers to Myanmar earlier in the year, in violation of the principle of non-refoulement. According to media sources, Thai security forces reportedly returned 73 Rohingya, including 15 women and up to 20 children, by land on 2 January 2013 after intercepting their boat off the coast of Thailand the previous day." Thai authorities launched a somewhat secretive policy, called "Option-Two", to deport refugees back to Myanmar. This response has led to Rohingyas being sold into Human Trafficking rings. The number of Rohingyas detained in the Immigration Detention center dramatically decreased from 2,058 in early October 2013 to 154 by the first week of December. There were also reports that, in 2013, approximately 40,000 Rohingyas became victims through the trafficking camps. This is in violation of the recommendation suggested at the UPR where refoulement of asylum-seekers and refugees are strongly discouraged.



Since, there is no any progress to correctly identify and update the status of the Rohingyas as the asylum seekers, the RTG cannot provide shelters for their safety. HRDF has suggested that the RTG, along with the Immigration Division to exercise the Section 54 of the Immigration Act to set up the shelter for the Rohingyas, especially women, children, disabled and sick persons. As improvements, the Immigration Bureau has recently accepted the HRDF recommendation of the model of the shelter for trafficking victims as an example for setting up rehabilitation center for the women, children, disabled and sick persons.

Unidentified Muslims might not fit the refugee status. The Chinese government had verified that 40% of them are Chinese people and they will be returned. The Turkish government is still in the process of identification. HRDF strongly believes that Non-refoulement should not apply to this group as long as intention into coming into Thailand is not clear and believed that this particular group of people had been smuggled into Thailand.

ERT response:

The UNHCR agency is frequently restricted in the activities it may perform, and it confronts a challenging environment characterised by inadequate protection space for many persons of concern. Another issue is the non-recognition by some Thai police of UNHCR identity cards provided to refugees registered by the agency as proof that they are persons of concern to the UNHCR. For many Rohingya, this is the only form of documentation they have. Many Rohingya interviewed said that UNHCR identity cards do not protect them from arrest, harassment and extortion by the police. Several Rohingya who have experienced deportation were unable to prevent such actions even though they had certificates indicating that they were asylum seekers applying for refugee protection. Some also had UNHCR cards showing their refugee status and were still treated as irregular migrants.

Thailand did not strengthen its cooperation with the UNHCR and this lead to a lack of protection for the Rohingya people who are neither protected by the UN agency or Thailand.

Methodology

A. First contact

Although the methodology has to consider the specificities of each country, we apply the same procedure for data collection about all States:

1. We contact the Permanent Mission to the UN either in Geneva or New York;
2. We contact all NGOs that took part in the process. Whenever NGOs were part of coalitions, each NGO is contacted individually;
3. The National Institution for Human Rights is contacted, whenever one exists.
4. UN Agencies, which sent information for the UPR, are also contacted.

We post our requests to the States and send e-mails to NHRIs, NGOs and UN Agencies.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation are not contacted and those stakeholders' submissions are not taken into account.

However, since the UPR is meant to be a process that aims to share best practices among States and stakeholders, we take into account positive feedbacks from the latter.

B. Processing recommendations and voluntary pledges

The stakeholders that we contact are encouraged to use an Excel sheet, which we provide, that includes all recommendations received and voluntary pledges taken by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, the submission is split among recommendations to which we think it belongs. Since such a task is more prone to misinterpretation, we strongly encourage stakeholders to use the Excel sheet.

If the stakeholder does not clearly mention whether the recommendation was “fully implemented” or “not implemented”, *UPR Info* usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.

UPR Info retains the right to edit comments that are considered to not directly address the recommendation in question, when comments are too lengthy or when comments are defamatory or inappropriate. While we do not mention the



recommendations which were not addressed, they can be accessed unedited on the follow-up webpage.

C. Implementation Recommendation Index (IRI)

UPR Info developed an index showing the implementation level achieved by the State for both recommendations received and voluntary pledges taken at the UPR.

The **Implementation Recommendation Index (IRI)** is an individual recommendation index. Its purpose is to show an average of stakeholders' responses.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.

An average is calculated to fully reflect the many sources of information. If the State under Review claims that the recommendation has been fully implemented, and a stakeholder says it has been partially implemented, the score is 0.75.

Then the score is transformed into an implementation level, according to the table below:

Percentage:	Implementation level:
0 – 0.32	Not implemented
0.33 – 0.65	Partially implemented
0.66 – 1	Fully implemented

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation is given an *IRI* score of 0.25, and thus the recommendation is considered as “not implemented”.

Disclaimer

The comments made by the authors (stakeholders) are theirs alone, and do not necessarily reflect the views and opinions at UPR Info. Every attempt has been made to ensure that information provided on this page is accurate and not abusive. UPR Info cannot be held responsible for information provided in this document.

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