

Opening Statement by
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and Special Envoy of the Royal Thai Government
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of the Human Rights Council

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Madame President,

Distinguished Delegates,

Ladies and Gentlemen,

On behalf of the Royal Thai Government, I would like to express Thailand's appreciation for this opportunity to present our national report to the 12th and last UPR Working Group session for the first UPR cycle.

Allow me first to elaborate a little on our experience with the UPR process, which has proven to be very useful for Thailand for several reasons.

First, the UPR process has helped promote dialogue and cooperation on human rights among all stakeholders in Thailand. We have endeavoured to make this process as broad and inclusive as possible with 14 consultations held between government agencies and civil society organizations to identify progress and challenges on various topics to be included in the report. Five public hearings on the draft report were held in all regions of the country to gather views of all stakeholders. The draft report was also posted on the websites of various line ministries for further views and comments which were incorporated in the report before it was submitted to the Cabinet for final approval. Thailand will continue to keep up the momentum of this UPR dialogue as we further discuss the implementation of the recommendations we shall receive this week.

Second, the UPR process has provided an opportunity for an important self-assessment of our own human rights record and situation. We have made efforts to produce a comprehensive and balanced national report where both progress and challenges are identified in various areas, with the intention to make the report a benchmark for human rights development in Thailand.

Third, the UPR process has been a catalyst for change in the Thai society. Several pending human rights issues and cases were raised throughout the drafting of Thailand's national report. And it is important to note that additional impetus has been given for us to move forward of a number of issues. On others, it has helped raise awareness among stakeholders on the challenges that need to be tackled and discussions are still ongoing on how best to address them.

Madame President,

Thailand is an open society where various diverse cultural, ethnic and religious groups live together side by side in peace and harmony. We have a strong and vibrant civil society which plays a significant role in promoting and protecting human rights. Civil society organizations and NGOs who I am pleased to note are with us in this chamber can freely form networks to undertake all nature of human rights activities while the numerous foreign media based in Thailand can operate freely without interference.

Thailand is a State Party to seven core international human rights instruments. It is also a Party to 14 ILO Conventions as well as the four Geneva Conventions of 1949 relating to international humanitarian law. Thailand is pursuing efforts to withdraw reservations made under these instruments as well as to become a party to other human rights-related treaties, with a view to enhancing human rights protection in the country.

We believe that Thailand's human rights infrastructure is one of the most progressive in the region. The present Thai Constitution provides a strong guarantee for all rights and freedoms, many of which have been translated into specific legislation. Various independent check and balance mechanisms have been set up to protect the rights of people and help move forward the nation's human rights agenda. Human rights protection mechanisms have also been put in place in the forms of various committees to protect the rights of vulnerable and marginalised groups both at national level and in the local communities.

I wish to stress that Thailand is committed to the promotion of democracy and democratic values in order to provide a conducive environment to achieve human rights and liberties for all. The recent general election is significant in marking a smooth transition in the democratic process. The new Government is now firmly in place and has set an ambitious policy agenda in which I am pleased to note human rights has a high priority.

It must also be highlighted that, so far, Thailand has achieved significant progress in the areas of economic, social and cultural rights and the right to development and has fulfilled most of the Millennium Development Goals.

- Poverty rate has been reduced dramatically, while access to social services and opportunities for all are much improved.
- Fifteen-year education from kindergarten to high school is provided for free for all children regardless of their status and backgrounds.
- The right to health is upheld through the improved health security systems and the Universal Healthcare Coverage Scheme, which provides free medical treatment for most diseases.

- The social protection system has been improved to provide social security for all workers, both Thais and registered migrant workers, in case of illness, injury, disability, death and retirement, without any distinction
- Even those migrant workers who do not have legal status can benefit from basic health coverage system

The government also made extra efforts to promote and protect the rights of specific and marginalized groups, such as children, women, persons with disabilities, older persons, ethnic groups and migrants.

Successes and challenges in these areas are included in the National Report and will be further elaborated by the relevant line agencies represented here today.

Madame President,

Despite the advances and progress we have made, challenges indeed remain in many areas and we acknowledge that. We are addressing those challenges facing the country both within the national and regional contexts.

The first important challenge is the **political situation**. The political turmoil last year generated human rights concerns in connection with the loss of life and injury of protesters. The Government is still continuing the provision of remedies and rehabilitation to affected persons from all sides while trying to promote the rule of law whereby every person is treated equally. The independent Truth for Reconciliation Commission of Thailand (TRCT), which was set up right after the political unrest, has also received full support and cooperation from the new Government in moving forward its task of determining the truth and facts in connection with the violence and possible human rights violations.

Just a few weeks ago, the Commission submitted 7 recommendations to move forward the reconciliation process to the new government. These recommendations based on justice for all, accountability of all, and reconciliation among all have been and will continue to be positively responded as the government has set up a committee to facilitate the implementation of all recommendations.

More details on the progress in the work of the Commission, as raised in some of the advance questions that we have received, will be addressed by my delegation later.

The second main challenge is **the situation in the Southern Border Provinces**, which is not an armed conflict but a situation of protracted violence that needs to be addressed at its root cause. The deep South known for its unique “Thai Malay Muslim” cultural identity has been threatened by perpetrators of violence who unfortunately use cultural differences to claim legitimacy for violent acts to further their cause. But let there be no doubt that there can be no justification for such indiscriminate violence especially when it is directed at civilian population. The resulting violence has caused tremendous physical and psychological impacts on the people in the affected areas, and on fellow Thais. At the same time, allegations of **impunity** of state officials are indeed serious, and will continue to be addressed through civil and disciplinary as

well as criminal remedies. We recognize that the situation in the Southern Border Provinces requires a multi-prong approach encompassing security, political, economic and cultural initiatives aimed at curbing the violence and promoting justice and comprehensive development, while enhancing empowerment and ownership of the local people.

The third important challenge for Thailand relates to **migration and human trafficking**, which all of us recognize as a worldwide phenomenon that needs to be effectively managed at the national, regional and international levels. Thailand is a country of origin, transit and destination of migrants. The flows are attributed to several push and pull factors. Thailand is seen as a land of opportunity for some, and a safe haven for others. But the challenge of hosting over 2 million migrant workers and many thousands of displaced persons and asylum seekers as well as illegal migrants is one that any country would find daunting.

In meeting the migration challenge, we realize that there can be no quick fixes and we must do more to make it a national agenda, embracing all Government agencies concerned while working together with all concerned neighbouring countries. Thailand is fully aware of the contributions migrants can and have had to the economy and development of the country. We must give priority to the promotion and protection of the rights of migrant workers, prevent their exploitation while at the same time maintaining the integrity and sanctity of our immigration and labour laws and our borders, which I am sure is the case with all countries. The same also applies in the case of Thai workers abroad.

With regard to migrant workers in Thailand, I wish to further point out that since 2004, the Government has put in place the registration process, which has been supplemented by the nationality verification process, which allows for the systematic regularization of migrant workers. What stands out in this system is not only to register all migrant workers but their children as well. In addition to that, children of migrant workers regardless of their status are all entitled to 15 years of free public education. And all registered and verified migrants are entitled to the same rights and protection as Thai workers.

Madame President,

Notwithstanding these challenges, the Thai government is determined to make further progress. And we believe that many positive steps have been taken, and we hope would be acknowledged. We hope that the dialogue today will help us reflect on where we are, what more needs to be done and how best to move forward.

Thailand is pleased to learn that 27 stakeholders including the National Human Rights Commission of Thailand have submitted reports on the human rights situation in Thailand. We believe that this high number of submissions reflects the active involvement of civil society in the UPR process. Indeed, we commend them for doing their part in raising the voices of the vulnerable and the marginalised to the Council. This bodes well indeed for the future advancement of human rights in Thailand, and we do hope to collaborate closely with them in realising the UPR recommendations after the review.

May I also add that the Thai delegation today comprises high level representatives from key Government agencies, namely, the Ministry of Justice, the Ministry of Social Development and Human Security, the Ministry of Labour, the Ministry of Interior, the Ministry of Foreign Affairs, the Royal Thai Police and the Thai armed forces. These agencies as well as others who are not with us today have actively participated in the preparation of Thailand's review, and will remain key actors in the implementation phase of Thailand's accepted recommendations.

In concluding, I would like to acknowledge the presence of representatives of the National Human Rights Commission of Thailand, as well as Thai civil society organizations here today, including Thai student representatives as part of a university human rights programme. This underscores the fact that the UPR as well as human rights promotion and protection in Thailand are true multi-stakeholder enterprises.

Thailand also wishes to thank the Czech Republic, Netherlands, Switzerland, the United Kingdom, Norway, Sweden and Denmark for their advance questions, which the Thai delegation hopes to address during the course of this dialogue. We look forward to a fruitful discussion and outcome, which will help us to better promote and protect human rights for the benefit of all in Thailand.

I thank you.
