



International Covenant on Civil and Political Rights

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Summary record of the 3350th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 14 March 2017, at 10 a.m.

Chair: Mr. Fathalla (Vice-Chair)

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Mr. Fathalla (Vice-Chair) took the Chair.

The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

*Second periodic report of Thailand (continued) (CCPR/C/THA/2;
CCPR/C/THA/Q/2 and Add.1)*

1. *At the invitation of the Chair, the delegation of Thailand took places at the Committee table.*
2. **Mr. Koita** said that he would like to know what measures the State party was taking to ensure that people in pretrial detention were held separately from convicted prisoners. Although the State party had expressed its intention to improve prison conditions in line with existing legal provisions and human rights principles, in practice the prison system lacked financial and human resources. States parties had an obligation under the Covenant to treat prisoners with humanity and to respect their dignity, irrespective of the material resources available. He would appreciate information on how Thailand planned to improve prison conditions, including with regard to the budget, time frame and strategies involving alternative measures.
3. **The Chair** invited the delegation to answer any outstanding questions raised by Committee members thus far at the current and previous meetings.
4. **Ms. Pairchaiyapoom** (Thailand) said that the Ministry of Justice was considering submitting the cases of Somchai Neelapaijit and Porlajee “Billy” Rakchongcharoen to a special committee within the Department of Special Investigation for follow-up.
5. **Ms. Sithidej** (Thailand) said that the bill on the prevention of torture and enforced disappearance had been submitted to the National Legislative Assembly, which had requested the Cabinet to further review the bill, with a view to introducing amendments and launching a public consultation process. The National Legislative Assembly had also recommended the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance.
6. The State party was considering ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; consultations with civil society regarding the Optional Protocol had so far been positive. Although enacting legislation was not necessary under the Optional Protocol, the State party was required to establish a national preventive mechanism; the National Human Rights Commission had been identified for that purpose. In cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR), human rights training had been provided to a large number of public servants, including more than 30,000 law enforcement officers.
7. The Department of Corrections operated in compliance with international standards; it had recently adopted legislation on prison management that prohibited torture and corporal punishment. Prisoners could be restrained only during transport using hand or leg cuffs, in line with international standards.
8. In Thailand, the majority of prisoners were serving sentences for drugs offences. New legislation on narcotics would allow the courts greater freedom to impose penalties that corresponded to the severity of the crime. Other proposed measures included the introduction of a risk assessment, with a view to releasing on bail prisoners who had committed minor offences, and an electronic monitoring system to facilitate provisional release. A pilot project had been launched in 63 detention centres to hold pretrial detainees separately, with the aim of ensuring appropriate treatment in line with international human rights standards. Activities offered to pretrial detainees would be based on individual needs and specific criteria, including the length of their sentences. They were entitled to family visits and legal advice, as set out in the relevant legislation.
9. **Ms. Pairchaiyapoom** (Thailand) said that the Committee for the Promotion of the Implementation of the International Covenant on Civil and Political Rights planned to hold

meetings, with all relevant stakeholders, on withdrawing the State party's interpretative declarations. Everyone had the right to serve in the military or the police, in line with criteria set out by each branch of the armed forces. Broader efforts to promote the rights of lesbian, gay, bisexual and transgender persons (LGBT) included measures prohibiting discrimination on the grounds of sexual expression. Steps taken to ensure that human rights defenders and lawyers were able to work in a safe and enabling environment included the publication of a handbook, in cooperation with OHCHR, and efforts to raise awareness of the work and status of human rights defenders. Orders issued by the National Council for Peace and Order were currently under review, with a view to assessing whether they should be repealed following the promulgation of the new Constitution.

10. **Mr. Suriboonya** (Thailand) said that the criteria on the use of force complied with international standards, including the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. A handbook containing guidance on the use of force and firearms had been distributed by the National Human Rights Commission to all police stations in the country. In 2016, the Thai police, together with OHCHR, had organized a seminar on human rights and law enforcement for participants from across the country.

11. **Mr. Bovornratanaraks** (Thailand) said that training on basic human rights, the use of force, international standards and the rules of engagement was provided to both law enforcement and military personnel. Since 2015, the Department for the Protection of Rights and Liberties under the Ministry of Justice had deployed a mobile team to disseminate human rights information to military personnel along the country's southern borders. Thousands of staff members had received human rights training and imparted that knowledge to their subordinates.

12. **Mr. Osathanon** (Thailand) said that the Government maintained a state of emergency in the southern border provinces because, although levels of violence had fallen in recent years, isolated threats remained. Examples that challenged the notion that officials enjoyed impunity included the case of a man beaten by security forces, in which the officer responsible had received a prison sentence and a fine, and the security forces had been ordered to pay compensation. Additionally, in the case of two men who had been tortured in detention by the military, one of whom had died in custody, the administrative court had ordered the Defence Ministry and the Thai Royal Army to pay compensation. The case had been submitted to the office of the Attorney General.

13. **Ms. Mantarat** (Thailand) said that the Constitution established a clear separation of the three branches of government. It also provided for the allocation of an adequate budget for the administration of the judiciary, including an independent secretariat. A judicial commission approved the appointment, promotion and salaries of judges, and issued sanctions. The Thai judicial system complied with international standards, including the Bangalore Principles of Judicial Conduct and the Universal Charter of the Judge.

14. **Mr. Bovornratanaraks** (Thailand) said that, under the Act on the Organization of Military Courts of 1955, military court procedure was governed by military law, except where such law did not cover a given issue, in which case the Code of Criminal Procedure applied, *mutatis mutandis*. If there was any point of procedure, specifically, not provided for under the Code of Criminal Procedure, the Code of Civil Procedure would apply. In practice, the Code of Criminal Procedure applied in approximately 85 per cent of cases, while in the remaining 15 per cent of cases, where the defendants were military personnel, specific military procedures applied. Judges in military courts must have at least 20 years' experience in the military court system, and the same breadth of knowledge as judges in civilian courts, as military courts had jurisdiction over the same crimes as those handled by civilian courts, where such offences had been committed by military personnel. Military court judges also received human rights training. In military court cases, defendants had the right to a fair trial, legal defence and bail on the same terms as in a civilian court.

15. **Ms. Kangwanjit** (Thailand) said that the proposed amendment to section 277 of the Criminal Code was under review. More than 360 complaints relating to domestic violence had been lodged in 2015 and 2016 under the Domestic Violence Victim Protection Act. Some of those cases were under arbitration, while others had been brought before the courts. If the victim and the perpetrator agreed to settle and the latter then breached that agreement,

the police or the court could order the perpetrator to cover the victim's lost income, medical expenses, accommodation or other costs. Victims were also entitled to claim compensation from the Government under the Damages for the Injured Person and Compensations and Expenses for the Accused in the Criminal Case Act of 2001.

16. Since 2016, the Committee on Consideration of Unfair Gender Discrimination had received 13 complaints, 8 of which were currently under investigation. It had the power to implement temporary protective measures and award compensation to victims. Following consultations with civil society, the Ministry of Social Development and Human Security planned to recommend amendments to the bill on the promotion and welfare of persons in the family to ensure that perpetrators of domestic violence were brought to justice.

17. **Ms. Amatavivat** (Thailand) said that the Ministry of Education had used protective and preventive methods to tackle violence in schools. A new child protection unit in the Ministry of Education was responsible for publishing and disseminating handbooks on child protection and developing related action plans. Child protection centres set up in each of the educational service areas developed prevention and protection strategies and designed training courses with the assistance of teachers, psychologists, public health officials and parents. A dozen regional child protection centres monitored the work of the provincial centres. The Ministry of Education would continue to work with other institutions to prevent violence in schools and provide comprehensive care to victims.

18. **Ms. Patarachoke** (Thailand) said that lese-majesty provisions were set out in section 112 of the Criminal Code, rather than in separate legislation. The monarchy, closely linked to Thai national identity, played an essential stabilizing role. The legislation protecting the rights and reputation of the royal family was similar to the libel law that applied to commoners. As members of the royal family were not able to file complaints themselves, a third party was permitted to lodge a formal complaint on their behalf. The law did not aim to curb freedom of expression and defendants enjoyed the same rights as other accused persons, including the right to a fair trial and legal counsel. They could appeal against their conviction and request a royal pardon.

19. **Mr. Nakmuang** (Thailand) said that the people ordered to report to the National Council for Peace and Order had not been held in harsh conditions, but had had access to legal counsel and medical treatment, and had been given permission to contact their families. All persons interviewed had been subsequently released. The interviews had been held during a time of political transition and violence; the aim had been to engage with different groups, in order to prevent political unrest and the polarization of Thai society, to reconcile the parties to the conflict and to prevent the situation from escalating. The National Council for Peace and Order had asked people to refrain from activities leading to public unrest and division and to refrain from political activity during the transitional period. Their right to participate in the political process, including to run as candidates in the forthcoming general election, remained unaffected unless they faced criminal charges under electoral law. As part of the reconciliation process, efforts were made to engage with representatives of different political parties and movements.

20. **Mr. Suriboonya** (Thailand) said that a new immigration centre would soon be built just outside Bangkok, with greater capacity and improved facilities. The Government worked together with NGOs and the Office of the United Nations High Commissioner for Refugees (UNHCR) to provide assistance to migrants, in line with humanitarian principles. In migrant detention centres, women were held separately from men, and minors were placed in the care of the Department of Social Welfare and Development, which reported to the Ministry of Social Development and Human Security, unless their parents requested that the family should remain together at detention centres. NGOs providing support to migrants were authorized to seek bail for certain migrants who had been persecuted in their countries of origin, in order to enable them to live outside the detention centres, as long as they reported back on a monthly basis.

21. **Mr. Shany** said that he would like to know whether the legislative provisions permitting suspects to be detained for up to 30 days without charge remained in force; whether detainees were brought before the court when it ruled to extend the detention period; and whether amendments to legislation on military courts allowed suspects to be

detained without charge for up to 84 days, including civilians accused of offences that fell within the jurisdiction of the military courts. It appeared that, in spite of the Government's zero tolerance approach and an increase in the number of investigations and convictions, human trafficking remained a problem, particularly in sectors such as farming, fishing, domestic work and the sex industry. It would be interesting to hear how the new measures, including the establishment of a specialized court on trafficking in persons and of a new unit to deal with the prosecution of such cases, were expected to improve the situation. He would like the delegation to comment on reports that the Supreme Court had recently rejected an application to transfer a case from a provincial court to the specialized court on trafficking in persons. There were concerns that migrants were being deported without effective screening to identify those at risk of human trafficking. Questions had been raised about the robustness of reviews of migrants' cases and there were concerns that collecting trafficking victims' testimonies at an early stage of the procedure could adversely affect chances of securing a conviction. There were also concerns regarding the very small number of judgments handed down, especially with regard to trafficking in the fishing sector. The Committee would be grateful for the delegation's comments on those issues. He would also like to know if it was true that trafficking victims were not permitted to act as co-plaintiffs unless they were able to make an additional allegation. More generally, he lamented the lack of funding and human resources for anti-trafficking institutions.

22. It appeared that online surveillance was not comprehensively regulated. Although the storage of metadata by service providers was permitted for a maximum of 90 days, there were reported plans to extend that period to one year. He would appreciate the delegation's clarification of the criteria that applied to such extensions and of whether judicial safeguards existed.

23. There were concerns regarding the monitoring of social media to identify prohibited speech, including lese-majesty, and such activities' compatibility with the right to freedom of expression. Specifically, it would be interesting to hear whether financial rewards were in fact provided to cyberscouts and whether the military was involved in monitoring activities.

24. There were concerns that measures to downgrade encryption might have a detrimental impact on privacy protection for users of social media; it would therefore be useful to hear how those provisions were applied. The Committee would also appreciate further information on the committee established to examine access to online information, which had the authority to shut down pages and social media platforms. In 2015, some 25,000 websites had allegedly been shut down. He would be grateful if the delegation could confirm those figures and comment on whether judicial authorization was required for such measures.

25. The Committee was concerned about the use of defamation lawsuits to silence criticism of the Government and certain commercial interests, and to influence the work of human rights defenders. He would like more detailed information specifically on proceedings brought in 2016 by the Internal Security Operations Command against two human rights lawyers, Somchai Homlaor and Benjarat Meethien. The Committee had received reports of charges brought against an individual in relation to satirical comments about the Prime Minister. In that connection, he wished to know how legislation on sedition was applied to social media content. He would also appreciate the delegation's comments on reports that a university seminar on democracy had been cancelled and other similar restrictions relating to academic courses that allegedly contained "unacceptable" material.

26. With regard to the offence of lese-majesty, there were concerns that criminalizing the comments of people who did not feel a deep attachment to the monarchy was not an appropriate way of protecting the important role of the royal family and that the law on lese-majesty was too broad and imprecise in its scope and application. Moreover, given that lese-majesty was classed as a security offence, there were concerns that offenders would be treated in the same way as dangerous criminals, including being handcuffed, tried in camera and denied bail.

27. **Mr. Iwasawa** said that he would like to know whether the provisions of the draft Constitution that covered the rights and liberties of Thai people also applied to non-citizens.

Could section 34 of the draft Constitution be interpreted to guarantee the right to hold an opinion, or to seek, receive or impart information, in line with article 19 of the Covenant?

28. Under the Covenant, restrictions on freedom of expression, peaceful assembly and association could be imposed only on the specific, legitimate grounds set out in that document, and must be both necessary and proportionate. As the draft Constitution did not stipulate any requirement to test the necessity or proportionality of such measures, he wondered whether its provisions could be interpreted to cover those points.

29. The State party had indicated that the restrictions and prohibitions contained in section 61 of the Constitutional Referendum Act relating to freedom of expression were intended to discourage acts that might incite unrest or create social divisions, and the Constitutional Court had ruled that they were not unconstitutional. However, concerns remained about the application of those provisions, including the arrest of people disseminating leaflets about the draft Constitution. He would like the delegation to comment on how those legal provisions were justified under the Covenant. Restrictions relating to the right to vote or stand for election had also been imposed on certain groups, including Buddhist clergy, detainees and persons with mental disabilities, thereby excluding a substantial part of the Thai population from voting or standing for the Senate. He would be grateful for the delegation's explanations as to how those measures were justified under the Covenant.

30. It was alleged that, since 2014, the freedoms of expression and of peaceful assembly had been severely curtailed. Restrictive provisions had included legislation on lese-majesty, sedition, criminal defamation and computer crime. The provisions on sedition, in particular, had been extensively applied to detain people who had peacefully expressed their political opinions. The National Council for Peace and Order had also reportedly prevented public debate of political issues and human rights, and the Thai authorities had intervened in a number of civic and political events. Furthermore, news outlets had been compelled to disseminate information on behalf of the National Council for Peace and Order and any criticism of its work was reportedly prohibited. The delegation had indicated that the provisions on sedition did not apply to individuals who peacefully expressed their political opinions and that the restrictions imposed aimed to prevent social and political unrest. He would like the delegation to clarify how provisions that restricted the right to peaceful assembly, banned public gatherings of more than four or five people and imposed penalties for failing to notify the authorities, could be justified under the Covenant. He would also be grateful for a response to the questions he had asked at the Committee's 3349th meeting regarding "attitude adjustments" and "re-education programmes".

31. **Mr. Politi** said that the Committee was concerned that the provisions under which individuals had been imprisoned for participation in unauthorized political gatherings of five or more persons, in particular article 12 of Order No. 3/2558 of 2015, were not in line with the Covenant. In that connection, he wished to recall the Committee's general comment No. 35 on liberty and security of person, according to which "arrest or detention as punishment for the legitimate exercise of the rights as guaranteed by the Covenant is arbitrary". With regard to the threat of arrest or investigation, an update on the cases of Duangthip Karnrit, Neeranuch Niemsab and Nutthapon Ardhar would be welcome. The Committee wished to know the number of persons who, between 2015 and 2017, had been arrested under article 12 of Order No. 3/2558, the number who had been convicted and the penalties that they had received. It would be helpful to learn of any plans to lift the aforementioned restrictions on freedom of assembly and to receive information on the criminal penalties provided for under the Public Assembly Act for failure to provide notification of the intention to hold a public assembly.

32. With regard to the situation of Rohingyas and Uighurs, who, if they were not deported from the State party, were often held in detention facilities, he would be grateful for information on the measures taken to protect children from sexual abuse and prevent families with small children from being split up. In addition, he wished to know what measures had been taken or planned to support unaccompanied children and whether a guardianship system had been put in place for them. The Committee would be grateful for clarification regarding the situation of the Uighurs who had been repatriated from Thailand in July 2015, in particular regarding the purpose and effects of the separation of men from

women and children, the apparently forcible nature of their repatriation and the absence of any possibility of appeal or judicial review.

33. As for child labour, the Committee would be grateful for an estimate of the number of children aged under 15 years who were working and further information on the sectors in which they were working, in particular competitive boxing. It would be helpful to know what measures had been taken to prevent the exploitation of children and what mechanisms were in place to enforce the prohibition against child labour. In addition, the Committee would be grateful for data, ideally disaggregated by age, sex and ethnicity of the victim, on complaints, investigations, prosecutions, convictions and sentences relating to violations of the prohibition against child labour. Lastly, he would appreciate receiving additional information on the specific measures taken to protect the right of young workers to education, in particular their right to request leave to attend educational events, and any plans to increase the number of days that they were allowed to take as leave to attend such events.

34. **Ms. Waterval** asked what practical solutions had been proposed to deal with the problem of overcrowding at immigration detention centres. With regard to the situation of Rohingyas, the use of the expression “balance between security and human rights” in paragraph 123 of the State party’s replies to the list of issues (CCPR/C/THA/Q/2/Add.1) required clarification. As for the repatriation of Uighurs mentioned in paragraph 125 of the same document, she wished to know why those found not to have been involved in crime were not allowed to return home.

35. **Mr. de Frouville** said that he would be grateful for information on the cases of enforced disappearance that he had referred to at the Committee’s 3349th meeting. He invited the delegation to respond to reports that conditions in immigration detention centres were unsatisfactory and to provide information on the mechanisms in place to monitor the conditions in such centres pending the introduction of a more systematic mechanism.

36. He would be grateful for clarification regarding the number of stateless persons in Thailand. He took note of the reduction in the number of stateless persons since the adoption of the Civil Registration Act, amended in 2008, and of the State party’s commitment to eliminate statelessness by 2024. It was not clear, however, that the fines imposed on parents who did not register the birth of a child within the established time frame were absolutely necessary. Furthermore, he would appreciate an update on the outcome of the project launched in 2015 to identify children who were at risk of statelessness, as the children identified as eligible for Thai nationality were supposed to have been granted it within six months of March 2016. Clarification was needed regarding the purpose of DNA testing in the establishment of eligibility for Thai nationality. In that connection, he wished to know whether the State party had taken measures to store the collected data appropriately and protect the confidentiality of data subjects in line with article 17 of the Covenant.

37. With regard to the rights of persons belonging to minorities, clarification would be appreciated regarding the State party’s apparent preference for the term “ethnic minorities” over “indigenous peoples”. He wished to know whether measures had been taken to combat negative stereotypes of indigenous peoples and prejudice against them, whether the special relationship of indigenous peoples with their ancestral lands might call for a more tailored approach and whether reports that the system of community land title deeds did not recognize the traditional forms of property ownership of indigenous peoples were accurate. Further information on the impact of Orders No. 64/2014 and 66/2014 on indigenous peoples would be welcome. Were reports of the eviction of indigenous peoples following pressure from private interests accurate? Further information on the protection of the Moken people, also known as sea gypsies, from property development would also be appreciated. Lastly, he wished to know what measures had been taken to ensure that indigenous peoples were consulted and that their prior, free and informed consent was secured for all initiatives involving the use of the lands on which they lived.

38. **Ms. Kran** said that she would be grateful for information on any processes in place to review the impact of the 2015 Gender Equality Act with a view to determining its effectiveness in eliminating discrimination against women and LGBT persons. It would be

helpful to learn how the Government planned to consult civil society in the assessment of the impact of the Act and the future formulation of any amendments aimed at bringing its provisions into line with the Covenant.

39. **Mr. Heyns** said that he wished to know the legal status of the police handbook containing regulations on the use of force and would be grateful to receive a copy of the text of the handbook, in which the relevant provisions had been highlighted. It would be helpful to know what measures would be taken to surmount the obstacles mentioned by the delegation regarding the transfer of all cases involving civilians from military to civilian courts. Lastly, he recalled that individuals and organizations that had provided the Committee with information should be assured that no reprisals would be taken against them.

The meeting was suspended at 11.50 a.m. and resumed at 12.05 p.m.

40. **Ms. Pairchaiyapoom** (Thailand) said that, following talks between Internal Security Operations Command (ISOC) Region 4 and the three authors of the report containing allegations of torture, ISOC Region 4 had withdrawn its complaint against them on charges of defamation. ISOC Region 4 and the three authors had decided to arrange for more regular discussions between government agencies and relevant civil society organizations in the future. In February 2017, the three authors had submitted their report to the Public Prosecutor and requested that further information on their case should be obtained from another 14 civil society organizations, which would serve as witnesses. The Public Prosecutor had subsequently decided to set up a committee to consider the request and would call the three defendants for further consultations on 21 March 2017.

41. **Mr. Rattanasenee** (Thailand) said that around 2.45 million persons in Thailand, including several hundred thousand stateless persons, did not have Thai nationality. Thailand recognized the importance of the issue of statelessness and the need to establish a clear legal status for such persons to enable them to exercise other rights, for example the right to State assistance. Identification certificates had been issued to more than 500,000 stateless persons, including children. Pursuant to a 2008 amendment to the Civil Registration Act, stateless persons were entitled to birth and death certificates. On 7 December 2016, the Cabinet had approved two resolutions relating to the rights of stateless persons in Thailand. They aimed further to protect the rights of children who had been born in Thailand and had lived in the country for a set period. It was estimated that those resolutions would enable around 110,000 stateless children to acquire Thai nationality. The fine imposed for the late registration of a child's birth was 20 baht — a relatively small sum. Thailand was committed to ending statelessness and playing a prominent role to achieve that aim at the international level.

42. **Ms. Benjasil** (Thailand) said that there were no laws restricting the right to vote on the grounds of, inter alia, race, sex, language, political or other opinion, or national or social origin. The Constitution granted the right to vote to all citizens aged over 18 years with some exceptions, for example persons with mental illnesses. The exceptions were based on reasonable criteria, which, it seemed, were in line with the Committee's general comment No. 25 on the right to participate in public affairs, voting rights and the right of equal access to public service.

43. It had long been established both in practice and in law that, in the interests of avoiding a national conflict, there should be a clear separation between religious leaders and political leaders. Buddhist priests and monks played an important role in Thai society in providing spiritual support for the community. They were in practice expected to demonstrate moderation and neutrality, and the principle of their political neutrality had been enshrined in Buddhist ecclesiastical law.

44. Persons who had been detained on the basis of a court or other legal order, for example prisoners, were deprived of the right to vote, but it was restored to them on their release. Government officials, candidates and ordinary citizens could be sanctioned for unlawful interference in the election process. The aim of that provision was to ensure a truly free and fair election. Political parties and their leaders could be disbarred for a fixed term.

45. At the most recent election, various measures, including the provision of special facilities for wheelchair users, had been taken to ensure the accessibility of the voting process to persons with disabilities. In that connection, the needs of persons with visual impairments presented a particular challenge, as to assist them in casting a vote risked undermining the principle of confidentiality. The National Legislative Assembly was considering a number of other options, including the installation of electronic voting machines and specially adapted voting booths and the production of ballot cards in Braille. Pursuant to the Constitution Referendum Act, other adjustments could be made if a request was submitted in advance. Political debates and other relevant programmes were broadcast with sign language interpretation on State-supported television channels. It was the responsibility of individual political parties to ensure the accessibility to persons with disabilities of events that they organized.

46. The Ministry of Foreign Affairs had been working for some time to enable a wider range of Thai nationals living abroad to vote. Thai nationals living abroad were required to register with a Thai embassy and were able to vote online, by post or by fax. The minimum age of candidates for the Senate and the House of Representatives was set at 40 years and 25 years, respectively. The difference was due to the heightened maturity required of members of the Senate. Candidates were subject to a number of eligibility requirements intended, *inter alia*, to prevent corruption.

47. **Mr. Osathanon** (Thailand) said that requests for the extension of a period of detention under section 12 of the Emergency Decree on Public Administration in Emergency Situations were granted on a case-by-case basis following careful consideration by a court. There had been cases in which such requests had been denied. It was necessary for extension requests to be based on clear evidence and reasoning. Furthermore, in order to protect the rights of suspects detained in emergency situations, the President of the Supreme Court had issued a recommendation on the procedure. It stipulated, *inter alia*, that a report containing a photograph of the arrested person and indicating the facility at which he or she was being detained should be submitted to the court within 48 hours of the arrest. The provisions in question complemented the Code of Criminal Procedure and protected the rights of suspects.

48. **Mr. Sonsena** (Thailand) said that, while information technology served many useful purposes, it also posed many risks. The new Computer Crime Act was expected to enter into force on 24 May 2017. Its primary purpose was to suppress illegal activity and strengthen the implementation of existing legislation, for example the 2015 amendment to the Criminal Code relating to child pornography. Following concerns that human rights activists and defenders had been prosecuted, in particular for defamation, under section 14 of the 2007 Computer Crime Act, it would be stipulated clearly in the 2017 Computer Crime Act that its provisions did not cover defamation. The exclusion of defamation would have retroactive effect. Decisions to block or remove content on the Internet underwent a vetting process before being sent to court for approval, and any person affected by such a decision could file an appeal. Personal data was protected in Thailand. The authorities would be granted access to personal data only after obtaining permission from the competent court and to data relating to Internet traffic use only on reasonable grounds. Such requests had to be made in accordance with criminal procedure. The Government respected the right to privacy, and the Ministry of Digital Economy and Society was currently preparing legislation on data protection. In that connection, consultations were being held with relevant stakeholders and members of the public.

49. **Mr. Sucharikul** (Thailand) said that, once adopted, the draft Constitution would expand the State's duties and policies relating to the protection of the rights and freedoms of all persons. Sections 54 and 55 established the State's duties to provide 12 years of compulsory education and to ensure the universal availability of efficient health-care services, and sections 59 and 61 dealt with access to information.

50. **Mr. Bovornratanaraks** (Thailand) said that the objective of the amendment to the 1955 Statute of the Military Court Act had been to update its provisions and bring them into line with human rights standards, in particular the rights enshrined in the Code of Criminal Procedure. Section 46 of the amended Act, which applied only to military personnel, was

not open-ended or without restriction. The period for which a suspect could be detained had been reduced from 90 to 84 days in line with section 87 of the Code of Criminal Procedure.

51. **Ms. Kangwanjit** (Thailand) said that competitive boxing was considered a part of the country's cultural heritage. The 1999 Boxing Act established the legislative framework for the regulation, protection and promotion of the sport and covered the welfare of participants. Article 26 of the Act allowed persons aged under 15 years to practise competitive boxing only if they wore protective equipment. In fact, pursuant to a ministerial regulation issued under the Act, participation in the sport was permitted only in specific contexts. Persons aged under 15 years were not allowed to participate in competitive boxing for financial gain. Thailand was drafting legislation on the promotion of safeguards for children involved in sport and recreational activities, and its provisions would apply to competitive boxing. It would provide for special measures to prevent child labour and trafficking.

52. The Ministry of Social Development and Human Security would collect data and consult stakeholders with a view to evaluating the effectiveness of the Gender Equality Act and discussing possible amendments. A mechanism for the evaluation of the effectiveness of the Act once every five years had already been developed. In the light of the specificities of the Thai cultural context, section 17 of the Act established a limited number of exceptions to its provisions. The committee responsible for the implementation of the Act would be required to apply its provisions in all cases not covered by those exceptions.

53. In 2016, the Government had continued its work to eliminate trafficking in persons, which had been a national agenda priority since the adoption of the zero-tolerance policy in 2014. In the financial year ending 30 September 2016, the budget allocated to issues relating to trafficking in persons and migrant labour had been US\$ 74 million, and it had since risen to US\$ 91.68 million.

54. With regard to protection, Thailand had adopted an approach based on human rights. Various protection initiatives had been organized in 2016, including the adoption of a relevant Cabinet resolution and the implementation of a universal set of guidelines to enhance the efficiency of victim identification. In addition, civil society organizations had participated in the identification of victims and the provision of services for such victims.

55. **Mr. Thanghong** (Thailand) said that, over the previous three years, various measures had been taken to strengthen the legal framework regulating the employment of migrants in the fishing industry, including the 2014 Ministerial Regulation on Labour Protection in Sea Fisheries Work, the 2016 announcement from the Office of the Prime Minister concerning migrant workers employed on Thai fishing vessels, and the 2015 Royal Ordinance on Fisheries, which prohibited the employment of unregistered migrants on fishing vessels and at seafood processing plants. Between May 2015 and December 2016, there had been 76 cases of human trafficking in the fishing industry; 10 of those were currently under investigation, 21 were with the Office of the Attorney General, 40 had been submitted to court and 5 had been finalized with a conviction and fine. In 2016, 35 seafood processing plants had been ordered to suspend their operations for between 10 and 30 days for failing to comply with the Royal Ordinance on Fisheries. In order to improve the complaint mechanisms available to migrant workers and their access to services, the Ministry of Labour had established two telephone helplines, survival and reintegration centres and assistance centres in August 2016. As a result, between August and December 2016, tens of thousands of migrant workers had received support. Thailand had signed four memorandums of understanding on labour cooperation and four agreements with neighbouring countries to promote legal employment channels and prevent human trafficking.

56. **Ms. Benjasil** (Thailand) said that land disputes between villagers and private companies were settled in accordance with the relevant laws. Efforts continued to be made to ensure that the enforcement of laws relating to encroachment on public land was fair and transparent. Thailand had striven to prevent deforestation and to ensure that local communities received their fair share of the benefits gained from the utilization of land and natural resources.

57. With regard to Orders Nos. 64/2014 and 66/2014, it should be noted that evictions were carried out only in accordance with a court ruling. The Government attempted to provide warning and put in place consultation mechanisms well in advance of the eviction date. Persons of limited means were offered assistance in terms of housing and job training. Local communities could make a case against the Government, and technical support, for example data-collection and mapping systems, was made available to them. In one recent case of land dispute, the court of first instance of Phuket province had, on the basis of a photograph depicting the visit of the late King Bhumibhol Adulyadej to the area in question, ruled in favour of members of an indigenous community. Thailand supported the United Nations Declaration on the Rights of Indigenous Peoples, but, in order to avoid connotations of colonialism, used the term “ethnic groups” instead of “indigenous peoples”. Recently, following protests against the construction of a coal-fired power station in Krabi province, the Government had put the project on hold pending a review of the various impact assessments that had been conducted.

58. **Ms. Patarachoke** (Thailand) said that Thailand was not a party to the 1951 Convention relating to the Status of Refugees, but asylum seekers nevertheless continued to receive assistance in the country. More than 100,000 persons displaced from Myanmar had been in Thailand for more than 30 years. Owing to recent improvements in the situation in Myanmar, efforts were under way, with the support of UNHCR, to ensure the return of those persons on a voluntary basis. Some persons had already been returned. Thailand continued to host 121 Rohingyas from the Rakhine State and Bangladesh, most of whom were in shelters operated by the Ministry of Social Development and Human Security. Some were being held in detention centres operated by the Thailand Immigration Bureau. There were also around 10,000 urgent cases involving persons from Pakistan, Somalia, the Syrian Arab Republic and other countries. Efforts were under way to develop alternatives to detention, and, on 10 January 2017, the Cabinet had approved a screening mechanism to enable the identification of migrants genuinely in need of protection.

59. Thailand operated a policy of not detaining child migrants, which had been reaffirmed in a pledge made by the Prime Minister in September 2016. A number of civil society organizations had alerted the authorities to the presence of unaccompanied children at detention centres, but most unaccompanied children had been placed in shelters operated by the Ministry of Social Development and Human Security. The International Organization for Migration and UNHCR provided assistance and had been granted access to the migrants. Further recommendations on the matter would be appreciated, as would information on the best practices of other States.

60. **Mr. Wannamethee** (Thailand) said that, before the military had taken control of the country on 22 May 2014, Thailand had been on the verge of civil war. Democracy and all attempts at negotiation had failed. However, the new administration had restored public order and stability. Indeed, the new, unelected Government had succeeded in passing more than 190 laws, many of which addressed issues of social inequality, whereas the previous administration had enacted only 120 laws between 2008 and 2014. The purpose of the 20-year national strategy for reform was to create the conditions in which democracy could flourish in the future. The next general election was due to be held in 2018. The comprehensive reforms for which the national strategy provided were based on a public-private-people partnership model.

61. **Mr. Shany** said that he would be grateful for further information on the sharp increase in the number of prosecutions under the lese-majesty law in the context of the state of emergency.

62. **Mr. Politi** said that he would appreciate replies to his questions on freedom of assembly and imprisonment for unauthorized political gatherings.

63. **Mr. Chaiyanukij** (Thailand) said that his delegation would endeavour to submit any outstanding replies in writing within 48 hours. He thanked the Committee for its questions and comments and said that efforts would be made to address the issues that had been discussed during the interactive dialogue. The Committee’s concluding observations would be submitted to the Cabinet for consideration. Thailand remained fully committed to the protection of the rights set forth in the Covenant.

64. **The Chair** said that the Committee looked forward to receiving the outstanding replies and that the election due to be held in 2018 would represent a positive step towards democracy.

The meeting rose at 1 p.m.