



**International Covenant on
Civil and Political Rights**

Distr.: General
30 September 2015

Original: English
English, French and Spanish only

Human Rights Committee

**Consideration of reports submitted by States
parties under article 40 of the Covenant**

Second periodic reports of States parties due in 2009

Thailand*

[Date received: 23 June 2015]

* The present document is being issued without formal editing.



I. Introduction

1. Thailand, as a State party to the International Covenant on Civil and Political Rights (the Covenant), prepared this second Country Report in compliance with Article 40 of the Covenant following the Compilation of guidelines on the form and content of reports to be submitted by State parties to the international human rights treaties (see HRI/GEN/2/Rev.5, chaps. I and III) and the recommendations made by the Human Rights Committee in its concluding observations (CCPR/CO/84/THA) on Thailand's initial Country Report in July 2005.

2. The time frame set for the preparation of the second Report was during the calendar years of 2005 and 2008, the period in which certain significant constructive changes took place. To elaborate, in regards to law, the Constitution of the Kingdom of Thailand B.E. 2550 (2007) (the Constitution) entered into force in August 2007. Contained in this Constitution are provisions on fundamental rights and liberties which are important human rights guarantees, namely the General Provisions which provide for the protection of human dignity, rights and liberties and equality of persons (Sections 4 and 5); the rights and liberties enshrined providing that the exercise of power by state agencies take such issues into consideration (Sections 26-69); and the Section on Fundamental State Policies regarding direct participation of the people in setting policies, making political decisions, inspecting the exercise of state power and protecting community rights (Sections 75-87).

3. Any major development in policy and legal framework that happened will be described in the relevant parts of the report. Furthermore, several significant policies and strategies have been adopted. The National Economic and Social Development Plan, which is prepared every five years, serves as the national guidelines. The National Human Rights Plan is the guideline for the implementation of human rights. Thailand is now under the second National Human Rights Plan that includes widely disseminating knowledge and understanding about human rights, and building capacity of public officials and the people on the issue. Certain important mechanisms were established to support the implementation of human rights in compliance with the Constitution, and several public and private organizations have also rendered cooperation in this endeavour. (Details are elaborated in the Common Core Document.)

II. Concerns and recommendations of the Human Rights Committee

Withdrawal of interpretative declarations (para. 7)¹

4. The Committee for the Promotion of the Implementation of the International Covenant on Civil and Political Rights, at its first meeting in 2008 (1/2551) on 15 May 2008 organized by the Ministry of Justice, considered possible withdrawal of Thailand's interpretative declaration and reached an opinion that Thailand was ready to withdraw its interpretative declaration on Article 6 Clause 5 and on Article 9 Clause 3, since internal law amendments had been made to comply with the Covenant, detailed as follows:

(a) *Article 6 Paragraph 5* Abolition of capital punishment on persons under eighteen years of age. Apart from the Penal Code Amendment Act (No. 16) B.E. 2546 (2003) Section 3 which abolished capital punishment on offenders who are under eighteen

¹ Paragraph numbers in parentheses refer to the Committee's previous concluding observations (CCPR/CO/84/THA).

years of age, effective from 2003, there was also the Criminal Procedure Code Amendment Act (No. 25) B.E. 2550 (2007) which guarantees the child's right to life and survival from the time of conception in the mother's womb, i.e. by delaying punishment on pregnant women and changing from capital punishment to life imprisonment. The provision states that for a woman sentenced to capital punishment, if she is pregnant at the time, the punishment shall be postponed to three years after the date of birth of the child, on condition that the child has survived from birth, and the capital punishment sentence served on her shall be reduced to life imprisonment, (see details in Thailand's Country Report on Implementation of the Convention on the Rights of the Child (CRC/C/THA/3-4, para. 22);

(b) *Article 9 Paragraph 3* Rights and liberties to security of human persons. The Constitution provides for rights in the judicial process in Part 4 of the Chapter on Rights and Liberties of the Thai People (Sections 39-40), which cover the essence as contained in Article 9 of the Covenant. In addition, Section 87 of the Criminal Procedure Code, as amended by the Criminal Procedure Code Amendment Act (No. 22) B.E. 2547 (2004), prohibits detention of a person under arrest for a longer period than necessary considering the character of the case. The Section clearly states that in a case whereby the person under arrest could not be granted a temporary release, and there are substantial grounds to conduct an inquiry or to file a case in court, the person under arrest shall be brought to court within 48 hours.

5. Such amendments of the law have already ensured that the situation on laws and judicial process in Thailand is in compliance with Article 6 Paragraph 5 and Article 9 Paragraph 3 of the Covenant. At this point, Thailand has already withdrawn the aforementioned interpretative declarations.

6. Studies and inter-agency consultations are being conducted concerning the withdrawal of the interpretative declaration on Article 1 Paragraph 1 and Article 2, Paragraph 1. At this stage, many agencies are of the view that there is possibility that such interpretative declaration could be withdrawn in the near future.

Adoption of the principles of the Covenant in domestic laws (para. 8)

7. The 27 principles enshrined in the articles of the Covenant are already found in Thai Laws, whether they be the Constitution, the Penal Code, the Civil and Commercial Code, and other laws such as various statutes covering human dignity, rights and liberties, equality, etc., as already explained in the Common Core Document.

Human rights protection by the National Human Rights Commission (para. 9)

8. The Constitution provides for the establishment of the National Human Rights Commission and the Office of the National Human Rights Commission as constitutional agencies with the duties to promote and protect human rights, and the power to submit cases with recommendations to the Constitutional Court and the Administrative Court, to file cases to the Courts of Justice on behalf of the injured, and to recommend policies and suggestions on law improvement to promote and protect human rights. This is a significant development which has increased the capacity of the National Human Rights Commission. The Committee's concern over this issue has thus been addressed. In addition, the Commission is easily accessible through various channels, e.g. Hotline number 1377, website <http://www.nhrc.or.th>, electronic mail, or by personally filing complaints. Personal complaints can be lodged through public and private human rights networks and alliances, both at national and regional levels across the country, e.g. Office of the Attorney General,

Justice Clinics nationwide, including local non-governmental organizations which operate independently.

9. Over the period 2005 to 2008, there were 600-800 complaints regarding judicial process received annually. Details of the complaints are shown in the Table below:

<i>Year</i>	<i>No. of Total Complaints</i>	<i>Classified into Complaints on Judicial Process (in number)</i>	<i>Per cent</i>
2005	739	92	15.28
2006	632	133	23.01
2007	836	185	23.35
2008	613	130	23.33
Total	2,830	551	19.30

10. In addition, the Constitution provides for the establishment of Ombudsmen (Sections 242-245) with the power to conduct an inquiry, without needing a complaint, on an act considered to be damaging to the general public in order to protect public interest. Ombudsmen also have the power to examine cases of negligence or malfeasance in office by agencies established by the constitution and organs in the judicial process, in addition to public officials, as already provided in the Constitution. Ombudsmen also take action on ethical issues involving persons holding political office. During 2005-2008, there were 800-3,000 complaints regarding budgets. The aforementioned agencies are eligible to receive adequate support, according to the Constitution (Section 168) which provides that they can directly propose a motion to the Parliamentary Committee if found that the budgets allocated are inadequate.

Inquiry and legal proceedings against violators of human rights, training on human rights to police, military and corrections officers and establishment of an independent civil agency to examine complaints (para. 10)

11. The Constitution Section 40 guarantees the people's rights in the judicial process, particularly the right of easy access to the judicial system by themselves.

Inquiry and Legal Proceedings

12. Thailand attaches importance to the legal proceeding of cases involving significant human rights violations. Therefore, fair investigation and inquiry are ensured, and trials are conducted by courts which are independent and shall render justice to all parties equally.

Emergency Decree on Public Administration in Emergency Situations B.E.2548 (2005)

13. The indiscriminate violence perpetrated by various groups in the southern border provinces has substantiated the need to have special security laws to deal with the situation in an effective and expeditious manner for the security of civilians and the public at large. These laws are only complementary measures and not substitutes for the criminal procedure under normal criminal law, which is still the main legal instrument in the area.

14. Section 17 of the Emergency Decree on Public Administration in Emergency Situations B.E. 2548 (2005), referred to as "the Emergency Decree" in short, does not provide impunity for law enforcement officers. The law enforcement officers can still be sued and will receive protection only as long as they can prove to the court that their actions

comply with the safeguards stipulated in the Decree. In other words, they have to prove that their acts are non-discriminatory, reasonable and do not exceed the extent of necessity, or are performed in good faith. In any case, injured persons retain the right to seek compensation under the law on liability for wrongful acts.

15. None of the special security laws including the Emergency Decree allows arbitrary arrest or detention of the suspects for indefinite periods of time without trial. A warrant to summon a suspect for questioning must be issued by the court. Upon arrest, a suspect's family must be notified immediately. Daily family visits, legal counseling and request for bail are also permitted. To ensure transparency, representatives of the International Committee of the Red Cross, the National Human Rights Commission, UN agencies and the diplomatic corps have been accorded access to the interviewing centres.

16. Safeguards are in place to ensure that the special security laws are enforced according to human rights principles. These include regular human rights training and the distribution of human rights manuals to all security personnel.

17. In addition, the use of the Emergency Decree is reviewed by the Cabinet every three months, and there is a policy of gradually discontinuing the special security laws in the southern border provinces, as seen by the revocation of the Emergency Decree in five districts of Songkhla province.

Case of Tak Bai incident in 2004

18. The case has been processed under both criminal and civil procedures. The Songkhla Provincial Court announced their inquest ruling in 2009 that 78 individuals died of suffocation while in custody of state officials who were performing their duties. The Court also observed that the officials did not use armed weapons against more than 1,000 protestors gathering outside the Tak Bai police station in their attempts to disperse the crowd, but only water cannon. The protests then began to turn into riots, with the protestors damaging the government's properties, despite many attempts of negotiations. The Court therefore ruled that the exercise of state authority in the dispersal, the custody of demonstrators and the transportation of those held in custody were conducted in conformity with their duties based on the difficult and constrained situation. After considering the outcome of the post-mortem inquest, the Public Prosecutor ordered a suspension to the inquiry.

19. As for the civil proceeding, the families of those who died and those who were injured and made disabled sued the State authorities for compensation. However, the civil compromise was subsequently concluded by the State authorities and the families of the injured persons. This entitled the families to receive a civil compensation in the total amount of 48.9million Baht (1.63 million USD). It should also be noted that the prosecutor decided to withdraw the case and drop the charges against 84 protestors in an attempt to promote peace and reconciliation in the three southern border provinces.

Case of Krue Se Incident

20. The measures adopted by the State authorities in the Krue Se incident are to be seen in the context of a series of previous incidents and escalating violence which had claimed the lives of hundreds of innocent civilians, both Buddhists and Muslims, in the southern border provinces. After stealing government weapons, killing and wounding government officials and destroying government properties, some of the perpetrators sought refuge in the Krue Se Mosque. Government officials, Muslim religious and community leaders and the families of the perpetrators, had tried to negotiate a peaceful surrender, and tear gas was also used, but to no avail. Finally, after a nine-hour siege by the security force, the officers decided to use gunfire against the perpetrators inside the Mosque so as to protect the lives

of many more innocent people. Key national and provincial religious leaders, including the then Chairman of the Central Islam Committee of Thailand, publicly expressed their understanding of the situation facing the authorities in the incident, which could not be avoided.

21. In 2009, after the Attorney General issued a non-prosecution order on the grounds that the force used was reasonable given the tense circumstances. These circumstantial factors also included the large inflow of public crowds surrounding the Mosque, and the risks that they might get hurt, coupled with the possibility that instigators may be intermingling in the crowds. In the aftermath of both the Tak Bai and Krue Se Mosque incidents, the National Reconciliation Commission set up independent investigative committees and in both cases, the Commission concluded that the officials had no ill intent to cause the deaths and the operations were undertaken in good faith, but it was certain that there must be lessons learned in riots control.

Case of Deaths during the drugs suppression period

22. Thailand has adopted strong measures on drugs prevention and suppression, considering that the drugs problem had seriously affected the country's economic and social security. During February to April 2003, there were 2,604 cases of deaths, bringing the total death toll to 2,873 persons. However, the results from the inquiries conducted by the Inquiry Officers could not point to anyone as offenders, and the legal evidence and witnesses could not clearly identify whether or not those deaths were the results of the drugs suppression operation, or if the deaths had been caused by the acts of public officials or other people in general, or whether the cases were drugs related or were merely general criminal cases. Therefore, the inquiries were ordered suspended, according to Section 140 of the Criminal Procedure Code. However, the legal implication is that the cases are not final, and further investigation and inquiries to identify and arrest the offenders are possible, given that legal proceedings can be resumed at any time within the time limit of 20 years.

23. Such loss of so many lives, however, caught the attention of the general public, both domestically and internationally. Therefore, the Prime Minister set up an Independent Committee for the examination, study and analysis of the policy formulation on drugs suppression and its implementation which may have caused damage to lives, bodies, reputation and properties of the people. Established on 14 August 2007, this Committee set task to conduct inquiries in order to find clear facts about the drugs situation, the justice system and process, and the effects from the implementation of the drugs suppression policy.

24. The initial results of the Committee's examination found that the implementation of the drugs suppression policy led to the arrest and suppression of a higher number of drug dealers and drug addicts compared to the period without such policy implementation. However, the results also found that in such period, there occurred a larger number of murder cases, when compared between the periods before and after the implementation of the policy. This could be caused by mistakes in the implementation of the policy. Therefore, those cases should be further studied and examined to find out facts and develop measures to prevent such mistakes in the implementation of the policy from happening again, as well as to set remedy measures to provide compensation to the injured persons.

25. As for certain cases of deaths in 2003 and 2004, inquiries were resumed and arrests were made on suspects for committing assault on other persons. The suspects were state officials and public prosecutors. Two cases were filed against three police officers and six officials, which are currently pending before the Court.

26. Furthermore, when the people's rights are violated by public officials' performance of duties, the injured persons can submit their complaints to independent agencies such as Administrative Court, Ombudsman, National Anti-Corruption Commission in order to demand inquiries to be conducted. In cases involving public officials, especially officers in security agencies committing such offences, their supervisors and the responsible agencies are not to take discriminatory action or exempt them from legal charges.

27. Thailand has made an attempt to give assurances that the injured persons and their families will be provided with adequate remedy. In summary, the remedy measures in the southern border provinces constitute one of the most up-to-standard processes of remedy. The remedy covers cases of deaths, injuries, payment of monthly subsistence allowance, provision of educational scholarships to children of the injured persons up to university level. Besides, the conclusion by a group of Islamic scholars, stating that "The cash remedy provided to the families of the persons who lost their lives in the unrest situation in the southern border provinces is not regarded as inherited money².", helps the spouses and children of the injured persons who lost lives to fully receive the remedy.

28. In addition, even though Thai laws have provisions pertaining to protection of state officials who perform their duties in honesty and in compliance with the law by giving them immunity from civil, criminal and disciplinary punishment, the Constitution grants the persons whose rights and liberties have been violated the right to exercise their judicial rights to force the state to act in compliance with the provisions in the Rights and Liberties Chapter of the Constitution. The Constitution also provides protection of rights and liberties of persons from violations by the State or other persons (Sections 26-28, Section 81 (2)). According to the Criminal Procedure Code, Section 28, pertaining to the right of injured persons to file cases in court by themselves, and Section 34 which states that despite public prosecutors' orders not to file cases, the injured persons' right to file cases by themselves is not excluded.

29. The Special Investigation Act B.E. 2547 (2003) which was amended by the Special Investigation Act (No. 2) B.E.2551 (2008) provide Special Investigation Officers with the power and duty to conduct investigation and inquiries in criminal cases involving senior administrative officials or senior police officers who are not Special Investigation Officers, or Special Investigation Officers as suspects, when there are substantial grounds and evidence to believe that such officials/officers have committed criminal offences or have been accused or become suspects in such criminal cases. (Section 21 (e)). These laws show that Thailand has attached due importance to conducting investigation and taking strict legal action against state officials who committed offences despite their high ranks in order to protect the people's rights and liberties.

Training of Police, Military and Corrections Officers

30. In order to create awareness, raise caution and serious attention towards the respect for human rights, the following measures have been implemented:

(a) Many police training courses have been organised, namely Training on Child Rights, and In-Community Work Apprenticeship in the Police Academy; Training of Female Inquiry Officers to work in cases involving children and women; Training on Working with the Mass of People for police officers on duty in the southern border provinces; training to provide knowledge about the use of the local Malayu language to ground police officers of the Police Operation Center in the Southern Border Provinces, and

² Report on the results of inquiries and studies on the unrest situation in the southern border provinces by the Ad-hoc Committee for the Investigation and Study of the Unrest Situation in the Southern Border Provinces, National Legislative Assembly, p. 65

also to provide them with knowledge on security and human rights; including training for public officials, from operational level to executive level, to provide knowledge about rights and liberties of persons under the Constitution and international human rights conventions to which Thailand is a State Party;

(b) Military training courses conducted during 2005-2008 were as follows:

- Policy Orientation on Law and Respect for Human Rights for military officers of the Command Headquarters for Security Keeping Operation in the Kingdom, Region 4, Front Sector, organized by the Ministry of Justice and the Command Centre.
- Training Course to enhance knowledge and understanding of military officers operating in the southern border provinces by human rights resource persons, 5 badges per year, 70 persons per badge, total 35 badges, total of 2,450 trained persons.
- Training to provide knowledge about security laws and other laws relevant with the operation, 1 time per year, 150 persons per training, total 4 times, total of 600 trained persons.
- Workshop to introduce plans and operational guidelines, 1 time per year, 150 persons per workshop, total 4 workshops, totaling 600 attendants. A total of 2,450 officers have attended this workshop, with a plan to conduct further training on human rights principles and international human rights conventions to which Thailand is a State Party for military officers.

(c) The Department of Corrections has conducted training for Corrections Officers on Treatment towards Prison Inmates based on the human rights principles as part of their training course for civil service personnel, new civil servants, Corrections Officers of supervisory level, Prison Commanders, Senior Corrections Administrative Officers. A total of 2,178 persons have been trained in the period between 2005 and 2008.

Independent Agencies with the duty of Examining Complaints

31. Thailand has independent agencies under the Constitution to perform the task of examining complaints against law enforcement officers in various circumstances. Those organizations are Office of the Ombudsman, Office of the National Anti-Corruption Commission, Office of the Attorney General, and Office of the National Human Rights Commission. Besides, there are other mechanisms such as Office of the National Commission on Anti-Corruption in the Public Sector, Office of the Prime Minister, Lawyer Council of Thailand, other non-governmental organizations, etc.

Revision of laws pertaining to grounds for divorce (para. 11)

32. The Constitution, Section 30 endorses equality before the law and equality between men and women.

33. Thailand has made an amendment to the Civil and Commercial Code (No. 16) B.E. 2550 (2007) pertaining to grounds for a divorce, by adding a provision which ensures equality between men and women in regards to filing for a divorce in such case where either spouse in a marriage financially supports or recognizes another person as a husband or wife, or commits adultery or has sexual relationship with another person on a regular basis, which causes obstruction to the normal married life of the other party's spouse, which can substantiate grounds for a divorce. (Section 1516 (1)) The provision was further amended to grant the right equally to either the wife or the husband to demand compensation from a divorce on the grounds aforementioned under Section 1516 (1). (Section 1523)

34. Furthermore, the Penal Code Amendment Act (No. 19) B.E. 2550 (2007) redefined an act of rape, by replacing the phrase, “another woman other than his wife” with the word “another person” (Section 276, Clause 4). And, in the case that a spouse rapes his/her own spouse without his/her consent, and the offended spouse no longer wishes to live his/her married life with the other spouse, this can also substantiate grounds for a divorce.

Eradication of domestic violence (para. 12)

35. The Constitution protects the rights of children, youth and women against violence and unfair treatment of all forms, and provides them with the right to receive rehabilitation and remedy (Section 52, 81 (5)). There is also the Domestic Violence Victim Protection Act, B.E. 2550 (2007) which aims to correct and reduce violent behaviours towards children, women and family members, based on the principle of applying corrective and rehabilitative measures with the perpetrators of violence upon the orders of the Court and the Officers concerned in accordance with this law. Other measures encouraged under this law include case reconciliation, withdrawal of complaints, withdrawal of charges by making a memorandum of conditional agreement. These are meant to provide the perpetrators of violence with a chance to adjust their violent behaviours and refrain from repeating the offences. At the same time, the law provides for the protection of victims, by applying relief measures and methods so that the victims of violence will receive proper rehabilitation and remedy, and be able to maintain good relationship in the family.

36. Thailand has set up the One-Stop Service Crisis Centers (OSCC) in public hospitals under the Ministry of Public Health. These centers receive and handle reports of incidents, and take charge in providing appropriate services and assistance, including mental rehabilitation for the victims of violence. Data from the OSCCs show that during 2005-2008, the numbers of service recipients were on gradual increase every year, from 11,542 service recipients in 109 hospitals in 2005 to 26,631 service recipients in 582 hospitals in 2008.

37. The Table below shows the numbers of child and woman victims of violence who receive services at the OSCCs during 2005-2008.

<i>Year</i>	<i>No. of Hospitals</i>	<i>Boys</i>	<i>Girls</i>	<i>Women</i>	<i>Total No. of Service Recipients</i>	<i>Average (case/day)</i>
2005	109	792	5,094	5,656	11,542	31.62
2006	110	1,601	6,380	7,901	15,882	43.51
2007	297	1,826	7,772	9,469	19,067	52.24
2008	582	1,632	11,404	13,595	26,631	72.96

38. In addition, to build knowledge, create understanding and awareness about the problem of domestic violence and its consequential effects, and to build a network of alliances in advocating for an end to violence against children, women and violence in the family, training has been given to public personnel and officials in accordance with the Domestic Violence Victim Protection Act B.E.2550 (2007). The Operation Centers for Domestic Violence Prevention and the Local Centers for Surveillance and Social Threat Warning have been set up nationwide, as well as the establishment of the Shelter Homes for Children and Families in 75 provinces and 12 administrative zones of Bangkok Metropolitan. Besides, the Child Protection Act B.E. 2546 (2003), enacted and entered into force in 2003, contains provisions which set out measures for the protection of children from violence inflicted upon them either by persons in the family or by other persons in general.

39. The Table below shows the numbers of child and woman victims of domestic violence, as service recipients at the Shelter Homes for Children and Families during 2007–2008.³

Year	Child Victims of Violence				Woman Victims of Violence			
	Physical	Mental	Sexual	Total	Physical	Mental	Sexual	Total
2007	114	132	231	507	173	247	51	471
2008	254	407	343	1,004	238	415	79	732
Total	368	539	574	1,511	411	662	130	1,203

40. Thailand has undertaken to provide knowledge and create understanding among public operation officials about the special characters of the legal proceedings for domestic violence cases under this law. Studies on the results from the enforcement of this law have also been conducted, in view of proposing various considerations for its revision.

Implementation of article 4 of the Covenant and informing State parties upon announcement of an Emergency Decree (para. 13)

41. Thailand has already submitted a written explanation as an additional report on the reasons and the necessity to declare the Emergency Decree on Public Administration in Emergency Situations B.E. 2548 (2005) to the Human Rights Committee in August 2006.

42. There were cases of malfeasance by law enforcement officers brought to the justice process during 2005-2008, as follows:

- Complaints about officers' performance of duties – 7 cases
- Court hearings of major cases involving state officers – 4 cases (2 cases are charges to sue for damage compensation from the government agencies and the officers concerned)

43. In the case of the southern border provinces, regarding operational procedures in detention, medical examination is carried out both in the initial period of the detention and at the end of it. This procedure is being observed at the Peace Protection Center, Police Operation Command in the Southern Border Provinces, where detainees are given medical examination by forensic doctors stationed at the Center immediately upon arrival at the Center. Inside the Center, medical facilities are appropriately provided, and the levels of knowledge and expertise of the doctors and medical personnel at the Center are at satisfactory level. Furthermore, at the Reconciliation Promotion Center, Ingkayudh Camp for Administration, there are doctors stationed there around the clock to provide medical services to detainees at any time, and there is also a hospital in the Ingkayudh Camp to provide assistance in cases of sickness. Besides, the Detention Officer shall inform relatives of the detainees of where the detainees would be taken to. Also, there was an amendment to the Regulations of the Internal Security Protection Command Region 4 on Operation by Officers under the Emergency Decree on Public Administration in Emergency Situations B.E. 2548 (2005), which allows relatives of the detainees to visit them immediately after

³ Data from the Department of Social Development, Ministry of Social Development and Human Security.

the detention during the set hours.⁴ Then, the accused is to be brought to trial “promptly” as provided in the Criminal Procedure Code Section 87 (within 48 hours) if he/she has not been temporarily released. In cases where there are other inevitable or essential grounds, the Inquiry Officer or the Public Prosecutor may submit a request to court to issue an order to detain the accused, with due consideration to the circumstances concerning the case as provided by the law.

44. By the declaration of the Emergency Decree on Public Administration in Emergency Situations B.E. 2548 (2005), the Prime Minister has the power to issue announcements for the authorized officers to arrest and detain suspects for involvement in causing emergency situations, by court orders, and to bring the suspects to places for detention other than prisons. The Officers are not to treat such suspects as offenders, and cannot put them in detention for more than 30 days, the period during which court warrants have to be issued every 7 days. The Officers concerned shall also prepare reports for submission to the court, with photocopies made available for the detainees’ relatives to see at any time during their detention (Section 12). This is done with the objective of promoting dialogue and learning from thoughts and relevant information. Because the intention of this decree is not to implement according to the criminal judicial process, the persons summoned are therefore not regarded as offenders and are not seen as the accused in criminal offences.

Review of capital punishment (para. 14)

45. In Thai Court hearings, if there are still doubts over facts and evidence, the court usually gives the benefit of the doubt to the accused, as well as grants the right to the accused in a criminal case to present a request to the King for a Royal pardon to reduce his/her punishment. Besides, Thailand has a plan to organize a consultation with every sector nationwide to review the feasibility of capital punishment in the context of the current Thai society. This has been set in the 2nd National Human Rights Plan in regard to Thailand’s withdrawal of the interpretative declaration on Article 6 Clause 5, already responded in Paragraph 4 of this report.

Rights of detainees, inquiry and legal proceedings against officers who commit malfeasance and remedy for victims (para. 15)

Rights of Detainees

46. The Constitution has provisions stating clearly and in detail about the rights of persons in the justice process, Sections 39-40, and the Criminal Procedure Code has provisions pertaining to the protection of the rights of arrested persons, detainees, suspects and defendants in criminal cases. This is in compliance with the International Covenant on Civil and Political Rights, and all law enforcement officers are under obligation to strictly comply with it. Furthermore, after amendments were made to the Criminal Procedure Code (No. 25), (No. 26) B.E. 2550 (2007) and (No. 28) B.E. 2551 (2008), the Court has the power to grant permission for the Public Prosecutor or the Inquiry Officer, upon their request and on condition that the suspect does not object, to bring the suspect to the office of a government agency or other places deemed appropriate for inquiry or interrogation, which shall be televised with picture and sound via video conferencing. (Section 87/1). Measures to control the operation of duties by law enforcement officers, as well as

⁴ Regulations of the Internal Security Protection Command, Region 4 on Operational Procedure for Officers in accordance with Section 11 of the Emergency Decree on Public Administration in Emergency Situation, B.E. 2548 (2005).

measures to protect the rights and liberties of suspects and defendants were thus strictly enforced. The use of forensic evidence also plays a bigger role in supporting the legal proceedings. All of these measures prompt law enforcement officers, both the Police Officers who made the arrests and the Inquiry Officers to practice more caution in performing their duties and in their treatment towards the arrested persons or the suspects to avoid any acts of violation against the people's rights. In addition, Thailand has widened opportunities for the people, human rights activists and the media of all fields to take part in strict monitoring of the operation of officers, providing there are guarantees against obstructions toward requests for legal counsel.

Inquiry and Legal Proceeding against Officers who Commit Malfeasance

47. There are cases of law enforcement officers who had committed malfeasance brought to the justice process, as already responded in paragraphs 25 and 42.

Remedy for Victims

48. This issue has been partially covered in paragraph 19. Besides, there has been progress in the implementation regarding provision of financial assistance to victims in criminal cases, according to the Compensation for Injured Person and the Accused Act B.E. 2544 (2001). Implementation results during 2005-2008 are shown in the Table below:

<i>No. of defendants and Injured Person in criminal cases as recipients of financial assistance (case)</i>				
<i>Year</i>	<i>Defendant</i>	<i>Injured</i>	<i>Total</i>	<i>Amount paid (in Baht)</i>
2005	92	825	917	77,550,000.00
2006	240	1,257	1,497	154,603,000.00
2007	380	3,694	4,074	325,430,078.29
2008	208	3,169	3,377	229,503,901.41
Total	920	8,945	9,865	787,086,979.70

Condition of detention places and prisons, abolition of the use of instruments of restraint and special protection for youth in conflict with the law (para. 16)

49. Thailand has adhered to the United Nations Minimum Standards on Treatment of Prisoners and Recommendations on Relevant Issues, according to the Ministerial Regulations on Departmentalization of the Department of Corrections, Ministry of Justice, B.E. 2545 (2002) No. 1 (2)

Condition of detention places and prisons, and, Measures in catering for prisoners

50. Thailand has taken measures to continuously improve the condition of prisons, detention and remand centres in accordance with criminal justice principles, legal principles and human rights principles. In regards to providing food for prisoners, the Department of Corrections laid down the "Guidelines on Catering for Prisoners"⁵ covering procurement, inspection, menu setting according to nutritional values, compliance with food hygiene

⁵ Memorandum of the Department of Corrections (Ref. - -0705/49) dated 14 August 2003.

requirements, as well as coordination and request for cooperation with other agencies and experts. The Prison Commanders have the duty to closely supervise these tasks.

Abolishing the use of instruments of restraint

51. The use of instruments of restraint on prisoners is in principle prohibited. Under the law, Section 14 of the Corrections Act B.E. 2479 (1936), the use of instruments of restraint on prisoners is to be avoided with due regard to human dignity, rights and liberties of persons. It is to be used only in exceptional cases, e.g. prisoners who are likely to harm themselves or others, or those who are likely to escape, or those being taken outside prison grounds. There will be a Committee to consider, monitor and assess the prisoners wearing instruments of restraint for the purpose of reviewing their use, taking them off every 15 days, including prohibiting the use such instruments on prisoners aged over 60 years and on female inmates. Furthermore, the Department of Corrections has issued rules, called “Guidelines on the Use of Instruments of Restraint on Prisoners”⁶ for officers in prisons and remand centers, which are to be followed in performing their duties, in order to protect prisoners’ rights and liberties from torture or cruel, inhuman forms of punishment

Special Protection for Youth in Conflict with the Law

52. The law directly related to this issue is the Juvenile and Family Court and Procedure Act B.E. 2553 (2010) announced in the Royal Gazette on 22 November 2010. This new law emphasizes on protecting the rights and welfare of and ensuring appropriate treatment towards children, youth, women and family members, the case procedure of which are to be different from other general cases. This is to be in compliance with the Constitution, the Convention on the Rights of the Child, and the Convention on the Elimination of All Forms of Discrimination Against Women.

Non-refoulement of persons at high risk of being tortured and the case of the Hmong people in Petchabun Province (para. 17)

Non-refoulement of persons at high risk of being tortured

53. For over 20 years, Thailand has, for humanitarian reason, given assistance to the persons who fled fighting from Myanmar by accommodating them in nine temporary shelter sites, based on the principle of “international burden and responsibility sharing”. The Thai concerned agencies have cooperated closely with donor countries, international organizations and non-governmental organizations, as well as gathered information about the needs of the residents in the shelters, in order to ensure extensive coverage and systematic management in providing the assistance.

54. Considering the positive development in Myanmar after the general election on 7 November 2010, Thailand has developed a policy to build capacity and preparedness of the persons who had fled fighting and were residing in the shelter sites to be ready for their reintegration back to society. Upon believing that these people will become a strong force for the development of Myanmar once the situation there is safe, or will be useful to the third countries that accept them for resettlement, Thailand would increase its assistance and support to them in various respects. This includes provision of vocational training and education, assistance in public health and hygiene, as well as administration and management in regard to food and accommodation. At the same time, increased effort

⁶ Memorandum of the Department of Corrections (Ref. - -0705/- 38), dated 10 June 2005.

would be made in screening the displaced persons in the shelters in order to know the number of residents who genuinely need assistance.

55. As for persons who have fled sporadic fighting on the Burmese side and crossed into Thailand, the Thai authorities concerned have given permission to the United Nations High Commissioner for Refugees (UNHCR) as well as other non-governmental organizations to provide humanitarian assistance to these people before they are returned to Myanmar once the situation there subsided. Details on this issue have already been responded in the Country Report on Implementation of the Convention on the Rights of the Child (CRC/C/THA/3-4, paras. 100-105).

Case of the Laotian Hmongs in Petchabun Province

56. In consideration of the current situation in the People's Democratic Republic of Laos, which has made progress on human rights development, as well as the Laotian government's attempt to create reconciliation and unity in the nation, the Thai and Laotian governments came to an agreement to cooperate in addressing the issue of the Laotian Hmongs illegally immigrating into Thailand under the framework of the bilateral agreement in facilitating the repatriation of all these Laotian Hmongs back to the People's Democratic Republic of Laos in an orderly manner in December 2009. Such endeavour was carried out with due importance given to the safety and well-being of the Laotian Hmongs repatriated so that they could make their living in a sustainable manner and enjoy appropriate choices in life.

Measures for the prevention of violation of the rights and freedom of expression of media practitioners and journalists (para. 18)

57. The Constitution Sections 45 and 46 guarantee the rights and freedom of the press, stating about non-interference and non-censorship, and regarding closure of publishing houses or other media businesses, as well as provide guarantee for the rights and liberty of media practitioners. Section 47 of the Constitution stipulates on the establishment of an organ with main duties to allocate frequencies and to supervise radio, television and telecommunications businesses to be in line with the law. The Penal Code Section 329 and Section 330 contain provisions about protection of freedom in expressing opinions or statements in news or commentaries, as long as it is done in honesty, with fairness, accuracy, and for the benefit of the public. Presenting news in negative aspects about politicians is therefore something that can be done by the press under the law.

58. In addition, the Publishing Registration Act B.E. 2550 (2007) abolished censorship of newspapers by the Publishing Officer. To publish a newspaper no longer requires request for permission, only to notify the Officer about the operation. And the Thai Public Broadcasting Service Act, B.E. 2551 (2008) contains provisions enabling media organizations under this law to present news and information on television or radio without interference and not necessarily under control by the State. This makes the presentation of news and information for the purpose of communication free and objective, with internal supervision conducted by the organizations themselves. In practice, the media in Thailand enjoy a rather high level of rights and liberties.

Protection of human rights defenders and community leaders from disturbances and assaults (para. 19)

59. There was an amendment to the Criminal Procedure Code (No. 27) B.E. 2551 (2008) in 2008 pertaining to the autopsy and inquiry stages in the cases that public officers

were accused of committing extraordinary homicide while on duty, providing that there shall be public prosecutors to participate in preparing inquiry statements in those two stages before submission to court for hearings about the deaths. This is for the purpose of giving advice on the examination of witnesses and evidence, by interrogating or ordering interrogation of the persons involved from the initial stage of preparing inquiry statements at the first opportunity (Sections 150 and 155), which will help make the inquiry and judicial proceedings more prudent, transparent and objective.

60. In protection, the Office of the Ombudsman and Office of the National Human Rights Commission are constitutional agencies which undertook to closely and seriously monitor, examine and demand justice for the victims of such acts. Besides, there are other government agencies and non-governmental organizations which provide assistance, namely Office of the Attorney General (Office of Legal Assistance to the People), Department of Public Administration (Damrong Dhamma Centers), Ministry of Justice (Provincial Justice Offices), Department of Rights and Liberties Protection (Justice Clinics), Lawyers' Council, including the media of various fields to help monitor and examine such cases closely.

61. Additionally, high-level executives of the Ministry of Justice exploring about giving assistance to human rights activists in Thailand in the case that they had been affected as a result of their work. This shall be done by drawing from the Justice Fund to be used as part of such assistance. Another idea was to adopt the EU Guideline on Human Rights Defenders as standards for the protection of human rights activists working in Thailand, and as mechanisms that will strengthen the protection of human rights activists in Thailand.

62. The Protection of Human Rights Advocates and Activists Project has also been implemented. Another idea proposed was to compile a directory of names of the persons who were human rights advocates or activists at risk, called a "White List". From these, there would be measures to provide special protection to this group of persons by human rights organizations. Later, such idea has been pursued as an in-depth research study.

63. A feasibility study was conducted regarding Thailand becoming a party or adopting the United Nations Convention for the Protection of all Persons from Enforced Disappearance. This confirms Thailand's intention to provide protection for these persons from forced disappearances.

Human trafficking and measures to pursue legal proceedings and punish offenders (para. 20)

64. Thailand enacted the Act on Human Trafficking Prevention and Suppression in 2008, which has been in force since 5 June 2008. The purpose of the law is to prevent and suppress human trafficking in the same manner as transnational organized crimes. Thailand signed in the Convention on Anti-Transnational Organized Crimes and the Additional Protocol. This Act provides details pertaining to provision of assistance and security protection for victims of human trafficking, in terms of food and accommodation, medical treatment, rehabilitation, education and training, legal aid, informing the victims about their rights to protection, and repatriation to their homes, with major considerations for human dignity and the victims' traditions and cultures and upon consultation with the victims themselves (Sections 33-41). The law gives special emphasis on providing protection to children (aged under 18 years) who were exploited from human trafficking, by imposing one-third heavier punishment of both imprisonment and fine, and twice heavier punishment if the offences were committed upon victims aged under 15 years. In addition, the law provides for the setting up of the Human Trafficking Prevention and Suppression Fund as a fund for use in assisting and providing security protection for human trafficking victims,

including assisting the victims in foreign countries to return home, and for supporting activities to prevent and suppress human trafficking. In the implementation of this law, two committees have been set up, namely the Human Trafficking Prevention and Suppression Committee which sets policies, and the Human Trafficking Prevention and Suppression Coordinating and Supervisory Committee which supervises the overall operation.

65. At the operational level, Thailand attaches importance to the human trafficking problem, and has regarded it as a national agenda since 2004. Later, by the Cabinet Resolution (14 June 2005), a National Operation Center on Human Trafficking Prevention and Suppression was set up, taking a central coordinating role on human trafficking, from integrating data, coordinating assistance from various government agencies from all ministries, to developing a data support system for use by executives at the decision level in making decisions on the prevention and suppression of human trafficking. The Ministry of Social Development and Human Security was assigned the focal coordinating agency, and worked with other concerned agencies. In fiscal year 2008, there were 42 victims of Thai national (1 male and 41 female). More details can be read in the Country Report on the Implementation of the Convention on the Rights of the Child (CRC/C/THA/3-4, para. 75).

Combating the use of child labour and protection of young workers and their educational rights (para. 21)

Combating the use of Child Labour and Protection of Young Workers

66. The Constitution provides for child labour elimination and young workers protection with regard to fair wages, benefits and welfare without discrimination (Section 84 (7)), with the Ministry of Labour in charge of the implementation of child labour elimination and young workers protection to offer equal protection to all young workers regardless of nationality whether they are Thais or non-Thais, according to the Labour Protection Act. There were also other efforts to provide guarantee and justice towards child labour elimination and young workers protection, by implementing the following measures:

(a) Strategies have been laid down for the implementation of child labour elimination and young workers protection. The three strategies are: (1) Supervise and monitor the operation to ensure that young workers are being protected under the Labour Protection Act (2) Support and develop young workers, and (3) Support networking for child labour elimination and young workers protection, with the Office of Labour Protection as the main responsible agency;

(b) Advisors have been appointed, and the National Committee for the Elimination of the Worst Forms of Child Labour Use has been set up, with the Director-General of the Department of Labour Protection and Welfare as Secretary of the Committee, having the power and duties to oversee the preparation of a National Master Plan of Action and to submit the plan to the government towards policy formulation;

(c) The Regional Operation Centers for Assistance of Woman and Young Workers have been set up to provide budget support, arrange mobile vans to disseminate knowledge and advocate about the issue of the employment of young workers to reach out to communities;

(d) The Ad hoc Operation Units on Child Labour has been formed to operate in cases of urgency to hasten the process of child labour and young workers inspection, e.g. child labour or young workers being physically assaulted, kept in confinement, or made news in the media. This enables legal proceedings be immediately taken against the Inquiry Officers concerned, and that strict action be taken in cases of child labour aged under 15 years being used, or the employment of young workers not being in compliance with the

Labour Protection Act. A hotline telephone number has also been allocated to provide counseling and to receive complaints regarding young workers, requiring that such complaints be handled and processed within three working days;

(e) There has been a campaign launched to invite every sector of the society to join the network and assist in the labour protection work. Additionally, a work system for the network has been laid down which covers publishing publicity materials of various forms, organizing meetings, training and seminars for concerned agencies, preparing a Handbook of Operation, and allocating roles and duties for the operation.

67. The following Table shows the result of labour inspection focusing on the enterprises that employed young workers (15-18 years of age) across the Kingdom, classified by year, 2005-2012.⁷

<i>Year</i>	<i>No. of enterprises employing young workers</i>	<i>No. of young workers found in the enterprises inspected</i>		
		<i>Male</i>	<i>Female</i>	<i>Total</i>
2005	543	4,390	4,492	8,882
2006	656	3,878	4,928	8,806
2007	672	5,269	4,775	10,044
2008	686	2,536	2,680	5,216
2009	429	1,362	1,412	2,774
2010	460			3,624
2011	470			2,106
2012	548			2,457

Educational Rights

68. The Constitution provides that all persons shall have equal rights to basic education of not less than 12 years, which shall be provided free-of-charge by the state in an extensive manner and with good quality. Besides, the Act on Compulsory Education B.E. 2545 (2002) provides that children aged 7 to 16 years shall receive nine years of compulsory education (Section 6). The Labour Protection Act B.E. 2541 (1998) provides that employers are prohibited to hire children aged under 15 years as employees (Section 44). Therefore, all children including young workers shall enjoy the right to compulsory basic education by law, and to receive protection in regard to being employed before the age of 15 years. Young workers in Thailand are in the age range of 15-18 years. These young workers shall be provided with further knowledge e.g. knowledge about rights and duties in working, safety at work, labour welfare, etc. Opportunities shall be given to these young workers to enhance their knowledge, build their capacity and develop their labour skills towards enjoying a better quality of life. Publicity materials on child labour elimination and young workers protection have been produced, the Building Schools in Factories Project was supported, and knowledge given to employers to make them understand and open opportunities for these young workers to enjoy their rights to development and quality of life improvement. To illustrate, employees who are young workers, aged 15 to 18 years, shall enjoy the right to request leave to attend meetings, seminars, training, or to join other activities organized by educational institutions or public or private organizations. The leave requested for these purposes are not to exceed 30 days. (Section 52)

⁷ Statistics on welfare and labour protection during 2005-2012, Office of Labour Standard Development, Department of Labour Protection and Welfare.

69. Furthermore, the Cabinet Resolution of 5 July 2005 endorsed the issuance of The Ministry of Education Regulations on Proof for Admission of Students to Educational Institutions B.E. 2548 (2005). This is regarded as a measure to open opportunities toward Education for All, without discrimination for any reason, regardless of the status of those persons being migrant workers, or persons without civil registration proof or do not have Thai nationality. Measures to grant nationality to stateless persons; Birth Registration for children of ethnic minority groups including the highlanders and migrant children; and, Elimination of negative effects on the rights enshrined in the International Covenant on Civil and Political Rights (see para. 22 of the Committee's previous concluding observations)

70. Amendment was made to the Act on Nationality, with the Act on Nationality (see para. 4 of the Committee's previous concluding observations) B.E. 2551 (2008) which aims to give remedy to persons who were born in Thailand to Thai-national fathers but were not granted Thai nationality by birth, because the fathers did not officially marry their mothers, or did not register acceptance of the children as their own. The law also aims at making the provisions contained therein correspond with the principle of gender equality between men and women adopted by the Constitution.

71. Registration of births for children of ethnic minority groups including the highlanders and migrant children carried out by the Office of Registration Administration, Department of Administration achieved success in regard to pushing for the registration of persons in a full cycle comprehensive manner from (1) registration of persons who are born (2) registration of persons living, and (3) registration of persons who die. This concept of comprehensive registration work has also been translated into the levels of law reform by the parliament, issuance of Ministerial Regulations towards compliance with the Act, including government orders, consultation papers, as well as acceptance of the civil society sector's participation in addressing the issue of guaranteeing the right to status of persons by law for all human beings in the Thai society.

72. In addition, the Act on National Child and Youth Development Promotion B.E. 2550 (2007) Section 7 contains provision that clearly adopts the international law principle on birth registration. Therefore, negligence to register births for children and youth is not allowed.

73. Regarding access to public health, Section 5 of the National Health Insurance Act B.E. 2545 (2002) clearly provides for the endorsement of this right for persons of normal status. Besides, the Committee on National Health Insurance passed a Resolution on 16 February 2009 granting approval to the Office of National Health Insurance to present to the Cabinet pertaining to the provision of health insurance to the people who are in the process of status verification. This is to prompt consideration on providing assistance to the people who have resided in Thailand for a long time, to enable them to receive health insurance and to have equal access to health services.

74. Regarding access to basic educational services, responses have already been made in paragraphs 68-69 above.

75. In terms of risk reduction from acts of torture or exploitation, the Cabinet Resolution dated 14 June 2005 on the criteria and conditions in providing assistance to non-Thai victims of human trafficking in foreign countries endorsed the right of these alien victims to return to Thailand, despite their pending status as legitimate persons under Thailand's immigration law. Further details can be found in the Country Report on the Implementation of the Convention on the Rights of the Child (CRC/C/THA/3-4, paras. 28-30).

Rights of migrant workers, mechanisms to monitor violations of migrant workers' rights and non-discriminatory assistance to victims of the tsunami (para. 23)

76. Rights of migrant workers are:

(a) Access to basic educational services for migrant workers, as already described in paragraphs 68-69 above;

(b) Acceptance of migrant workers' possession of personal identity proof – Thailand has, for several times, arranged registration for migrant workers since 2005 in order that the registered migrant workers, together with their accompanied persons, either their children or wives, fathers or mothers would be recorded in Thailand's Civil Registration Book with the status of "temporary residents", and also be given identity cards as "non-Thai nationals" (Tor Ror 38/1)⁸ while awaiting nationality verification from the countries of origin. In addition, the Office of National Security Council has joined force and proposed the development of migrant workers system, in terms of issuing temporary resident status according to Thai law, through registration of migrant workers, and seeking their nationality verification from the country of origin. In this regard, the Ministry of Labour has signed agreements with the Governments of Myanmar, Lao People's Democratic Republic and Cambodia that migrant workers of these three nationalities are able to work in Thailand under the legal employment process.

77. Migrant workers can report cases of rights violations through mechanisms of the Labour Court, Office of the Ombudsman, and Office of the National Human Rights Commission.

78. Humanitarian assistance was given to the tsunami victims without discrimination, regardless of race or nationality. Full assistance in all related aspects was also provided by public and private organizations. Further details on this issue can be found in the Country Report on Implementation of the Convention on the Elimination of All Forms of Racial Discrimination (CERD/C/THA/1-3, para. 15).

Civil rights of ethnic minority groups, right to land, liberty of movement, right to belong in a culture and right to access community resources (para. 24)

79. Thailand is aware of the significance and the rights of over 62 ethnic groups in the country, which constitute the Thai population. It became a State Party to the Convention on the Elimination of All Forms of Racial Discrimination in 2003, and submitted the combined Country Report on the Implementation of the Convention - initial report (2004) and second report (2006), to the United Nations Committee on the Elimination of All Forms of Racial Discrimination in 2011 (see CERD/C/THA/1-3). The civil rights of ethnic groups, the hill tribesmen and the highlanders in Thailand can thus be described under two situations as follows:

(a) Right to have status of persons under the Thai law on civil registration, whether or not the hill tribesmen and the highlanders have Thai nationality or are stateless. Once they have been recorded in Thailand's Civil Registration Book of either different categories, e.g. as Permanent Residents (t.r.14), or as Temporary Residents (t.r.13) in the

⁸ In accordance with the Regulation of the Central Registration Office on Issuance of Identity Cards for Non-Thai Nationals B.E. 2547 (2004).

Civil Registration Book, or in the Registration Book of Migrant Workers (t.r.38/1), or Registration Book of Persons without Civil Registration Status (t.r.38 k.), those hill tribesmen and highlanders are regarded as already enjoying their civil right as citizens;

(b) Right to Thai nationality, for those hill tribesmen or the highlanders who have Thai nationality, whether the Thai nationality has been attained by birth or after birth, it is regarded as a civil right as citizens.

80. The concept regarding enjoyment of the right to property under Thai laws is not different from that of other civilized countries. The status of being hill tribespersons or highlanders does not pose limitation to attaining the right to property.

81. Liberty of movement of hill tribesmen and highlanders, in the case of these people holding the status of aliens, their right to liberty of movement shall be subjected to the law on immigration. The right to liberty of movement of aliens is a conditional right. Thailand classifies hill tribes people and highlanders who are alien migrants under three categories, the right to liberty of movement in Thailand thus differs according to these categories, namely:

(a) holding status of “legal alien immigrants”, and have “permanent residence” right;

(b) holding status of “illegal alien immigrants”, but granted the right to reside temporarily in Thailand, by the Cabinet’s ruling according to Section 17 of the Immigration Act B.E. 2522 (1979);

(c) holding status of “illegal alien immigrants”.

82. The Constitution Section 37 provides protection of a person’s full liberty to profess a religion, as well as protection of religious rites and practices according to his belief.

83. Right to belong in a culture. Not any of the Thai laws imposes limitation on the people’s preservation of their cultures and identities, e.g. the right to use local Malayu language of the people in the southern border provinces. Thailand has implemented according to the recommendation of the National Independent Committee for Reconciliation, by granting permission to the people in the three southern border provinces to alternatively use Malayu as their working language. This is based on due consideration is their mother tongue used in daily life, and it presents the pride of the local people, defining their self, identity and origin of the people who have lived in this part of the country for a long time.

84. Right to access community resources. The Constitution Section 66 recognizes the right of communities to benefit from their community resources, providing that communities of people who have originally gathered as local communities shall have the right and participation in the management, preservation, and utilization of natural resources and the environment of their communities in a balanced and sustainable manner. The law also stipulates that the management of local resources should be fundamentally based on the local religious beliefs, cultures and decent traditions, with the community people’s compassion, sharing mutual reliance and assistance, which are the notions that correspond with the principles of “Sufficiency Economy” initiated by His Majesty the King. “Sufficiency”⁹ here means moderation, rationality, as well as necessity to have a reasonably good immune system or self-protection mechanism as resilience against any possible effects caused by external and internal changes.

⁹ <http://www.chaipat.or.th/chaipat/content/propeing/porpeing.html>.

III. Progress in the implementation of civil and political rights in Thailand

Article 1

85. The Constitution Section 66 and Section 67 provide guarantee for human rights protection, including the rights of persons to participation in the conservation, maintenance and exploitation of natural resources. The provisions contained therein also stipulate that the government shall set clear policies pertaining to land utilization and conservation of natural resources and the environment.

86. The public sector has shown firmer determination to protect the rights and liberties of the people, as seen from cancellation of the announcement prohibiting persons from going out of their houses during Ramadan months, in order to allow the people to practice their religious activities at night time with convenience and without contradicting their religious principles.

Article 2

87. The Constitution stipulates that every person is equal before the law and shall be equally protected under the law. Men and women shall have equal rights. It provides for the State to abide by the international human rights treaties to which Thailand is a party, to set the principles of equality and non-discrimination towards peoples with differences, to provide public facilities to older persons and persons with disabilities, to guarantee protection of rights and freedom of expression of persons and the press, as well as to prevent persons holding political positions to own or be shareholders of media businesses, either directly or indirectly. In addition, the Constitution has clear statements on the general principles of human rights protection and human dignity, with special emphases on children, youth and persons with other nationalities other than Thai. In the case of violations against such rights, Thai laws also provide that appropriate remedy measures be taken, which include compensation for the victims and defendants in the judicial process.

88. The Act on Promotion and Development of the Quality of Life of Persons with Disabilities B.E. 2550 (2007) serves as recognition of human rights of persons with disabilities, with Section 15 prohibiting any act of discrimination against persons with disabilities, and setting out remedial measures to address cases of discrimination against persons with disabilities, which caused or may cause them damage as a result of such unjust discriminatory practices. This law also grants the right to the affected persons with disabilities to file cases in court to demand compensation for such violations. They can either file cases for legal proceeding by themselves, or request organizations working for persons with disabilities to do so on their behalf.

Article 3

89. The Constitution provides additional guarantee for equal rights of men and women, and states clearly in its provision that women's rights in the justice process shall be protected in cases related with domestic violence.

90. Besides, there are other relevant acts, one regarding the enlisting of election candidates by political parties, which shall take into consideration appropriate and equal proportion between female and male candidates; women have the right to file for divorce,

the right to choose which family names and initials to use, the right to choose nationalities according to their husbands who are of foreign nationals.

91. In 2008, Thailand made an amendment to Section 7 Clause 2¹⁰ of the Act on Nationality B.E. 2508 (1965), aiming at providing guarantee for the right to Thai, according to *jus sanguinis*, of children born to Thai fathers outside marriage. This provision of the law will create equality between men and women in transferring nationalities according to *jus sanguinis*. The eligibility to exercise this right will, however, depend on the verification of blood relation as father and child according to the Ministerial Regulations.

Article 4

92. Thailand has five laws pertaining to public emergency situations, namely the Martial Law Act B.E.2457 (1914), the Civil Danger Protection Act B.E.2522 (1979), the Special Investigation Act B.E.2547 (2004), the Emergency Decree on Public Administration in State of Emergency B.E.2548 (2008), and the Act on Internal Security Protection in the Kingdom B.E.2551 (2008).

93. The public security agencies have issued rules and regulations, as well as prepared essential handbooks providing details as guidelines for state officials to follow in their operation to minimize effects on the people and to observe respect for human rights. To elaborate, their performance of duties shall respect local religious principles and culture; any arrest shall only be made with consent from the three parties, namely the administration, the police and the military, and shall strictly abide by the law; the use of force shall abide by the rules on the use of force as laid down by the security agencies, which are in accordance with the United Nations Basic Regulations on the Use of Force and Firearms by Authorized Law Enforcement Officers.

94. In situations prompting necessity to limit the rights of persons for the purpose of maintaining law and order under emergency situations, e.g. in giving authority to state officers to detain suspects for 30 days, court orders shall have to be sought first, and each detention shall be for only 7 days, with possible request for extension of 7 days each time, but not exceeding 30 days in all. In granting suspects the right to counsel lawyers, that shall be considered on case by case basis, which is considered a kind of protection for the officers operating under emergency situations from being charged, to enable them to operate swiftly in order to prevent the violence from escalating or expanding. In such circumstances, the state officers shall be made aware of the importance of the policy to avoid or minimize effects on the people, with laid down strict measures for the officers at operational level to abide by the rules, regulations and orders in force, which aims to address the issue of human rights violation and to reduce the effects on the people.

95. In addition, the public sector took into consideration certain limitations of the Act on Marshal Law B.E.2457 (1914) and the Decree on State Rule in Emergency Situations B.E.2548 (2005), thus considered to use the Act on Internal Security Protection B.E.2551 (2008) instead of these two laws. At this stage, consideration is being made regarding the process of administration and management to enhance readiness for further effective operation under this law.

¹⁰ The amendment provides that the word “father” shall include the person who has been verified as the father of the person born under the criteria set out in the Ministerial Regulation, although the person has not registered his marriage with the mother of the born person and has not registered birth of the born person.

Article 5

96. The Constitution Section 29, first paragraph, provides that the restriction of rights and liberties of a person as recognized by the Constitution is not to be imposed except by virtue of specific legal provisions provided by this Constitution and only to the extent of necessity, provided that it shall not affect the essential substances of such rights and liberties.

Article 6

97. The Constitution Section 32, first paragraph, provides for guarantee on the right and liberty of a person in his life and person.

98. Thailand shall not send a person out of the country to serve capital punishment, except for cases which fall under cross-border expatriation of prisoners agreement. Furthermore, Thailand has also abolished capital punishment on persons under 18 years of age.

Article 7

99. Thailand became a State Party to the Convention Against Torture and Cruel, Inhuman, Degrading Treatment or Punishment on 2 October 2007, and is in the process of preparing its periodic report on the implementation of that Convention.

100. The Constitution Section 32 Paragraphs 2 and 5 provide for the protection of persons from torture and unlawful detention, with provisions specifying remedy measures for such acts, which are measures newly set to supplement the demand for damage compensation in cases of violation under the Civil and Commercial Code, or demand for compensation as victims in criminal cases. The victims can appeal to the Courts in cases that the Public Prosecutors filed motions against the persons who had committed the acts of torture as defendants in criminal cases, according to the Criminal Procedure Code Section 44/1. While under Section 32 Clause 5, the victims shall directly appeal to the Courts to enforce compensation for the damages caused by the violation of liberties and torture or cruel treatment, even though the cases were not filed as criminal cases. As for measures that the Courts order as remedy for such acts of violation shall include order to pay for compensation, or order to act or refrain from an act which can be the cause of violation of liberties in persons or torture or cruel treatment.¹¹

101. Thailand has made an effort to improve the Penal Code to include the definition of the word, "torture" and to stipulate about the offence of "torture", in accordance with the definition in the Convention Against Torture and Cruel, Inhuman, Degrading Treatment or Punishment, which is an attempt to make progress in clearly specifying offences in the law. Besides, specification of offences caused by torture and cruel treatment have been included in the Penal Code, without classifying whether such offences are acts committed by civilians or public officials. They are counted as offences punishable by the courts.

¹¹ Citing Section 32, Clause 5 to appeal to court in request for remedy can be done by appealing to the Courts directly. However, in some cases, certain Courts may be of the opinion that there is no law that grants the power to the Courts to order according to this Section 32, Clause 5, since there have not been provisions on the principle to execute such order, which is different from ordering cases of unlawful detention of persons according to the principle and methods under Clause 90 of the Criminal Procedure Code. Therefore, there should be principles and methods with regard the lodging of request and the ordering by the Courts on this issue provided in the law, to enable clear implementation.

102. The prevention of torture during inquiries for the purpose of obtaining confession has been stipulated in the Criminal Procedure Code Section 135. And in 2008, there was a provision allowing forensic examination to be conducted using parts of human bodies, on condition that consent has to be given by the injured and the examination has to cause minimal pain, according to Section 131/1, as well as a provision prohibiting acceptance of evidence obtained by wrongful means involving torture, according to Section 226. Therefore, measures to prohibit Inquiry Officers from conducting or arranging to conduct acts of torture in order to obtain confession are already in place and in compliance with Article 7 of the Covenant.

103. The Ministry of Foreign Affairs and the Army have produced a Handbook on Human Rights for distribution to the armed forces in the southern border provinces, as well as Identification Cards for those officers to carry with them at all times, with one statement on the card saying clearly that torture is prohibited. Training on human rights have also been given to the armed forces in the area, with support from the Commander of Region 4, and with part of the content touching on the prohibition of torture.

Article 8

104. The Constitution Section 4 provides for guarantee in the protection of human dignity of every human being on Thai territory.

105. There are Thai laws at the level of Acts which have intent on the protection of the rights enshrined in this Article of the Convention. They are the Labour Protection Act B.E. 2541 (1998), amended by the Labour Protection Act (No. 2) B.E. 2551 (2008), and the Act on Prevention and Suppression of Human Trafficking B.E. 2551 (2008) (Sections 33-41, and Sections 52-56).

Article 9

106. The Constitution Sections 32, 39 and 40 provide guarantees on the rights and liberties enshrined in Article 9 of the Covenant.

107. The Criminal Procedure Code which has been amended several times during 2004-2008 and provides guarantees pertaining to a person's rights in life and in human person, as follows:

(a) An arrest shall be made on substantial grounds. An arrest by an Administrative Official or a Police Officer shall only be made with a Court arrest warrant, except when the case falls in the category of exemptions under Section 78 (1)-(4) which allow arrests without warrants. Cases of arrests conducted by civilians shall abide by Sections 79, 82 and 117;

(b) Once arrested, the person arrested has the right to know what charge he/she is being arrested for. And upon arrival at the police station, the Administrative Official or Police Officer shall inform the arrested person of the charge and details of the arrest. If there is an arrest warrant, it shall be shown to the arrested person according to Section 83, Clause 2 and Section 84 Clause 1;

(c) Any words given by the arrested person to the Officer as confession at the stage of arrest shall not be heard as evidence in court, according to Section 84, last clause;

(d) Detention of an arrested person at a police station can be done, but shall not exceed 48 hours, except for necessary reason which cannot be outweighed. In case of necessity for a detention to be made, a request shall be submitted to the court for

permission, and the detention will be granted for a duration specified under Section 87, Clauses 4-8;

(e) In case of an unlawful detention or imprisonment, Section 90 provides for the detainee or any person for the benefit of the detainee to submit a petition to the Supreme Court with the power to conduct trials on the charge for which the person is detained to request for a probe on the reason for such detention. Once the petition is received, the Court shall order a one-party probe urgently, and if found that there are substantial grounds, the Court shall summon the officer who made the detention to court. If the officer concerned cannot prove that the inquiry was lawfully conducted, the Court shall order an immediate acquittal;

(f) With respect to remedy to compensate for the damage inflicted on the person unlawfully detained, the Court does not have the power to order according to Section 90 of the Criminal Procedure Code. However, the detainee may press charge against the officer who ordered the detention according to the Civil and Commercial Code Section 420, since the act is regarded as a violation. In the case that such act is conducted by a public, it is regarded as an act of violation from duty performance, according to the Act on Liability for Wrongful Act of Officials, B.E. 2539 (1996), and the detainee can file a case to the Administrative Court against the office to which the officer concerned is attached to force liability from the violation offence;

(g) The Criminal Procedure Code Sections 107, 108, 108/1, 108/2, 109, 110 provide measures mainly pertaining to temporary release, stipulating that demand for security on bail shall not be unreasonably high. For the Officer or the Court to deny a bail shall be for reasons specified in Section 108/1. In practice, the Court and the Inquiry Officer follow internal regulations specifying a ceiling or maximum amount of bail that one can demand, which depends on the severity of offence as well;

(h) Any search on a person shall not be made except by virtue of law. There is currently a law that contains provision on such matter, namely the Criminal Procedure Code Section 93 which prohibits a search on a person in public places, except by an Administrative Official or a Police Officer when there are substantial grounds to suspect that the person has in his possession things which will be used in committing an offence, or which were obtained from committing offences, or which are unlawful to have in possession.

108. Certain special laws provide that a search on a person or vehicle can be conducted for the purpose of searching for objects that may substantiate evidence. Those laws are, for example, the Money Laundering Control Act, B.E. 2542 (1999), the Act on Measures for Narcotic Prevention and Suppression B.E. 2535 (1992), the Anti-Trafficking in Persons Act B.E. 2551 (2008), and The Computer Crimes Act B.E. 2550 (2007).

109. Furthermore, there are secondary laws at the ministerial level, as well as rules and regulations which set methods and procedures in the protection of rights and liberties in the security of human persons as stipulated in the Criminal Procedure Code and the Constitution, as follows:

(a) Regulations of the President of the Supreme Court on Criteria and Methods in the Issuance of Criminal Orders or Warrants B.E. 2548 (2005), which set criteria and methods, as well as provide that evidence be presented to the courts in requesting the issuance of arrest warrants, search warrants, including the issuance of detention warrants and acquittal orders upon appeals made under Section 90 of the Criminal Procedure Code;

(b) Regulations of the President of the Supreme Court on Criteria, Methods and Conditions in the Setting of Security or Bail for Temporary Releases of Suspect or Defendants in Criminal Cases, B.E. 2548 (2005).

110. Guarantees for the implementation of the measures enshrined in Article 9 emphasize control of the limitation of liberties in the movement of human persons and examination of control by the court organs, as well as provision of remedy in cases of wrongful detention. It is apparent that the implementation to comply with the principles under Article 9 are core measures in the amendment of the Criminal Procedure Code and other special laws relating to arrests and detention of suspects or defendants in criminal cases. As with measures stipulated in the Constitution, the provisions contained therein not only provide guarantee by making the courts examine arrests or detention, but also allow appeals for payment of restitution according to Section 32 of the Constitution.

111. After a revision had been made to the Criminal Procedure Code on the part relating to requests for arrest warrants, detention and appeals under Section 90, a Handbook for judges was published on requests for arrest warrants and search warrants. A memorandum has also been circulated among police officers to raise their understanding about proper procedures in their operation, and a training curriculum has been developed to train police officers with the duties of making arrests and detention at every level of operation.

112. In addition, the Ministry of Justice has established the Justice Fund to promote and support the protection of rights and liberties of the people in equality and fairness to all, by providing easier access to the justice system especially for the deprived persons and those who had not received justice. People can request assistance from the Justice Fund under the following three conditions: (a) when they want to file civil cases but do not have funds to pay for the court fees; (b) when they are filed but do not have funds to hire lawyers; and (c) when they are arrested but do not have funds for use in bailing.

113. At present, Thailand has opened channels for the people to complain against offences caused by public officers' acts or on human rights violation through the mechanisms of the Ombudsman or the National Human Rights Commission. The people can also exercise their right to object/refute wrongful administrative acts by public officers through the mechanism of the Administrative Court. The public sector has started to train their operational officers, especially those stationed in the southern border provinces to equip them with sound knowledge and understanding about human rights as enshrined in the international instruments to which Thailand is a party, the Constitution, the laws, as well as rules, regulations and orders, so that they will strictly abide by those instruments, and will treat the people correctly and fairly.

Article 10

114. The Constitution provides guarantees for the protection of human dignity, by stipulating that the use of power by every State organ shall take into consideration human dignity, rights and liberties of persons, in accordance with the Constitution (Section 26). It also provides guarantee for the people to claim their human dignity or exercise their rights and liberties to the full as long as their action does not violate the rights and liberties of other persons, does not contradict the Constitution or offend the decent morals of the people. The people can directly exercise their judicial rights to force the state to comply with this provision of the Constitution (Section 28).

115. With regard to the protection provided for juvenile offenders by the Act on Juvenile and Family Court and Juvenile and Family Case Procedure B.E. 2553 (2010), the issue has already been mentioned in paragraph 52 above.

Regarding Treatment towards Prisoners in the Correction System

116. About the use of instruments of restraint on prisoners, response has already been given in paragraph 44 above.

117. Regarding disciplinary punishment, corrections officers may not punish by means of physical chastisement, because the Department of Corrections has issued a regulation since 2005 on Abolition of the Department of Corrections Regulation No. 3 on Punishment by Means of Physical Chastisement, B.E. 2480 (1937). On the issue of confinement in dark rooms, even though the Department of Corrections has not issued a regulation to abolish the method of confinement in dark rooms, in practice, newly-built prisons shall not have spaces built as dark rooms for the purpose of confining prisoners. And as for older prisons with dark rooms, those rooms have been converted to serve other purposes, such as for storage. Further explanation in more detail can be read in the Country Report of Thailand on the Implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT/C/THA/1, paras. 129-131).

118. Additionally, the Ministry of Justice has founded the Kumlungjai (Encouragement) Project, which aims at providing assistance to pregnant female prison inmates including the infants in their wombs, delivered during the mothers' detention in prisons, based on the belief that children are innocent. The College of Nursing of the Thai Red Cross was assigned to construct a curriculum on Nurturing a Good Person Starts from the First Year of Birth and Quality Pregnancies for Pregnant Female Prison Inmates. The assistance was further extended to older female prison inmates with eyesight problems, by coordinating with the Ministry of Justice and various hospitals in curing eyesight-related diseases, or in prescribing spectacles for these older persons. Her Royal Highness Princess Bhajara Kitiyabha also laid down the Guidelines on Treatment towards Female Prison Inmates and the Children born to them during their imprisonment in Thailand, in order to match the international standards of treatment towards female prison inmates.

119. Furthermore, also implemented was the Project on the Preparation of Thailand's Proposals and Processing Steps Towards Adopting the United Nations Rules on Enhancing Lives of Female Inmates (ELFI), the essence of which bears significance to the development of work regarding the treatment towards female inmates. The aim of this effort was to raise awareness of all countries about the problems of female inmates under the corrections system, and to encourage international cooperation in further improving the standards of treatment towards female inmates. In implementing the ELFI Project, strategic mapping was set out to follow up and monitor the project's progress in stages, from the start of testing the project at the international level in 2008, to gathering opinions of executive officers and civil servants of the Department of Corrections, the result from which was the Draft United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders. Other stages of the project's implementation included conducting seminars of international experts, exploring and mobilizing alliances from the diplomatic corps of various countries, seeking approval from the Cabinet, and processing towards the adoption in principle of the Draft Rules from the fora of the United Nations.

Article 11

120. Response has been made in Thailand's initial Country Report (CCPR/C/THA/2004/1), paragraphs 317-319.

Article 12

121. The Constitution Section 34 provides protection of the rights of persons with Thai nationality to travel and to choices of domicile within the Kingdom. The same provision also provides protection of the rights and liberties of persons with Thai nationality from being deported from the Kingdom of Thailand, or from being denied entry into the Kingdom. The Constitution recognizes the right to liberty in moving of persons with Thai

nationality in an absolute and unconditional manner. The limitation of such liberty shall only be done for the purpose of maintaining state security, law and order and security of the people, for urban planning and for the security of the younger persons.

Article 13

122. The Constitution provides additional guarantee for these rights and liberties by prohibiting the deportation of persons with Thai nationality from the country, or the barring of their entry into the country. These are regarded as absolute and unconditional rights.

123. Alien persons residing in Thailand are not able to fully enjoy the rights and liberties provided by this Article. The reason is that according to international laws, Thailand, as a State, has sovereignty over its land and human persons who appear on the land of the State, except that the State which owns the land or the human persons has an agreement otherwise with another State concerned. The rights to travel and to choose domicile in Thailand should therefore be in accordance with Thai laws, which are the laws of the State that has ownership over the land, and which are in conformity with international laws. This is apparent in the relevant laws which govern the aforementioned rights of alien persons, outlined as follows:

124. The Immigrants Act B.E. 2522 (1979), the Working of Alien Persons Act B.E. 2551 (2008), the Cabinet Resolution dated 14 June (2005) on Criteria and Conditions in Providing Assistance to Non-Thai Victims of Human Trafficking in Foreign Countries during 2005–2008. For alien persons with domicile in Thailand, those who have specialized knowledge and performed good deeds in contribution to the Thai society, including those who have received scholarships from abroad, Thailand still grants permission to these aliens to travel in and out of Thailand on specific basis, through coordination among academics, the civil society and the public sector.

125. Thailand does not approve the deportation of alien persons to face risks against human persons, even though the Thai society is aware of the difficulties in taking the responsibility of addressing the issue of illegal migration into Thailand of a large amount of alien migrant workers. There are limitations of land space and resources, which have to be shared with these migrant workers in support of their living and livelihood, as well as limitation in the budgets which have to be allocated for social welfare for these workers.

Article 14

126. The Constitution provides guarantee on the equality of persons in receiving legal protection equally (Section 30). It also sets as principle that any person whose right has been violated can cite these rights enshrined in the Constitution as grounds for defending his case in court (Section 28, Clause 2). Firstly, the right to be assumed innocent until proven guilty by law (Section 39, Clause 3) provides that a person has the right to access the justice system with ease and convenience, and in a swift and extensive manner. Next, the right to court trial procedure which is transparent, fair and swift, the right to be informed of the charge and details of the arrest, and the right to give or not to give a statement at the stage of inquiry. Other rights are the right to get proper treatment according to the justice process, the right to receive protection or assistance from the state, e.g. in arranging interpreters or lawyers, etc., as well as the right to be granted temporary release in criminal cases (Section 40). People's participation in law and justice development provided under Section 81 (1), (2), (3), (4) and (5) guarantees the independence of judges and justices in conducting trials (Section 197, Clauses 1 and 2), by providing the right to the people whose rights have been violated to file cases to the Constitutional Court directly

in the case they find that the provisions of the law oppose or contradict the Constitution (Section 212); and providing that the Office of the Attorney General be a constitutional organization, with independence in their administration, which is thus guarantee on a fair and just criminal justice process. (Section 255)

127. The Criminal Procedure Code, Amendment B.E. 2551 (2008), the law amended to be in accordance with Section 40 of the Constitution by providing guarantee on the various rights and liberties as follows:

(a) Arrangement of interpreters, according to Section 13 of the Criminal Procedure Code, is an added measure on the original law which provides arrangement of interpreters specifically for other languages and for hand language. At present, under the new amended law, a Thai person who cannot speak or understand the official Thai language, or only knows his local dialect or local Thai dialect, shall obtain an arrangement of an interpreter at no cost;

(b) The right to have adequate time and convenience in making preparation to defend a case and contact a lawyer of one's choice, some limitations are found in relation to juvenile and family cases, since there can be delays in the processing if the children concerned have legal counsellors. However, it is now a practice in majority cases, that a suspect or defendant be arranged for a private counselling session with his lawyer before giving a statement. And, there are also Police Regulations on Court Cases;

(c) The right to expeditious court hearings without any delay than is necessary, and to be seriously treated in court with continuous hearings. If detention of a suspect is involved, it is compulsory for the Officer to file the case in court within the period of detention or custody during inquiry allowed, which shall not exceed the duration provided in Section 87. Nevertheless, the law provides that the inquiry and trials in court be swift, continuous and fair, which is in accordance with the said principle on the overall;

(d) The right against self-incrimination and forced confession, which generally applies to and affects suspects or defendants who do not have lawyers, or who have not been provided with legal counselling by their lawyers before giving their statement. When a lawyer is present to listen in during an inquiry, better protection can be achieved.

128. In the case of the southern border provinces, high-level Executive Officers of the state security agencies gave clear policies and attempted to adjust the attitude of their forces stationed in those provinces to operate within the framework of the law and in stricter observance of the human rights principles. Especially on the part of police officers, their understanding about law enforcement by the rule of law and rights protection according to the justice system has improved remarkably, as elaborated below:

(a) Incidents of human rights violation have reduced. Some contributing factors to this are, for example, the Police Operation Center in the Southern Border Provinces arranged interpreters for suspects by seeking cooperation from local religious leaders, or, in the case of remote areas where it might be difficult to find lawyers to listen in during inquiry sessions, the Center would get the Inquiry Officers to bring detained suspects for inquiry in the town center for convenience in arranging lawyers, or, religious leaders have been invited to observe the demonstration of a plot as part of a confession for transparency and fairness, and to show the Officers' honest intention in their operation. Besides, there were continuous training projects for police officers at every level to provide them with understanding about the context of identity, culture and way of life of Thai Muslims in the southern border provinces, as well as for them to clearly understand the state policy direction and strategies on security in a new perspective, which places importance on the issue of human rights along with security issues by creating wider opportunities for the injured persons, the National Human Rights Commission or non-governmental

organizations on human rights to examine cases of complaints or petitions in regard to people's rights violation;

(b) People can still rely on the overall justice system;

(c) The civil society sector has become more alert and interested in the justice system, as can be seen from their presence in observing major cases which are of interest to the society;

(d) Documentation of reports for publicity to the public, which makes personnel in the justice process be more cautious in performing their duties for the best interest of social justice.

129. Moreover, inadequate number of personnel in the justice system is still found a problem, which may have caused delays in the trial procedure. The Ministry of Justice attempted to lay down guidelines to address the issue, and set Strategies for Developing the Judicial System in the Southern Border Provinces.¹²

130. According to the working system of the Police, the power of investigation and inquiry is centralized under police operation of duties. This grants legal authority to Police Officers, in the capacity of Inquiry Officers, to conduct investigation and inquiries over case proceedings. In the case where the people or the injured persons/victims have suspicion that a police officer may be involved in committing an offence, they may face obstacles in obtaining access to evidence and facts regarding such case. The Office of the Royal Thai Police has realized the significance of this problem, and thus initiated projects to reform the working systems and procedures of the police, with emphases on more people's participation and effective mechanisms in examining the police performance of duties. This makes the police truly reliable for the people, without interference from politicians and influential persons, and also to raise the police's professionalism, dignity and integrity, and hence the people's stronger faith in them.

Article 15

131. The Constitution Section 39 protects the right and liberty of a person pertaining to criminal liability not to receive heavier punishment than what was provided by the existing law at the time of the person's commission of the offence.

Article 16

132. The Constitution of the Kingdom of Thailand B.E. 2540 (1997) and the present Constitution of 2007 provide that "Human dignity, rights, liberties and equality of persons shall be protected." Therefore, the recognition of status of persons by law is an important right for Thailand, as a state under the rule of law.

133. Moreover, Thailand has public policies which could help enhance the management of migrant workers in Thailand, namely

(a) Cabinet Resolution (dated 27 April 2004) on Guidelines on Systematic Management of Migrant Workers. This is regarded as a policy mechanism which aims at

¹² Having been endorsed by the Cabinet in 2009, this should help alleviate such problem. There has been consultation with the Council of Lawyers to solve the problem of insufficient lawyers to provide legal assistance to the people, and to enable the people to easily access the judicial system, including the issue of increased budget support.

solving the problems at their root causes, by allowing illegal alien immigrants (of Burmese, Laotian and Cambodian nationalities) to stay in Thailand temporarily while holding the status of illegal immigrants, and converting their status from being illegal immigrants to legal immigrants;

(b) Cabinet Resolution (dated 18 January 2005) endorsed the Strategies for the Management of Status and Rights of Persons applicable to every person appearing on Thai territory, who cannot return to his country of origin, or who has contributed or been useful to Thailand. This Cabinet Resolution led to the formation of automatic mechanisms to eradicate the problem of lack of status of persons by law for people in the Thai society.

134. Apart from such Cabinet Resolutions, there are laws and policies in the form of subsequent Cabinet Resolutions to translate the concept to real practice. These Strategies therefore constitute a clear and strong policy framework followed by the public sector in eradicating the problems of stateless persons and persons with no nationalities in a comprehensive manner, from (a) surveying the problem of “statelessness”; (2) eradicating the problem of statelessness in persons whose nationalities cannot be specified still; and (3) recognition of basic human rights.

135. Thailand thus has automatic mechanisms that can eradicate the problem of lack of status of persons by law for human persons in the Thai society, and these strategies also specify prohibition of discrimination against persons in their access to basic human rights.

136. During 2005-2008, Thailand developed concepts and strategies in recognizing the right in the status of persons by law, which are clear and can be referenced, for use in the verification of the identities and status of such groups of persons. There was a drive to push the process of acknowledging (a) comprehensive recognition of the right in the status of persons by law, from birth registration, residence registration and death registration; (2) recognition of educational rights; (3) recognition of the right to public health services; and (4) the justice system.

137. The Strategies for the Management of Status and Rights of Persons, although without the status as a law, are significant guidelines in the administration to push for the translation of the existing laws to more effective practice, as well as to help push for the enactment of new laws and policies deemed necessary for enhancing effectiveness in the eradication of the problems of statelessness and lack of nationalities for human persons in the Thai society.

Article 17

138. The Constitution guarantees the right and liberty of dwelling (Section 33), by clearly stating that the search of a dwelling or private place shall only be made by order or warrant issued by the Courts or on other grounds as provided by law. For the Courts to issue such order or warrant, there must be grounds as provided by law, e.g. Regulations of the President of the Supreme Court on the Issuance of Criminal Warrants B.E. 2548 (2005) which set criteria for requesting search warrants from the Courts, etc. In regard to protection of a person’s right of privacy, family rights and the right of dignity and reputation (Section 35), the right of privacy entails various aspects including the right of privacy in property, right of privacy in communication, or right of privacy in personal information in relation to oneself. Besides, this Section provides protection of a person’s right in a family or a family institution, right of dignity and reputation. Any act considered to be an interference, a circulation of news or a violation of rights is not to be done except for the case which is beneficial to the public.

139. The Act on Protection of Victims of Domestic Violence B.E. 2550 (2007), Section 9 prohibits publication, advertising or propagation to the public of issues which may be

detrimental to the victims or the persons who committed domestic violence, after reports or petition have been made to the authorised Officers. Violators shall face criminal penalty of imprisonment not exceeding six months, or a fine of not exceeding 60,000 Baht, or both.

140. The Computer Crimes Act B.E. 2550 (2007) specifies offences of hacking information (Section 8), and of unlawfully destroying information in the computer systems of other persons (Section 9). The law specifies an offence of sending information or electronic mail to other persons by hiding or falsifying the origin of such delivery, which is regarded as disturbance on other person's use of their computer systems (Section 11), protects other persons' reputation in the case which a person imports information into the computer system accessible by the general public (Section 16), and grants authority to the Officer in filing a petition with evidence to the Courts, requesting the Courts to issue an order to suspend the act of disseminating information which may be detrimental to the security of the Kingdom, or may contradict public order or decent morals of the society (Section 20). As for protection of the information in the computer systems which belong to other persons, the law provides that the authorized Officer by this law shall not disclose such information by keeping it secret, except in the case of disclosure for the benefit of the case procedure. In the case of violation or disclosing this secret to other persons, the Officer shall be held liable according to Sections 22, 23 and 24.

141. The Thai Public Broadcasting Service Act, B.E. 2551 (2008) provides that a person inflicted by a news coverage by the media under the responsibility of the Organization has the right to file a petition to the Sub-Committee on Petitions under this law. The Sub-Committee has the power to impose disciplinary punishment and order the Organization to make a compensation payment as deemed appropriate.

142. In other cases, control is exercised by a Council of Professional Organizations of Journalists, which has control measures and also likely remedy measures to compensate for the damage on the inflicted person as per demand in a civil case caused by a news coverage considered to be a defamation. The inflicted person has the right to file a civil and criminal case, according to the Civil and Commercial Code Section 423 and the Penal Code Sections 326 and 328, as the case may be.

143. On some occasions and for the benefit of finding evidence in the prevention of serious crimes, the public sector has the necessity to enact special laws to address such probable circumstances, such as laws related to drugs, laws on money laundering, or computer-related laws.¹³ These special laws provide that the Officers can seek permission from the Courts to tap telephone conversations or hack information on electronic media.

Article 18

144. The Constitution provides for protection of the right of all Thai people, including non-Thai persons in general, to enjoy liberty to profess a religion and to exercise religious rites according to their beliefs. This is considered a basic right of a human person, which is complete and absolute. Any act which is derogatory to such right and liberty shall not be allowed (Section 37). The Constitution also provides that the State shall grant patronage to Buddhism and protect all other religions (Section 79).

145. Currently there are ongoing projects on learning exchange to create platforms for meeting and discussion among the public sector, religious leaders, academia on religion, local leaders, human rights activists, woman and youth leaders and the media. The

¹³ The Computer Crimes Act B.E. 2550 (2007) Section 18 (4), (5), (6), (7) and (8) providing that permission is to be sought from the Courts according to Section 19.

objectives are to forge understanding, acceptance and recognition of the value of identities, cultures and ways of life of local communities, as well as to establish mutual trust, which will contribute to the cooperation in addressing the problems in order to bring peace and happiness back to the southern border provinces. There is also financial support provided to Islamic Paw-naw educational institutes, mosque-based Islamic Education Centres (Tadeeka) and mosques in order to strengthen their capacities to become strong local institutions and local learning centers for the communities. These institutions are the value and pride of the Thai Muslims, and constitute the local wisdom well worth the serious and continuous promotion and support.

Article 19

146. The Constitution provides for freedom of expression of persons and the press, which is a significant element for a democratic society. Such freedom is protected as long as it does not violate the rights of other persons or contradict public interests (Section 45). The Constitution also contains provisions pertaining to: protection of the liberties of media practitioners (Section 46); protection of the allocation of frequencies in a fair and just manner, with people's participation, in anticipation of preventing a merge (Section 47), preventing persons holding political positions from owning or holding shares in newspaper, radio broadcasting, television broadcasting or telecommunications enterprises, including direct or indirect interference therein (Section 48); protection of the right to access public news and information (Section 56); protection of the right to engage in acknowledging and listening to the people's opinions in the process of planning and implementing an enterprise which may affect any persons or the public (Section 57); protection of the people's right to participate in acknowledging, expressing opinions or providing information in the process of the State's performance of administrative functions (Section 58); protection of the right of a person to present a petition (Section 59); protection of the right of a person to take legal action against a government agency (Section 60); protection of the rights of consumers (Section 61).

147. The Thai Public Broadcasting Service Act, B.E. 2551 (2008) is the law that provides for the establishment of a State organ which is independent and functions as an independent organization in the allocation of frequencies of broadcasting and television enterprises and the national telecommunications enterprise, in order to systematize the media in the public sector, the private sector as well as community media, to ensure that they are genuinely public media, and that the State communications tools and equipment are used for public interest and as contribution to educating the people in politics.

148. The Act on Public Radio and Television Broadcasting Organization of Thailand B.E. 2551 (2008) is the law that establishes a mass/public organization which functions in public radio and television broadcasting, leading to a public media enterprise, both in radio and television, as services to meet public interests. This organization will be a leader in the production and creation of quality news and current affairs programs which will benefit the audience and the general public, with emphasis on people's participation, to promote the provision of accurate and balanced information, to raise the standard of learning of the people in all sectors to keep up with global changes, including to improve the quality of life of the people in the nation, and to contribute to sustainable development and citizenship of all peoples in the society through its news and information services. Besides, the organization is meant to become a leader in the provision of academic knowledge of various fields, cultures and traditions, decent values and morals of the society, which promote unity and patriotic feelings among the peoples of the nation, to raise their pride in their national language and culture, as well as their local identities. The organization will also be supporting program production of independent producers.

149. Announcement of the National Committee on Telecommunications Enterprises on Master Plan on Telecommunications Enterprises No. 2 (B.E. 2551-2553) (2008-2010) focuses on strengthening Thai telecommunications enterprises, enabling free and fair competition, encouraging people's participation, ensuring extensive services and preparedness for technology integration towards meeting the international standards in a sustainable manner, following the Sufficiency Economy philosophy for the benefit of the nation and the people as a whole. Such Master Plan was laid down in accordance with the Constitution Section 47 and other relevant laws concerning the mass media. The plan regards frequencies as communication resources of the country for public interest. Therefore the undertaking in allocating frequencies and regulating radio, television and telecommunications enterprises shall take into consideration the best interest of the people at the national and local levels in the aspects of education, culture, state security, other public interests and free and fair competition. Such undertaking shall provide for the public sector to participate in the public mass media enterprises, in accordance with the freedom in communication of the people.

150. Announcement of the National Committee on Telecommunications Enterprises on Measures on Protection of the Rights of Telecommunications Consumers Pertaining to Personal Information, Right in Privacy and Freedom in Communication via Telecommunications, which was issued by the power of Section 51 (11) of the Act on the Agency for Frequency Allocation and Regulating Broadcasting and Telecommunications Enterprises B.E. 2543 (2000).¹⁴

151. There are certain laws in Thailand which affect the people's freedom of expression, namely the Martial Law Act B.E. 2457 (1914) Section 6, Section 9, and Section 12, and the Emergency Decree on Public Administration in Emergency Situations B.E. 2548 (2005) Section 9 and Section 11. Nevertheless, these laws are announced and enforced specifically in situations pertaining to political demonstrations which have tendency to become violent, and in the current unrest situations in the southern border provinces, which are considered necessary to enforce these special laws to prevent the escalation of the problem's violence. However, the State has exercised more caution in its operation not to affect the people's rights and liberties, a policy direction to which Thailand always attaches importance.

152. The Thai society has significantly become more alert about the freedom of expression amidst specific circumstances of political polarization. During such times, there was a development to establish an organ to manage the country's resources for communication, namely telecommunications and community radio. The Constitution also attaches importance to the issue of freedom of expression extensively, which leads to the issuance of the Organic Act on Public Referendum B.E. 2552 (2009) and the regulation of interference in the mass media by using political influence by prohibiting politicians from holding shares in mass media enterprises.

Lèse-Majesté Law

153. As a liberal democratic society, Thailand takes seriously the views expressed about the so-called *lèse-majesté* law in Thailand, which is in fact part of Thailand's Criminal

¹⁴ Besides, in November 2009, there was an attempt to gather opinions by means of personal interviews, focus group meetings, public hearings, and gathering opinions from electronic media towards the Ministry of Natural Resources and Environment Announcement on Setting Principles, Methods, Procedures and Guidelines on the compilation of Reports on Findings of Analysis on Environmental Effects from Projects or Enterprises which may cause severe effects on the communities in terms of environmental quality, natural resources and health aspects, according to Section 67, Clause 2 of the Constitution of the Kingdom of Thailand B.E. 2550 (2007).

Code, not a special law. The Government has thoroughly reviewed the situation concerning the *lèse-majesté* law and has found it to still be necessary and relevant in Thailand's context. This is because under the Thai Constitution, the monarchy is one of the country's principal institutions. Therefore, *lèse-majesté* is regarded as an offence against the security of the State.

154. The Computer Crimes Act B.E. 2550 (2007) was enacted so that the authorities can more effectively deal with a range of criminal and harmful activities committed via computers and the Internet, including threats to national security, *lèse-majesté*, defamation, hacking and pornography. Although this law empowers the authorities to suspend access to a website temporarily, a court approval is required before any such action can be taken.

155. Various measures have been taken, including the setting up of a committee in the Royal Thai Police headquarters. This police committee functions in additional screening to ensure that each charge has legal merit for further proceeding through the application of an appropriate set of criteria, which is a special procedure, not under normal legal procedures taken by line police officials.

Article 20

156. The Constitution Section 30 provides guarantee on equality before the law for every person. Therefore, any action which causes or supports to cause feelings of hatred towards a nation, race or religion, which instigates consequential discrimination, atrocity or violence, as stipulated in Article 20, Paragraph 2, shall not be permitted under Section 30. Clause 3 of Section 30 particularly prohibits discriminatory practices on the grounds of differences in origin, race, religion, language, sex, age, disability, physical or health condition, personal status, economic or social standing, religious belief, education or political view.

157. Thailand is highly aware of the significance of this issue, and shall not let peoples of different races in the country have conflict to the extent of developing into hatred against one another, which will undermine the love and unity among the people of the nation, which is key to the security of the people in a multi-cultural society like Thailand. The country has therefore made utmost effort to solve the ongoing problem of conflict and violence in the southern border provinces. It realizes well that the situation there is a very important lesson for every sector to learn together, and that all parties should take part in solving the problem, so as not to cause the feeling of division in the minds of peoples of different races. Strenuous effort has thus been made to prevent any group of persons who are ill-intentioned towards the nation to cause the feeling of hatred towards a nation, race or religion, which can instigate consequential discrimination, atrocity or the use of violence, according to paragraph two of this Article.

Article 21

158. The Constitution Section 63 guarantees the right to enjoy the liberty to peaceful assembly and without arms.

Article 22

159. The Constitution guarantees the right to association for the protection of consumers' rights. It provides for the establishment of an independent organization for consumers' protection (Section 61), for the Thai people to enjoy the liberty to assemble as an association, union, confederation, cooperatives, agricultural group, non-governmental

organization, or other groups, whether as a corporate entity or not. Besides, civil servants or government personnel shall enjoy the same liberty to assemble, but any such assembly must not affect the government administration or the continuity in public service provision (Section 64). The Constitution also provides for the Thai people to enjoy the liberty to assemble for the establishment of a political party (Section 65).

160. Thailand will endeavour to ratify the International Labour Organization (ILO) Convention No. 87, Freedom of Association and Protection of the Right to Organise, 1948, in the near future. The Ministry of Labour has initiated the revision of the Labour Relations Act B.E. 2518 (1975) and the State Enterprise Relations Act B.E. 2543 (2000) to be in line with the principles of the said Convention. Up to present, amendment has been made to the State Enterprise Relations Act B.E. 2543 (2000), now under scrutiny by the Task Force for the Revision of Labour Relations Laws. In addition, there was an announcement made, namely the Announcement of 324/2552 dated 27 October 2009, on the Establishment of the Task Force to Coordinate the Implementation to Ratify the ILO Conventions No. 87 and No. 98, with the Permanent Secretary of the Ministry of Labour as Chairperson in reviewing the guidelines on accelerating and preparing all sectors to be ready for the ratification of the ILO Convention No. 87 and No. 98, Right to Organise and Collective Bargaining, 1949. The Task Force held its first meeting on 2 November 2009.

161. The revision of the Labour Relations Act B.E. 2518 (1975) has, up to present, passed the scrutiny of the Office of the Council of State, and now under the process of being submitted to the Cabinet before passing on to the House of Representatives for consideration and approval. With the reform of such law, discrimination against the formation of a labour union on the grounds of nationality will be diminished.

Article 23

162. The main Thai law on the recognition of human rights in family establishment is the Family Registration Act B.E.2478 (1935). The law does not only provide for marriage registration of persons who reside in Thai localities. This means that the Thai Courts recognize marriages of all individuals regardless of nationality or locality, on condition that substantial facts can be presented as required by the provisions of the Civil and Commercial Code concerned.

163. To ensure that all persons can realistically enjoy protection under this Article, the public and private sectors in Thailand have cooperated in publishing a Handbook for Public Officers so that they will have clear understanding while operating in accordance with the law. Besides, more training on laws pertaining to the recognition of the right in family establishment was given to officers in the Administrative Division with responsibility in handling registration according to the Act on Family Registration, as well as more effort made in adjusting the attitude of all parties concerned.

Article 24

164. The Constitution sets out guarantees to protect equality in education (Section 49), the rights of children, youth, women and family members (Section 52), the rights of children and youth to fullest physical, mental and intellectual development (Section 80 (1)).

165. In Section 73 of the Criminal Code, revised by the Amendment Act to the Criminal Code (No. 21) B.E.2551 (2008), the age of children exempted from legal punishment for criminal offences increased from 7 years to 10 years, which is regarded a development in child protection in Thai laws.

166. The Act on Promotion of National Child and Youth Development B.E. 2550 (2007) Section 7 provides that every child and youth shall enjoy equal rights to birth registration, development, acceptance, protection and participation, as provided under this Act or other relevant laws, without discrimination.¹⁵

167. Thailand has, as of now, already withdrawn its reservation to Article 7 of the Convention on the Rights of the Child, effective from 13 December 2010.

168. With regard to children who are from poor and deprived families, and who were affected by unrest situations, His Majesty The King has special concern for them and provided for the establishment of the Raja Prajanukrau Foundation under His Royal Patronage to provide assistance and care for these disadvantaged children, by offering scholarships, and supporting them and their families with food and other basic necessity commodities.

169. As part of the project to honour His Majesty The King on the occasion of His 80th Birthday Anniversary on 5 December 2007, the government conducted a survey in view of granting legal status to the aforementioned groups of persons. The project activities included opening opportunities for late or overdue birth registration, adding names in house registration, and solving the problem for those persons whose names appear in the Central House Registration. And, as a proactive operation pertaining to birth registration specifically of persons under special circumstances such as the one in the southern border provinces, the Ministry of Public Health organized training for local midwives to bring them up to standard. The midwives who have attended the training shall be authorised to certify births. At the same time, the Ministry also supported the budget in arranging hospital vans to reach out to the local areas to fetch pregnant women for child delivery at the hospitals.

170. Additionally, there were recommendations from the people sector, academic sector and the civil society sector, which were agreed upon by the public sector, namely that local community leaders shall be the ones to verify births of children in their communities, that any new birth should be reported immediately, and that there should be campaigns to raise the people's understanding about the benefits of child delivery in hospitals for the safety of both mothers and infants.

Article 25

171. The Constitution provides that a person who has the right to vote shall be under a duty to exercise that right to vote at an election, and the State shall directly be under a duty to provide facilities and make arrangement for the people to exercise their right to vote with convenience (Section 72). It provides that persons having the right to vote of not less than ten thousand in number shall have a right to submit a proposal of a draft legislation to the President of the National Assembly (Section 163). The Constitution provides that persons having the right to vote of not less than twenty thousand in number shall have a right to lodge with the President of the Senate a complaint in order to request the Senate to begin a process of removal from office of the Prime Minister, Minister, Member of the House of Representatives, Member of the Senate, President of the Supreme Court, President of the

¹⁵ Cooperation between the Department of Public Administration and the civil society to create clarity in the registration of births of persons who fled fighting from Myanmar in the 9 Shelter Areas along the border of Thailand-Myanmar, as can be seen from the Ministry of Interior's Memorandum dated 8 October 2009 to forge understanding about the issue of registering births and deaths for non-Thai persons who belong to the group that fled fighting from Myanmar and residing in the temporary shelters.

Constitutional Court, President of the Supreme Administrative Court, the Attorney General, as well as Judges, Election Commissioners and Members of other independent agencies, on the grounds of offences caused by wrongful or dishonest performance of duties, accumulating extraordinary wealth, actions indicating violations against duties/functions in justice, actions indicating intention to exercise authorities in contradiction to the Constitution, etc. (Section 164). The Constitution provides the person whose right was affected with a right to directly present a legal case to the Constitutional Court (Section 212). It provides that the State shall undertake to promote the people's participation and expression of will towards self rule in the form of local administrative organizations (Section 281); provides for the local people to enjoy the right to participate and examine the administration of their local administrative organizations (Section 287); provides that local administrative organizations are under a duty to promote and preserve local art and culture, and to exercise their right or to take part in local education management (Section 289); and provides local administrative organizations with the power and duty to administer environmental management (Section 290). The Constitution guarantees the people's right to submit names for the purpose of proposing an amendment to the Constitution (Section 291 (1)), which is the first constitution that grants this right to the people.

172. Laws pertaining to environmental care and protection by local administrative organizations according to the Constitution Section 290 are being drafted in view of submission to the House of Representatives.

Article 26

173. The Constitution Section 30 provides guarantee on the right of persons to receive equal protection under the law without any form of discrimination.

Article 27

174. The Constitution Section 66 and Section 67 provide that the meaning of community rights shall include cultural rights. The definition of community rights by this Constitution shall include cultural rights of local communities, which may differ from cultures at the national level, and local communities having community rights may not necessarily be only original communities. The meaning of "holders of community rights" is more clearly understood under this Constitution, even without specifying the word "ethnicity" as being the "holder of cultural rights". Findings from the study on provincial policies and the study by the Ministry of Culture, which show recognition of the status as holders of cultural rights of the various ethnic groups in Thailand.

175. Besides, the Thai government currently endorses the Committee on the National Language Policy of the Royal Scholars' Council to set policies on the national language, which place importance on local dialects, mother tongues and languages of ethnic groups, as well as promote and support the teaching and learning of these languages together with the Thai language, especially in communities where such languages are used.

IV. Analysis of trends and direction for the development of civil and political rights in Thailand

176. Thailand is a society in which the public sector is strong and has enjoyed integrity ever since the past. The State has vast expertise particularly in ruling and administration, but usually lacks flexibility to adjust to changes to keep up with the modern age, with new conditions on recognition of and respect for rights, rights protection and more freedom and

liberties for the people. The fact that the civil society sector has more limitation than the public sector and is used to accepting that their rights be determined by the State like in the past puts the people in the status of not being able to fully access and enjoy their rights, especially political, economic and social rights. When faced with the current of globalization and new information technology which crosses beyond borders, Thailand saw effects, with an increase and expansion in the people's demands for rights. But such changes have happened without direction and without genuine people's participation, since the people are still in lack of knowledge and awareness about rights and political bargaining in a democratic society.

177. The major trend for the development of the implementation of the International Covenant on Civil and Political Rights in the next phase is that the State of Thailand will support the establishment of networks with the academic sector, civil society sector and international organizations to enhance the knowledge and understanding of the public sector in implementing the Covenant, to strengthen the people's preparedness in accessing civil and political rights, and to initiate the process of genuine people's participation. Such trend has been conceptualized based on the belief that the people's readiness/preparedness therein will be a major part in the development of democracy and for peaceful coexistence in Thailand, which is a multi-cultural society. Whenever there is a conflict situation, the problem can be solved by peaceful means, which is Thailand's standpoint. It is with confidence that the State of Thailand will be able to give clear explanation in response to any questions or concerns towards the matters which it took decision to implement, at the same time that Thailand will be prepared to address the issues identified as problems or weak points in its earlier implementation of the Covenant, and will undertake to prevent the problematic issues from happening again.
