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**National report submitted in accordance with paragraph 15  
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**Thailand**

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## **I. Methodology**

### **A. Drafting process**

1. This report is prepared in accordance with Human Rights Council Resolution 5/1 of 18 June 2007. During 2008 – 2009, a series of workshops were organized to raise awareness and familiarize all stakeholders with the Universal Periodic Review (UPR) process. This included a workshop co-organized with the UN Country Team, which enabled Thailand to learn from the experiences of other countries that have already undertaken the UPR.

2. Thailand has made its preparation process for the UPR review as broad and inclusive as possible by involving Government agencies, civil society and the public, with the Ministry of Foreign Affairs and the Ministry of Justice being joint lead agencies responsible for preparing Thailand's national report. The first informal meeting was held in June 2010 with representatives from relevant non-government organizations (NGOs) to discuss the outline of Thailand's UPR report. A UPR national committee and two sub-committees were subsequently set up, comprising key Government agencies and other stakeholders to oversee the UPR drafting and consultation processes.

### **B. Consultation process**

3. In the pre-drafting process, Thailand organized 14 UPR clinics with the relevant Government agencies and civil society representatives (academics and NGOs) to generate in-depth discussions on the various topics to be included in Thailand's national report and to identify human rights successes and challenges.

4. Five public consultations on the first draft of the report were held in Bangkok and in four regions of the country. Media campaigns were conducted via radio and the Internet to invite the public to participate in the process. The draft was also posted on the websites of various Government agencies for comments. Revisions were made thereafter and the draft was endorsed by the UPR national committee before being approved by the Cabinet.

5. Thailand's UPR report is a self-reflection process in which both successes and challenges have been presented as benchmarks to measure progress on human rights in the future. The drafting process was used to propel progress on pending human rights issues. These were discussed and submitted to the Cabinet in order to raise awareness of the need for improvements. The UPR process in Thailand is therefore not just about the review itself. Rather, it aims to bring about concrete benefits for the people in Thailand.

## **II. Country background**

6. Thailand has a rich history as a land of freedom and diversity. Situated in central Southeast Asia, Thailand covers an area of 513,115 square kilometres. It shares land borders with the Lao PDR, Myanmar, Cambodia and Malaysia. Home to a population of around 63.5 million, Thailand comprises diverse ethnic groups: 75 per cent ethnic Thais; 14 per cent Chinese; and 3 per cent Malay, representing 1.7 million people, predominantly Muslims living in the three southernmost provinces. The rest consist of minority groups, including various hill tribes.

7. Thailand is a constitutional monarchy where the King is the Head of State. Thailand has a bicameral parliamentary system, with a House of Representatives and a Senate. The

political system remains multi-party, and thus the House of Representatives consists of representatives of diverse political parties.

8. In 2010, Thailand's Gross Domestic Product (GDP) growth rate was at 7.8 per cent or worth 10,104.8 billion Baht (317.8 billion USD), with per capita income of 150,117 Baht (4,720.7 USD) and an unemployment rate of 1.04 per cent.<sup>1</sup> Poverty incidence has declined from 33.69 per cent in 1990 to 8.12 per cent in 2009. The literacy rate is high at 98 per cent since 1995. The mortality rate has been reduced to 9.9 per 1,000 live births. Life expectancy at birth has increased to 69/75 (M/F).

9. Over its course of development, Thailand has made progress in several social and economic sectors. However, development has led to inequality and social injustice that has been a factor in fostering social conflict and political unrest over the past 2–3 years, including in the South, which has expanded into violence over the past 6 years. Thailand is carrying out systemic and structural reforms pursuant to the recommendations of the National Reform Committee and the National Reform Assembly to ensure justice for the poor and underprivileged and reduce the inequality gap. The Government has pursued the improvement of mechanisms for the promotion and protection of human rights, the provision of social security for all groups and moved forward the reconciliation process under democratic principles based on justice and the rule of law.

10. With the general elections on 3 July 2011, Thailand is moving forward along the path of parliamentary democracy. Despite political tensions and no matter who is the government in power, Thailand will remain committed to human rights as enshrined in the Constitution.

11. Thailand is currently implementing the second National Human Rights Plan of Action (2009–2013), which was formulated with the participation of all relevant stakeholders. The second Plan aims at strengthening human rights networks in every region with a view to raising awareness on human rights and improving human rights protection to international standards, and is now moving towards concrete implementation. Thailand is also committed to the implementation of its human rights pledges which have already been translated into an action plan with a follow-up mechanism. International standards reflected in international human rights instruments have become benchmarks for drafting of laws and policies on human rights protection for the people.

### **III. Promotion and protection of human rights**

#### **A. The Constitution of the Kingdom of Thailand**

12. The Constitution of the Kingdom of Thailand of 2007 enshrines human dignity, equality without discrimination as well as the rights and liberties of persons as stipulated in the Universal Declaration of Human Rights. The Constitution also guarantees the rights of the community to manage and make use of natural resources. The provisions on rights and liberties in this Constitution can be directly invoked to bring a lawsuit in case of human rights violation.

13. Thailand is committed to promoting democracy in order to provide an enabling environment to achieve human rights and liberty for all. The Constitution guarantees the rights of the people to participate in politics, governance, formulation of public policy, as well as economic and social development planning. Various independent check-and-balance mechanisms have also been set up under the Constitution. These provisions support the cause of democracy and human rights in which the public and civil society are driving forces as manifested by the political, social and economic developments in Thailand.

## **B. Mechanisms for the protection of human rights**

14. Thailand has developed various mechanisms for the protection of human rights, including independent bodies and mechanisms established under the administrative, legislative and judicial branches. Notable mechanisms include: the National Human Rights Commission of Thailand; the Office of the National Anti-Corruption Commission; the Ombudsman; the Rights and Liberties Protection Department, the Ministry of Justice; the Department of Peoples' Rights Protection and Legal Aid, the Office of the Attorney General; the Parliamentary Committee on Justice and Human Rights; the Parliamentary Committee on Vulnerable Groups Affairs; the Court of Justice; and the Administrative and Constitutional Courts.

15. Apart from State mechanisms, the Constitution further provides space for civil society organizations to play a role in the protection of human rights in the country, by supporting networks of groups of people to monitor State power at all levels and to express their opinions and demands.

16. Thailand is committed to the people-centred ASEAN Charter and regional human rights mechanisms within ASEAN. The country stands ready to support the work of the Thai representatives in 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 enable these mechanisms to effectively protect the rights of the peoples of ASEAN.

## **C. International human rights instruments to which Thailand is a party**

17. Thailand was among the first 48 countries to endorse the Universal Declaration of Human Rights on 10 December 1948.

18. Thailand is currently Party to 7 core international human rights instruments, namely: (1) the International Covenant on Civil and Political Rights (ICCPR); (2) the International Covenant on Economic, Social and Cultural Rights (ICESCR); (3) the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its Optional Protocol; (4) the Convention on the Rights of the Child (CRC) and its two Optional Protocols on the Involvement of Children in Armed Conflict and on the Sale of Children, Child Prostitution and Child Pornography; (5) the Convention on the Elimination of All Forms of Racial Discrimination (CERD); (6) the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); and (7) the Convention on the Rights of Persons with Disabilities (CRPD). Thailand is also Party to the 4 Geneva Conventions of 1949. Most recently, Thailand has become a Party to the United Nations Convention against Corruption on 31 March 2011.

19. Thailand is seriously considering signing the International Convention for the Protection of All Persons from Enforced Disappearance (CED), and ratifying it in the future.

20. The country has ratified 14 conventions of the International Labour Organization (ILO), namely Conventions Nos. 80, 116, 104, 105, 127, 14, 19, 29, 88, 122, 100, 182, 138, and 159, and intends to ratify Conventions Nos. 87 and 98.

## D. Commitments under the international human rights instruments

### 1. Civil and political rights

#### *Right to freedom of opinion and expression and right of peaceful assembly*

21. The right to freedom of opinion and expression is the bedrock of Thailand's democratic society. The Constitution guarantees freedom of a person to express opinions, make speeches, write, print and publicize; prohibits the closure, interference or censorship of a newspaper or other mass media; and bans politicians from owning media outlets. The Official Information Act of 1997 guarantees the public the right of access to official information and enables them to scrutinize the work of the Government.

22. As part of media reform, a committee comprising representatives of media organizations has been set up to draft the Rights, Liberty, and Media Professional Standards Bill with a view to protecting the rights and liberties of the media profession and news consumers. It also aims to promote media ethics and working standards as well as strengthen a media self-regulating system and to ensure that the media can operate with freedom, and can exercise such freedom constructively and professionally.

23. Thailand also plays host to numerous international press agencies, civil society organizations and international NGOs, all of which attest to the free atmosphere that is conducive to news reporting and the free flow of information. Freedom of opinion and expression is also reflected in the establishment of community radio stations and cable channels around the country, while the media enjoy full freedom to criticize the Government.

24. On freedom of expression in relation to the monarchy, Thailand has strived to find a balance between protecting the monarchy, which is a main pillar of the nation's identity and security, and the right of individuals to express their views. A review process is underway to study aspects that should be improved and the best way to enforce the relevant laws with fairness. The National Human Rights Commission has also embarked on a process to review the relevant laws in order to make recommendations to the Government. Meanwhile, an Advisory Committee, chaired by the Permanent Secretary of the Ministry of Justice, has been set up to provide advice to the police and the prosecutor on whether to institute legal proceedings in such cases in accordance with the Criminal Code and the 2007 Computer Crimes Act.

25. Thailand recognizes the right of peaceful assembly as stipulated in Section 63 of the Constitution. All groups of persons can exercise this right. The proposed Public Assembly Bill aims to manage public assemblies in line with the Constitution and ensure they do not infringe on the rights of others.

#### *Administration of Justice*

26. The rights of individuals in the judicial process are guaranteed under various provisions of the Constitution, which include, *inter alia*, the right of access to justice, the right to a prompt and fair trial and the right of injured persons, the accused, defendants and witnesses in criminal cases to protection and assistance, as necessary and appropriate, from the Government. Accordingly, relevant provisions of the Criminal Procedure Code have been amended in 2008 to protect and ensure these constitutional rights for all persons.

27. Measures have been put in place to disseminate information on the judicial system to the public and enhance public access to justice on an equal basis. These include the establishment of mechanisms to receive complaints from the public, the provision of legal counseling and financial assistance for hiring lawyers and for bail, as well as the protection of the rights of the accused in the investigation process.<sup>2</sup>

28. Unequal access to justice for the poor remains a challenge. Legal proceedings and legal empowerment of the poor need to be strengthened so that they have greater awareness of their rights and have more opportunities to seek legal assistance from the State. At the same time, the latter needs to better disseminate information regarding avenues and mechanisms for legal assistance to the public.

29. Administration of justice is an important issue in the three Southern Border Provinces. The Southern unrest is not a conflict of religious nature but is caused by social and economic inequalities resulting from past development policies, as well as ethnic and historical factors. The Government aims to address this matter based on the principle of reconciliation and by peaceful means, in line with His Majesty the King's approach of "Understand, Reach Out and Develop". The enforcement of special security laws in certain Southern areas has been undertaken with extreme caution to ensure that it does not lead to human rights violations. Efforts are underway to reduce the use of special laws in areas where violence has declined.

30. The Government has implemented the Master Plan for the Administration of Justice (2009–2012) and the Strategic Plan for Development of Justice Process in the Southern Border Provinces of Thailand (2010–2014), and has set up various complaint mechanisms such as the Justice Centre, which provide a channel through which the public can file complaints about the misconduct of Government officials.<sup>3</sup> Although the promotion of justice and development have helped reduce violent incidents in certain areas, further efforts are required to improve the justice process so as to address the problem of impunity and bring justice to all concerned.

31. With regard to Thailand's political situation, investigations into the violent incidents in April and May 2010 are ongoing so as to bring the perpetrators to justice. Remedies have been provided to people affected by the protests. The Independent Fact-finding Commission for Reconciliation was set up and its report and recommendations will be duly considered by the Government to bring fair treatment to all sides.<sup>4</sup> The National Human Rights Commission has also set up a committee to investigate the facts concerning the aforementioned violent incidents.

32. Thailand is in the process of reforming its justice process, including the police, prosecutor and the Court with the aim of promoting public participation and increasing access to justice. Police reform will focus on reducing the gap between the police and the community, increasing accountability to the public, eliminating corruption, mainstreaming human rights in all areas of police work, establishing a system to better monitor police work and improving the investigative process.

33. Thailand has abolished the death penalty for persons below 18 years of age, and does not apply the death penalty on pregnant women and persons with mental illness. The death penalty is imposed only on persons who have committed serious crimes, and royal pardons are sought and granted on various occasions whereby the death sentence is commuted to life imprisonment. Furthermore, Thailand attaches importance to the process of national consultation on the death penalty.

34. Former inmates are still subjected to prejudice and discrimination by society. Measures should be developed to assist this group of people to reintegrate into society and realize their right to sustainable livelihoods.

#### *Prohibition of torture*

35. Torture and punishment by cruel or inhumane means are prohibited under Section 32 of the Constitution. The Criminal Code specifies various criminal acts which fall under the ambit of "torture" as defined in Article 1 of the CAT. The country is working to include

the definition of “torture” and make it an offence under Thai law in order to be in line with the CAT.

36. The Criminal Procedure Code prohibits the use of torture in criminal proceedings, including obtaining a confession and the use of evidence obtained through unlawful means in Court. A lawyer is required to be present in the inquiry process. Persons subjected to torture by officials during investigation have the right to bring the case to Court in accordance with the Criminal Procedure Code. All accused will be physically examined when they are transferred to prison in accordance with penitentiary regulations. Victims of torture also have the right to seek redress and compensation under both criminal and civil law, including the Damage for the Injured Person and Compensation and Expense for the Accused in Criminal Case Act of 2001.

37. The law prohibits the use of restraints on a prisoner unless he or she is a threat to himself/herself or others and to prevent escape. Any decision to use restraints on a prisoner will be re-assessed by a committee every 15 days. In any event, the law prohibits the use of restraints as a form of punishment. The use of restraints on prisoners over 60 years of age and female prisoners is also prohibited. Regarding the condition of prisons and detention centres, Thailand has continued to improve conditions in these facilities to bring them in line with penological, legal and human rights principles.

38. Military and police authorities have issued orders to all levels not to torture accused or suspected persons. Cases concerning torture or disappearances are subjected to the judicial process which still needs to be accelerated in order to bring the perpetrators to justice and ensure justice for the injured parties. Human rights training courses have been provided for military and police officers and relevant officials. There is also a need to increase knowledge and awareness of concerned officials about the country’s obligations under the CAT.

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

### *Right to development and poverty eradication*

39. For decades, Thailand has been striving to achieve all-inclusive and equitable social and economic development. Thailand’s approach to development and poverty reduction is guided by His Majesty the King’s Sufficiency Economy philosophy, which is at the heart of Thailand’s 10<sup>th</sup> National Economic and Social Development Plan (2007–2011). This is translated into a reduction in spending, income generation, expansion of opportunities, capacity building and strengthening of communities so that they become more self-reliant. The draft 11<sup>th</sup> Plan (2012–2016) continues to focus on people-centred development as well as people participation and empowerment to achieve the ultimate goal of social equality and justice.

40. The poverty rate has been declining continuously, which has resulted in Thailand achieving MDG Goal 1 on eradicating extreme poverty and hunger. The poverty rate has been reduced from 33.69 per cent in 1990 to 8.12 per cent in 2009. Under the 10<sup>th</sup> National Economic and Social Development Plan, Thailand is committed to further reducing this rate to 4 per cent by 2011. Thailand’s progress in alleviating poverty is the result of various public policies and programmes aimed at supporting the poor and the disadvantaged so that they are able to access opportunities and other social services.<sup>5</sup>

41. The Government places importance on assisting low-income and small-scale farmers, the majority of the Thai population, to get out of poverty through various policies, such as farm price stabilization, farmers’ income guarantee system, welfare fund for farmers, the establishment of land banks and the issuance of community land title deeds.<sup>6</sup> The National Farmers Council has been set up, enabling farmers to participate in decision-

making and to directly communicate their needs to the Government. Education on household budget planning has also been provided so that farmers may be freed from financial burdens.

42. There is a need to address the fundamental structural problem of inequality between rich and poor to enable the people to enjoy their right to development on an equal basis. Efforts in this regard involve reforms to ensure fair distribution of land and resources, the provision of social security to all groups, decentralization of power to enhance participation of local communities in their development and self-management, which includes the protection of their right to a clean environment and to preserve their culture and way of life, as enshrined in the Constitution. The State has to work to promote the people's knowledge and inputs regarding development projects that impact on people's lives and to amend laws and regulations to guarantee the effective participation of people in the community.

*Right to work*

43. The Constitution guarantees the right of workers to receive security and welfare in accordance with the law. The Labour Protection Act of 1998 (2008 amendment) is the main law specifying the rights and duties of both employers and employees, with provisions governing employment and minimum standards to which all employers must adhere regarding all aspects of employment, including working days, holidays, leave, wages, overtime, work safety and environment, welfare, as well as employment of women and children. Under the Act, all workers will be protected regardless of race, nationality or any other status.

44. The Government recognizes the importance of the rights of association and collective bargaining of union members. For this reason, Thailand intends to ratify ILO Convention No. 87 on Freedom of Association and Protection of the Right to Organize and No. 98 on Right to Organize and Collective Bargaining. Efforts have been made to harmonize national legislation with these Conventions in preparation for ratification.

45. Regarding the minimum wage, in December 2010 the Government approved an increase in the minimum wage averaging 6.35 per cent, benefiting millions of Thai and migrant workers.

46. With regard to work safety, the Occupational Safety, Health and Environment Act of 2011 ensures that employers provide suitable working conditions. However, legal cases relating to occupational hazards need to be processed swiftly to ensure prompt remedy and proper compensation for affected workers. Although workers have become better aware of their rights, information on worker rights still needs to be continuously disseminated. Workers should be empowered to better access the justice process and gain equal access to rights and welfare provided by the social security system and other related laws.

47. The Government has extended social security coverage under the 1990 Social Security Act to approximately 24 million workers in the informal sector. Those who enter the social security system voluntarily must contribute financially, alongside the Government's contribution, to receive benefits in cases of disability, death, sickness as well as old age. Thailand has enacted a law to protect workers in the agricultural sector, and has extended protection for home workers through the enforcement of the Act on the Protection of Home Workers of 2010. A draft regulation on the protection of domestic workers is under consideration. Workers outside the labour system such as taxi and motorcycle taxi drivers and street vendors will be assisted through low interest loans to reduce their cost of living.

48. As for Thai overseas workers, the Ministry of Labour aims to prevent them being exploited by agents or unlicensed recruitment agencies, which will be prosecuted and punished according to the law. Fairer interest loans are offered to help reduce the cost of



going to work abroad. The Overseas Workers Aid Fund has been providing assistance for abandoned overseas workers or those affected by turbulent situations or natural disasters in the country in which they are working, to return to Thailand, and to provide financial assistance to families of workers who die overseas.<sup>7</sup>

#### *Right to health*

49. Thailand has implemented a broad and rights-based health policy. Three main health security systems have been provided to all Thais, namely: (1) the Civil Servant Medical Benefit Scheme covering about 5 million people; (2) the Social Security Scheme covering about 9.8 million workers and employees in the formal sector; and (3) the Universal Healthcare Coverage Scheme for those not covered by the two aforementioned schemes numbering around 47.3 million people.

50. The Government has improved the Universal Healthcare Coverage Scheme by increasing the budget to allow for a higher cost per person. Thai nationals under the scheme are entitled to free medical treatment for most diseases. Health centres at the sub-district level have been upgraded to Health Promotion Hospitals across the country to enable those in rural areas to access higher quality healthcare and services. The Government has also provided training to almost one million Community or Village Health Volunteers so that they can provide on-site primary healthcare and help disseminate health-related information to people in the community.<sup>8</sup>

51. The protection of the rights of HIV infected persons has been addressed in the National AIDS Strategic Plan (2007–2011). Care and treatment for HIV/AIDS is already covered under the Universal Healthcare Coverage Scheme, in accordance with conditions specified by the Ministry of Public Health. A monthly allowance of 500 Baht is provided by the Government to persons with HIV/AIDS as a means to promote their quality of life. Thailand is also promoting access to treatment for disadvantaged or other marginalized groups, such as prison inmates and migrant workers, with financial support from other sources such as the Global Fund to Fight AIDS, Tuberculosis and Malaria. Thailand continues to promote positive attitudes among public officials, service providers and members of the community toward persons infected by HIV/AIDS so that they are able to access services on an equal basis and can live in the community without being stigmatized and discriminated against.

52. Even though health security is provided to all Thai nationals, discrepancies still exist between benefits under each health security system. This needs to be improved so that all persons can access the same standard of medical treatment. Access to patented medicines needs to be appropriately addressed. Thailand is also mindful of protecting the right to health of persons without a clear legal status, which will be addressed in the section on specific groups.

#### *Right to education*

53. Thailand is implementing an education for all policy. All children must receive 9 years compulsory education and are entitled to receive 12 years basic education under the Constitution. This is further reinforced by the 15-year free education programme for all, from kindergarten up to high school level, regardless of nationality.

54. Children with disabilities are entitled to free education from birth up to undergraduate level with due regard to their special needs. Special education centres in every province provide support for children with disabilities from birth, with a view to enhancing their quality of life and enabling them to co-educate with other children.

55. Muslim children in the Southern Border Provinces receive education that is consistent with their way of life, identity, culture and specific needs. The Government

continues to focus on improving educational standards, developing religious teachers, instilling a sense of national solidarity and multiculturalism, using local language in conjunction with Thai language, and promoting vocational training to achieve better job placements. A number of scholarships are provided to students to enable them to further their education.

56. As for students living in remote areas, ICT is used to manage groups of schools, with one main school acting as a hub to assist other schools in providing remote education to students. Distance and adult learning will be further promoted to help those previously lacking opportunities to pursue higher education.

57. Although an education for all policy is being implemented, challenges still exist in terms of the quality of education and ensuring equal access. Further efforts are needed to improve the quality of education and teachers, including expanding education opportunities for poor children and those living in remote areas by promoting schools within local communities. Children not in the education system or who drop out from schools will be assisted to further their education. Children with disabilities need further support so that they can co-educate with other children without being discriminated against. The 15-year free education programme needs to be strengthened to ensure that children do receive education free of charge without any costs.

58. Non-Thais and persons without a clear legal status, including those belonging to ethnic groups, children of migrant workers as well as children who unlawfully enter the country are also entitled to 15 years education free of charge. The education cost per head for these children is allocated at an equal amount to Thai children. However, much needs to be done for them to have equal access to education. Currently, the Ministry of Education is promoting greater awareness among schools across the country about these children's right to enroll in public schools as well as seeking measures to help them adapt and stay in school for a longer period.

59. On education for displaced persons, please refer to paragraph 103 under the section on displaced persons and asylum seekers.

### **3. The rights of specific groups**

#### *Rights of the child*

60. The promotion and protection of the rights of the child is a priority for Thailand. Since becoming a Party to the CRC in 1992, Thailand has enacted new laws and amended more than 17 pieces of legislation to bring them into alignment with the CRC's provisions. The most notable ones are the Child Protection Act of 2003 and the Act and the Procedure for the Juvenile and Family Court of 2010. Arrested children must be brought to the Juvenile and Family Court within 24 hours and the Court can issue a protection order of a child without the commencement of any legal proceedings. Therapy is used as a substitute for criminal punishment and a special investigation room for children is to be set up in police stations.<sup>9</sup>

61. Local administrative organizations are given a significant role in child protection and development. Child protection committees and child and youth councils have been established at all levels from the national down to local levels. However, efforts are required to ensure that local mechanisms can function more effectively on child protection. Master plans on child protection need to be established at the local and community levels with encouragement to work more closely with the local child and youth councils.

62. The Government attaches special attention to early childhood, and has set up a national committee on early childhood development, chaired by the Prime Minister, to move forward implementation of the Long-Term Policy and Strategy for Early Childhood

Development (2007–2016). This focuses on appropriate development for children from 0–5 years of age by providing welfare for mothers and their children in terms of nutrition, healthcare and early childhood development centres.<sup>10</sup> Special care is also given to children with disabilities.

63. With regard to children in the Southern Border Provinces, efforts have been made by concerned State agencies to promote their development and protect them from violence in the area. As a result, in 2010 the number of children affected by violence significantly declined to the lowest figures since 2004. Protection for schools and teachers has been provided to ensure children the right to education. For children and youth who have committed crimes relating to security, the Government is fully aware of the importance of applying the juvenile justice system to such persons rather than the special security laws.

64. With regard to stateless children, in 2010 Thailand announced the withdrawal of its reservation to Article 7 of the CRC, which guarantees, among others, the right of the child to be registered immediately after birth. According to the nationality and immigration laws, as well as the Management Strategy on the Problem of Status and Rights of Persons, children of long-term migrants and those belonging to ethnic groups are entitled to apply for Thai nationality or the status of legal migrants, in line with the established rules.<sup>11</sup> Children of migrant workers under 15 years of age can be registered along with their parents, which allows them to stay in Thailand legally and be entitled to various basic rights. There is also the possibility for them to obtain the nationality of their country of origin by virtue of *jus sanguinis* (right of blood), supported by their birth registration and nationality verification of their parents.

65. Violence against children remains an important challenge, whether in the forms of domestic violence, child pornography, child sex abuse, or the involvement of children with narcotic drugs. This problem requires effective law enforcement as well as awareness and understanding of the laws and the exercise of child sensitivity by law enforcement officials. Effort needs to be redoubled to help bring misled children back to school and to promote the role of families, communities and schools in preventing, protecting and assisting abused children. With regard to the issue of child pornography, there is a need to include the definition of “child pornography” in the relevant law.

66. In terms of assistance, mechanisms such as the One-Stop Crisis Centre (OSCC) in hospitals, telephone hot lines and public and private shelters have been set up with multi-professional teams<sup>12</sup> as well as NGO networks providing support to abused children and those at risk of being abused. A situation analysis of violence against children has been conducted, the results of which will help guide the formulation of a national policy for the prevention and protection of violence against children and youth.

67. With regard to child labour, the 1998 Labour Protection Act (2008 amendment) prohibits the employment of children under the age of 15. Thailand has made considerable progress in tackling the problem particularly through awareness raising activities and the establishment of child labour prevention networks down to the village level. A National Committee on the Elimination of the Worst Forms of Child Labour, chaired by the Prime Minister, has been set up to steer policies and measures to resolve this problem in a comprehensive manner with a particular focus on the abuse of migrant children. Nevertheless, there is a need to strengthen the work of labour inspectors. Measures to bring more migrant children into the education system are also needed.

68. Street children remain an important challenge. The Government and NGOs have been helping these children by providing teachers, counseling, shelters, as well as bringing them into the educational system and reintegrating them with their families. However, this problem still needs to be continuously tackled through a systematic and effective strategy.

*Rights of women*

69. The Thai Constitution guarantees equality of all persons before the law, as well as equal rights between men and women. Thailand has amended and enacted laws and developed mechanisms to help promote and protect the rights of women.<sup>13</sup> The country is in the process of withdrawing its reservation to Article 16 of the CEDAW on marriage and family life.

70. The National Committee on the Policy and Strategy for the Advancement of Women, chaired by the Prime Minister, is the central body responsible for policies and measures on women. The 10<sup>th</sup> Women's Development Plan (2007–2011) highlights several priority areas to enable women to fully realize their human rights.

71. Chief Gender Equality Officers (CGEO) and Gender Focal Points (GFP) have been appointed in Government ministries to help promote gender equality and mainstream a gender perspective into the work of the respective agencies.

72. One notable initiative to promote the rights of women is Her Royal Highness Princess Bajarakitiyabha's advocacy of the "United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders", or "Bangkok Rules", which aims to eliminate discrimination against women prisoners by responding to their specific needs. Thailand is in the process of establishing the "Thailand Institute of Justice" (TIJ), which will help promote implementation of the "Bangkok Rules" in all countries.

73. The Constitution promotes an appropriate proportion between women and men in political positions. However, the proportion of women in politics and public administration still remains low. The Government has carried out measures to promote greater women's participation in policy-making and encourage their promotion to administrative and decision-making level through enhancing their knowledge and leadership skills. Political parties are encouraged to promote women running in elections. Nevertheless, the proportion of women leaders in Thai civil society organizations is comparable to that of men. Women also play a leading role in campaigning for better human rights protection in various areas.

74. Violence against women remains a challenging issue. Various laws have been amended and developed to address this problem.<sup>14</sup> Measures have been adopted which include: a nation-wide campaign to stop violence against women; the setting up of the One-Stop Crisis Centre (OSCC), a multidisciplinary unit based in hospitals; and emergency hotlines and shelters to assist and rehabilitate victims of violence. Other measures are: the setting up of investigation rooms specifically for women in police stations; the use of policewomen in the investigation process; and the setting up of special court rooms for abused women. As women with disabilities are among the most vulnerable to violence, a specific plan for the development of women with disabilities has been drafted to help empower them.

75. Importance is being placed on the problem of premature teen pregnancy. The National Policy and Strategy on the Development of Sexual Reproductive Health has been developed to address the problem through a multidisciplinary approach and promoting sexual reproductive health education for children and youth as an effective preventive measure. Thailand is also in the process of developing the Draft Reproductive Health Protection Act to promote and protect the sexual reproductive rights of all women. It also addresses the right to education of pregnant teenagers to enable them to continue their studies in schools.

76. One of the main obstacles in the promotion and protection of the human rights of women and gender equality lies in the negative stereotyping of women and gender roles within society. The Government aims to address this problem through various means, such

as: mainstreaming human rights and gender equality at all levels of education; providing training for teachers and educational staff to enhance their understanding about gender issues; and encouraging the media to help raise awareness about gender roles and gender equality both within the family and within society. Efforts have been made to engage men in addressing the problem of violation of women's rights and taking more responsibility on the problem of unwanted pregnancy.

77. Thailand is in the process of drafting a gender equality promotion bill which will not only protect women from discrimination, but will also prohibit discrimination on the ground of sexual orientation. It is the intention of the Constitution to prohibit unjust discrimination based on gender identity, and a person's sexual orientation is not a crime under Thai law. Nevertheless, people with gender identity issues still have problems in accessing some basic rights due to discrimination, which needs to be dealt with further.

#### *Rights of persons with disabilities*

78. The Thai Constitution guarantees the equality of all persons before the law, and prohibits unjust discrimination against a person because of his or her disability. It also guarantees the right of persons with disabilities to access welfare, public services and appropriate assistance from the Government.

79. Thailand has developed various laws to protect the rights of persons with disabilities and enhance their access to public facilities and services. The Persons with Disabilities Empowerment Act of 2007 and the Persons with Disabilities Education Act of 2008 serve as comprehensive rights-based laws for the protection of the rights of persons with disabilities. The National Plan on Quality of Life Development of Persons with Disabilities serves as guidance in carrying out the work of all agencies. The National Committee for the Empowerment of Persons with Disabilities, chaired by the Prime Minister, drives the implementation of the Plan. A sub-committee has been set up in every province of the country to implement policies and enhance the protection for persons with disabilities at the local level.

80. Among policy initiatives are: provision of a "Disabilities Allowance" of 500 Baht per month to all registered persons with disabilities; the Regulation on the Employment of Persons with Disabilities, which requires public and private organizations to hire persons with disabilities at a ratio of 1 disabled person to every 100 employees; provision of sign language service to facilitate access to various services; legal and other assistance; promotion of disability-friendly facilities; tax benefits; and ICT services which enhance access to information for persons with disabilities.

81. Social protection mechanisms for persons with disabilities have also been implemented in various forms. Projects such as the Fund for Empowerment of Persons with Disabilities, the Community Learning Centres, the Community-Based Rehabilitation Programmes, the Independent Living Centres and the White Canes Project have been initiated to assist persons with disabilities to live independently and to become more involved in community activities. These initiatives have been strengthened by the participation of various stakeholders with disabilities, in line with the fundamental concept of disability-inclusive development.

82. Despite the progress achieved, there is a need to increase social awareness on the rights of persons with disabilities, who need to be assisted in accessing rights and welfare in accordance with the law and provided equal opportunities in education and employment. The lack of disability-friendly facilities in public places and the inaccessibility of facilities and services are practical challenges that require greater attention.

*Rights of older persons*

83. Thailand has become an aging society with the proportion of the elderly (age 60 years or older) comprising approximately 11 per cent of the total population, or more than 7 million persons. However, it is expected that by 2030, the proportion of the elderly population will increase to approximately 25 per cent. The Government is determined to do its utmost to ensure that older persons receive proper care, support and assistance and are able to live in dignity.

84. Thailand's policy with regard to older persons is guided by the Constitution, the 20-year second National Plan for Older Persons (2002–2022) and the 2003 Act on Older Persons, which is in line with the 2002 Madrid International Plan of Action on Ageing. The Older Persons Act guarantees the rights of the elderly and the establishment of the Older Persons Fund which provides zero interest loans for elderly persons who want to start their own business after retirement.

85. While the first National Plan aimed to build social awareness and responsibility in caring for older persons, the second Plan focuses on long-term development, encouraging and strengthening them to remain productive members of society while maintaining integration and good health with adequate savings. The National Commission on the Elderly, chaired by the Prime Minister, was set up to serve as the platform for moving the Plan forward. To ensure income security, in 2009 the Thai Government expanded the Old Age Allowance, a non-contributory pension for the elderly, to cover all older persons who did not benefit from other Government pension schemes. Approximately 6 million elderly persons are currently benefiting from this scheme.

86. The Government aims to enhance social and income security for older persons in the longer and more sustainable term by encouraging them to rely on their savings and not be merely receivers from the State. The Government has enacted the National Savings Fund Act to serve as a mechanism to encourage all persons of working age, not covered by any of the Government's pension schemes, to voluntarily contribute their savings. This will enable them to receive a lifelong monthly pension after retirement.

87. Communities and local administrative organizations are being given a greater role in caring for the elderly. The Government plans to require the local administrative organizations to contribute financially to elderly savings in the future. The Elderly Home Care Volunteer Project was also introduced as a mechanism at the local community level to provide care and protect elderly persons in their own homes countrywide.

88. It is the wish of elderly persons in Thailand for the Government to promote their right to work, right to health and the use of their knowledge, skills and expertise in the development process. With an increasing problem of elderly persons being abandoned by their families, the Government needs to find ways and incentives to encourage families and communities to care for the elderly. Knowledge on their rights as provided by law should be widely disseminated among the elderly. Preparations should be made so that people age with quality and dignity.

*Rights of marginalized groups*

(a) Ethnic groups

89. All ethnic groups in Thailand enjoy equal protection under the law without discrimination. The Thai Constitution guarantees the right of traditional local communities to enjoy their own culture, traditions and local knowledge and the right to participate in the management and use of natural resources and the environment.

90 . People belonging to ethnic groups are socially integrated into Thai society on various fronts. Long-term migrants are able to obtain the status of a legal migrant and their offspring Thai nationality, in accordance with the Nationality Act and the Management Strategy on the Problem of Status and Rights of Persons as mentioned in paragraph 63.

91. Persons belonging to ethnic groups who are in the process of being granted Thai nationality benefit from the Universal Healthcare Coverage Scheme as with other Thai nationals. In addition, on 23 March 2010 the Cabinet approved a decision to expand basic healthcare to more than 400,000 persons with unclear status and allocated an additional budget for the period between April to September 2010 in the amount of 348.04 million Baht for health promotion and rehabilitation, treatment, as well as disease prevention for this group.

92. Ethnic people have been provided their right to development mainly through royally sponsored projects initiated by His Majesty the King over the past 60 years. The projects have significantly increased the living standards of ethnic communities by providing assistance on agriculture and vocational training, education, healthcare services, basic infrastructure, and alternative employment opportunities. The projects also help raise ethnic communities' awareness of environmental conservation and the restoration and conservation of forest reserves. They also help tackle the problem of narcotic drugs and strengthen ethnic communities through self-sufficient and sustainable development while preserving their cultures and traditional livelihoods.

93. However, challenges remain in terms of equal access to health and education services due to language, cultural and geographical barriers. The nationality and personal status determination process has seen slow implementation due to lack of human and financial resources and lack of understanding of laws and regulations on the part of Government officials, including negative attitudes toward these persons. Extortion of persons who do not yet have identity cards is also of concern. In addition, as most ethnic groups live on land that does not have a title deed, the Government is considering to allow the ethnic communities to legally live on and make use of the land under community land title deeds.

(b) Migrant workers

94. Thailand has long been a transit and destination country for migrants owing to the social and economic disparities that exist with some of its neighbours, from which over 2 million migrant workers in Thailand originate.

95. Thailand has concluded Memoranda of Understanding (MOUs) with Cambodia, the Lao PDR and Myanmar in order to provide a formal channel for migrant workers from these countries to legally work in Thailand. Workers entering the country under these MOUs will be provided with visas and work permits for two years, with a possible extension for another two-year period. Migrant workers who are registered and have obtained work permits are entitled to the same rights as Thai workers.

96. In order to assist all migrant workers to access their basic rights, the Government has given opportunities to irregular migrants from Cambodia, the Lao PDR and Myanmar to regularize their status through countrywide registration processes administered by the Ministry of the Interior and the Ministry of Labour. Since 2004, the registration processes have taken place 6 times, with children of migrant workers aged less than 15 years being allowed to be registered along with their parents during the last 2 registration processes. Registered migrant workers are entitled to basic health insurance and protection under three laws, namely, the 1998 Labour Protection Act, the 1990 Social Security Act and the 1994 Workmen's Compensation Act.

97. Aiming to formalize the status of migrant workers already in the country, in 2010 the Government began to implement the policy requiring all registered migrant workers to undergo the nationality verification process. On completing the process, they will be issued with a certificate of nationality or passport from their home countries. Visas and work permits will be granted by the Thai authorities for two years, with a possible two-year extension. The timeline for the completion of nationality verification has been set for 28 February 2012. The Government continues to pursue discussions with the countries of origin to make the nationality verification process less complicated, less time consuming and more cost effective.

98. In order to protect the rights of migrant workers and prevent them from being abused, efforts have been made to widely disseminate information on the rights and duties of employers and employees under the labour law in Myanmar, Laotian and Cambodian languages so as to enhance migrant workers' access to this information. Labour inspection is carried out in all provinces to ensure that working conditions are up to standard. Training is also provided for labour and other relevant officials, as well as the public at the central and local levels, to enhance understanding about the rights of migrant workers and to strengthen the overall labour protection network.

99. Migrant workers are entitled to protection from abuse by their employers under the 2008 Employment of Aliens Act which imposes heavier penalties on employers who engage in human trafficking and forced labour. However, law enforcement still needs to be strengthened to provide adequate protection for migrant workers, especially with regard to the minimum wage and work safety. Equal access to health services and justice for migrant workers is also an important issue that needs to be strengthened. Corruption, extortion and other mistreatment of migrant workers by law enforcement officials also needs to be seriously tackled by the agencies concerned.

100. Regarding the right to health of unregistered migrant workers and their children, the Ministry of Public Health provides treatment to all workers regardless of their legal status. The Ministry aims to reach out to this group by providing health promotion, prevention and treatment, including immunization for children of migrant workers at their communities.

101. Thailand recognizes the contributions of migrant workers to the country's economic development and is considering integrating the issue of migrant workers in the draft 11<sup>th</sup> National Economic and Social Development Plan, with a view to creating effective migrant-labour management that would take into account all factors, namely, human rights, national security and economic need. There is still a need to review the strategy on managing the status of migrant workers to ensure the effectiveness of the various processes. Thailand will also assess its readiness to become a Party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

(c) Displaced persons and asylum seekers

102. Although Thailand is not a Party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, it continues to host approximately 110,000 displaced persons from Myanmar in 9 temporary shelter areas in 4 provinces along the border for humanitarian reasons. This is carried out in close cooperation with the donor community, the UNHCR and various NGOs in order to protect and promote the basic rights of these persons and find durable solutions for them, including third country resettlement.

103. Thailand has collaborated with various NGOs in establishing clinics and providing medical treatment and healthcare to the displaced persons and nearby Thai communities. Those with serious medical conditions will be sent to nearby hospitals, while the Ministry of Public Health has conducted disease prevention and immunization activities. Vocational training is provided to the displaced persons to foster skills that will become useful upon



return or resettlement, while income opportunities are promoted within the temporary shelters to reduce the displaced persons' dependence on aid.

104. Children living in the temporary shelters receive education equivalent to grade 1 to grade 10. Even though the curriculum in the temporary shelters has not been certified by the educational system, a standard curriculum both in Thai and English languages is currently being developed for further accreditation. In addition, all children in the temporary shelters are entitled to be registered at birth.

105. The Government aims to be more engaged in the management of the temporary shelters, including in the provision of education and the enhancement of the quality of life of the displaced persons in order to prepare them for their eventual return to their country of origin in safety and dignity, and to enable them to play a constructive role in their home country when the situation is conducive.

106. Thailand is aware of the specific challenge posed by the situation of asylum seekers in urban environments. Solutions for this group are being sought, based on humanitarian principles and in line with the Immigration Act of 1979. Moreover, the Government has cooperated with the UNHCR on access to monitor the living conditions of these persons based on human rights principles.

#### **4. Human trafficking**

107. The problem of human trafficking in Thailand is a complex one as a country of origin, transit and destination. The problem affects the most vulnerable groups, especially women, girls, boys, migrant workers and ethnic groups. It also takes various forms, such as trafficking for sexual exploitation, labour exploitation and forced begging.

108. The fight against human trafficking began in earnest in the late 1980s and has been declared a national agenda since 2004. Relevant laws, policies and mechanisms have been constantly developed, with the major progress being the Prevention and Suppression of Human Trafficking Act of 2008. The Act adopts a rights-based approach and protects all victims of trafficking regardless of gender, nationality or legal status, in line with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

109. Thailand has undertaken the fight against human trafficking based on the 4 Ps covering policy, prevention, protection and prosecution.<sup>15</sup> Since the enforcement of the Act, 221 persons have been arrested involving 139 cases.<sup>16</sup> In addition, victims of trafficking have been allowed to remain temporarily and work in the country as stipulated by the law in order to facilitate the prosecution of traffickers, and for rehabilitation and compensation processes.

110. Thailand has concluded MOUs at the Mekong sub-regional and bilateral levels with its neighbours, namely, Cambodia, the Lao PDR, Myanmar and Viet Nam, on joint efforts to address the problem of human trafficking and protect and assist the victims. Thailand also cooperates with other countries to combat human trafficking through various regional frameworks.

111. Thailand has been successful in addressing certain aspects of the problem, such as forced prostitution and forced labour as well as victim rehabilitation. Nevertheless, as the forms of human trafficking have changed and become more complicated, suppression remains a challenge. There is a need to strengthen law enforcement and build the capacity of law enforcement officials, both in terms of resources and knowledge of the laws, so that they can effectively enforce these laws. Corrupt officials have to be severely penalized according to the law. Pending human trafficking cases should be swiftly addressed in order

for the victims to receive compensation and to bring perpetrators to justice. The work of the multidisciplinary teams, especially at the provincial level, needs to be strengthened by establishing a mechanism to closely coordinate and monitor their work.

112. Labour trafficking in the fishing sector is an important challenge. A Sub-Committee to Prevent and Suppress Trafficking in the Fishing Sector has been set up. In order to address the problem in a sustainable and concrete manner, a study is being carried out on the feasibility of setting up an Employment Centre for the Fishing Industry to rectify the shortage of both Thai and non-Thai workers in a comprehensive manner, as well as the management and protection of the rights of labourers in the fishing industry. This Centre will be operated by the National Fisheries Association of Thailand under the supervision of the relevant Government agencies.

113. In order to reaffirm Thailand's commitment to combating human trafficking, the Government has extended an invitation to the Special Rapporteur on trafficking in persons, especially women and children to visit the country in 2011.

## **IV. Achievements and challenges**

### **A. Achievements**

114. Thailand is a Party to most of the core international human rights conventions. It has made efforts towards the withdrawal of reservations to provisions contained in these instruments, with a view to enhancing human rights protection for the people.

115. Human dignity, rights, liberties and equality of all persons, including community rights, are guaranteed under the Thai Constitution. Various laws, policies and regulations have been developed, reflecting Thailand's readiness to promote and protect human rights, not only of Thai nationals, but also non-Thais living in the country.

116. Thailand has various independent mechanisms established under the Constitution to protect human rights. There are also national mechanisms in the form of committees for the protection of the rights of specific groups, many of which are under the direct guidance of the Prime Minister. Human rights protection mechanisms have been decentralized down to the local levels through the setting up of local committees to protect the rights of people in the localities, with the local administrative organizations being the main driving force. Various channels are available for people whose rights have been violated to file complaints, seek remedies and be rehabilitated.

117. Thailand has a vibrant civil society which plays a significant role in promoting and protecting human rights. Civil society organizations and NGOs can freely form networks to undertake human rights activities and provide critical views on policies and measures carried out by the Government. In many cases, civil society has brought about concrete outcomes, which include being the main driving force for national reform.<sup>17</sup> At the same time, the public-private partnership represented in the form of multidisciplinary teams is an important mechanism for human rights promotion and protection in Thailand.

118. People in local communities have gained greater awareness of their rights and have taken an active part in the improvement and protection of human rights in their own communities. Their voices have become one that the Government must take into account in carrying out development activities.

## **B. Challenges**

119. Social inequalities and unequal access to rights, opportunities and services of the poor, underprivileged and marginalized are structural problems which require the commitment of society as a whole.

120. The latent political conflict in the country which may lead to violence needs to be addressed, based on the principles of democracy, rule of law and reconciliation so that all groups feel that they are being fairly treated.

121. The unrest in the Southern Border Provinces needs to be resolved by addressing the problem at its root causes and providing justice to persons affected by actions of the perpetrators of violence and Government officials.

122. Weak law enforcement is a major concern which is partly derived from the lack of human rights awareness and sensitivity towards vulnerable and marginalized groups in society, including the lack of awareness, knowledge and understanding about the law on the part of Government officials. Corruption is another problem that needs to be seriously tackled.

123. Although multidisciplinary mechanisms are in place to protect human rights at the local level, challenges remain in practice in ensuring that these mechanisms work effectively. Local work plans still do not adequately address the protection of the rights of various groups, such as children and women. Meanwhile, the central budget still needs to be devolved for the local authorities to manage themselves. The work of these local bodies should be transparent and accountable, with monitoring mechanisms involving the public and civil society.

124. Human rights violations resulting from public and private development projects need to be addressed by the Government in line with the Constitution by promoting public engagement and transparent discussions and dialogue. The work of the human rights defenders in safeguarding the rights of the people in the communities needs to be protected.

## **V. National priorities and commitments**

125. Ensuring social justice, reducing socio-economic disparities and uplifting the peoples' well-being through developing the welfare system and structural reform of the country on political, economic and social fronts. Importance should be paid to recommendations received from the National Reform Committee and the National Reform Assembly, which the Government has endorsed.

126. Accelerating reform of the power structure through decentralization of administrative power to the localities, communities and the people, in line with the Constitution, in order to strengthen human rights protection at the local level. Ensuring the protection of human rights, particularly the rights of women, children, persons with disabilities and the elderly, including community rights, through inclusion in work plans at the local level, and involving the public in the formulation, implementation and evaluation of the policies and plans that affect their lives in the community.

127. Accelerating reform of the justice system, mechanism and process in order to ensure good governance, respect for and protection of the rights and liberties of the people.

128. Accelerating efforts to address the situation in the Southern Border Provinces through peaceful means, reconciliation, understanding, the rule of law, human rights, development and the administration of justice. Promoting movement toward ending the use of special laws in the area and to focus on using civilian means to address the problem.

129. Strengthening law enforcement and implementation of policies and plans relating to human rights, as well as enhancing the efficiency of established mechanisms for the protection of human rights at the national, provincial and local levels.

130. Promoting human rights education in all types of education and at all levels, focusing on both rights and duties as well as consciousness of public and collective duty. Promoting human rights training and the dissemination of information about international human rights instruments and relevant domestic laws to Government officials to sensitize them on human rights, particularly those of vulnerable and marginalized groups, as well as to local administrative organizations and community leaders so that they are aware of their role in protecting the rights of people in the localities. Promoting basic knowledge about the law for ordinary people.

131. Promoting public understanding and recognition of the diversity of ethnic groups in Thai society and their basic rights in order to reduce inequalities and discrimination within society, while promoting wider dissemination of the CERD.

132. Accelerating the suppression of corrupt practices by Government officials which result in violations of people's rights.

133. Implementing the National Human Rights Action Plan and human rights pledges, including enhancing Thailand's role and accountability in protecting human rights at the national and international levels as a member of the Human Rights Council.

## **VI. Capacity building and technical assistance**

134. Human rights education and training is an area where more cooperation would be beneficial to enhance knowledge and understanding and instill a human rights culture in Thai society, within the public and private sectors, academic institutions, families and communities.

135. Thailand hopes to benefit from technical assistance and sharing of best practices in order to enhance the capacity of Government agencies to effectively enforce laws relating to human rights and to improve the structure of law enforcement agencies to be conducive to a rights-based working culture.

136. Thailand hopes to share good practices on human rights with various countries, especially developing countries, and stands ready to assist other countries in their human rights work.

### *Notes*

<sup>1</sup> The high growth rate and low unemployment rate are significantly attributed to the Government's two economic stimulus packages aimed at alleviating the impact of the global economic crisis and enhancing competitiveness for future development. These include the one time stimulus payment to boost consumption of low income earners, free electricity and tap water, free use of buses and third-class trains, the reduction of cost of animal feed and breeders as well as oil prices in order to reduce people's cost of living. The Tonkla-Archeep Project has been introduced to address the problem of unemployment and to enhance the capacity of those unemployed.

<sup>2</sup> These measures are carried out through various mechanisms, such as: the Legal Clinics which have already been set up in all provinces in Thailand; the Mobile Justice Project; the Justice Fund which provides assistance especially for the poor; the Justice for Community Programme which assists in mediating community disputes without recourse to litigation; and the Office of Rights Protection and Legal Aid which has been set up in all provinces of the country.

<sup>3</sup> Other mechanisms include a 24-hour hotline service to receive all complaints from the public and

- Civil Justice Centres (Keadilan Centres) operated by community and religious leaders to provide advice on legal matters and human rights, receive complaints, help settle disputes, as well as coordinate with other agencies regarding remedies for those affected by the violence at the district and sub-district levels.
- <sup>4</sup> The Government has implemented some of the Commission's recommendations and provided legal assistance and financial support to those accused who wished to receive bail in cases relating to the political unrest.
  - <sup>5</sup> Important policies include: the Village/Urban Community Fund which provides occupational loans for the poor; the Community Welfare Fund which is contributed by the Government, the local administrative organizations and members at the ratio 1:1:1 Baht/day; the Housing for the Poor Project which accommodates up to 50,000 families in rural areas and the Debt Restructuring Scheme which helps reduce the people's debt burden by having non-institutional loans converted into institutional loans.
  - <sup>6</sup> The Government's policy on land distribution to address poverty and social inequality. Title deeds will be issued to communities living on idle plots owned by the state to help them make a living from the land. Communities are not allowed to sell the land under the programme.
  - <sup>7</sup> There are currently 13 labour offices abroad which protect, monitor and assist Thai workers as required.
  - <sup>8</sup> Because of the important role they play in healthcare in the rural areas, since 2009, these volunteers have been given remuneration by the Government.
  - <sup>9</sup> Moreover, National Child and Youth Development Plans are developed every 5 years with the participation of all stakeholders, especially children and youths. The current Plan integrates the prior National Policy and Strategic Plan for Child Development according to "A World Fit For Children" and the Child-Friendly City Strategy.
  - <sup>10</sup> The Government focuses on promoting maternal and child nutrition, particularly immunization and iodine nutrition for pregnant women and breast feeding mothers, to ensure that children get a healthy start in life. This includes: welfare for children from birth till the age of five; counseling for breastfeeding mothers; 24-hour hotline on hygiene for mothers and their babies; setting up nursery centres in every district in Thailand; encouraging private businesses to provide nurseries in exchange for tax incentives; and free care for pre-school children of construction workers. In addition, the National Standard for Early Childhood Development Centres has been developed as a tool to assess the operation of early childhood development centres across the country, thereby helping to improve their quality in a continuous and concrete fashion.
  - <sup>11</sup> The rules cover 4 categories of persons, namely: (1) those who have lived in Thailand consecutively for a long period; (2) those who have completed their undergraduate education in Thailand (prior to 18 January 2005); (3) rootless children who have lived in Thailand for more than 10 years; and (4) those whose actions have benefited the country. The above persons who were born in Thailand have the right to apply for Thai nationality in accordance with the established rules. If they were not born in Thailand, they have the right to apply for the status of legal migrants, as well as the right to apply for a change of nationality subsequently.
  - <sup>12</sup> A multi-professional or multidisciplinary team comprises personnel from various professions such as medical, legal and social welfare from both the public and private sectors. The role of the team covers prevention, follow-up and monitoring, fact-finding, welfare protection, legal assistance, rehabilitation as well as reintegration of victims into society.
  - <sup>13</sup> Important laws include: the 2008 Female Title Act; the 2007 Civil Code Amendment Act, which guarantees equality between women and men regarding engagement and grounds for divorce; and the 2005 Name Act (No. 3), which gives married women the choice to maintain their maiden names or adopt the name of their husbands.
  - <sup>14</sup> Important laws and regulations include: the amended Criminal Code that criminalizes marital rape; the enactment of the Protection of Victims of Domestic Violence Act; and the issuance of the Office of the Civil Service Commission's Regulation on Sexual Harassment.
  - <sup>15</sup> The 4Ps are: Policy A National Committee, chaired by the Prime Minister, and a Coordination Committee, chaired by a Deputy Prime Minister, have been set up to oversee anti-human trafficking efforts in an integrated manner. A national strategy on the prevention and suppression of trafficking in persons has been drafted and the Operation Centre on Human Trafficking has been established at all levels with close collaboration among the Government agencies and the NGOs in a multidisciplinary

manner. (2) Prevention Campaigns have been carried out to raise awareness of the public about the problem of human trafficking through various media channels. June 5 of every year has been declared the national anti-human trafficking day. (3) Protection The Children and Family Homes have been set up in all 76 provinces across Thailand, providing primary assistance for victims of trafficking. There are also the 24-hour Hotline Centre and 9 Protection and Occupation Development Centres. The 9 centres comprise 4 Protection and Occupation Development Centres for males, 4 Protection and Occupation Development Centres for females and the Pakkred Reception Home for Boys, which provide assistance and protection suited to the problems and needs of the injured persons. (4) Prosecution The Anti-Human Trafficking Division has been set up under the Royal Thai Police.

<sup>16</sup> These figures cover the period between June 2008 and December 2009.

<sup>17</sup> The Government supports this civil society initiative by establishing the National Reform Committee and the National Reform Assembly and providing financial support to them, while allowing them to work independently.