

Highlights of Thailand's implementation of recommendations and voluntary pledges under the first cycle of the Universal Periodic Review 2012-2014 (Mid-term update)

1. Background

1.1 Thailand presented its first national report on the human rights situation in the country at the 12th Session of the Universal Periodic Review (UPR) Working Group. The report was adopted at the 19th Session of the Human Rights Council (HRC) in March 2012. Thailand received a total of 172 recommendations, 134 of which have been accepted in whole or in part. In addition, Thailand also made 8 voluntary pledges on the promotion and protection of human rights.

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

1.3 The Committee has met several times since May 2012 to discuss implementation of our accepted recommendations and preparation of the mid-term and second UPR reports. In 2013, a national action plan was developed and distributed to government agencies to use as a guideline on the implementation of the recommendations and voluntary pledges. The Plan was also distributed to the NHRC and civil society organizations for them to help monitor the government's efforts in this regard. Thailand will go through the second cycle of the UPR at the 25th UPR Working Group in 2016.

2. Highlights of Thailand's implementation of the recommendations and voluntary pledges under the first cycle of the UPR from 2012-2014 (mid-term update) are as follows;

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

- Thailand ratified the United Nations Convention against Transnational Organised Crime (UNTOC) and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children in October 2013. Thailand has taken a leading role in advocating ratification and implementation of the Convention among member countries of the Bali Process since 2012. Nationally, we completed internal process to revise our legislation and develop mechanisms to implement our obligation under the Convention and the Protocol.
- Thailand was among the first countries that ratified the Optional Protocol to the Convention on the Rights of the Child (CRC) on a communications procedure in September 2012. We are establishing a national mechanism to implement our obligation under this instrument and to disseminate information on the Optional Protocol to

children and youth nationwide.

- In February 2014, Thailand established a national committee to consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance (CED).
- Thailand is also studying the possibility of ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP CAT) and expects to complete the study by August 2014. We hope to become Party to the Optional Protocol by 2015.
- In July 2012, Thailand withdrew our reservation to Article 16 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which guarantees the rights of women in all matters relating to marriage and family relations.
- Thailand also withdrew our interpretative declarations to Article 6(5) and Article 9(3) of the International Covenant on Civil and Political Rights (ICCPR) regarding the abolition of death penalty for persons below 18 years of age and the obligation to promptly bring arrested or detained persons on a criminal charge before a judge or other officer authorized by law to exercise judicial power.
- Thailand is in the process of withdrawing our interpretative declaration to Article 18 of the Convention on the Rights of Persons with Disabilities (CRPD) regarding liberty of movement and nationality.
- Thailand has undertaken efforts to incorporate the definition of “torture” into our domestic laws by amending the Criminal Code and Criminal Procedure Code to be in line with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

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

- The draft 3rd National Human Rights Plan (2014-2018) has integrated our recommendations and voluntary pledges under the UPR framework into its human rights targets and indicators.
- Thailand has distributed manuals and organised nationwide training on the international human rights instruments to which we are Party, including on the UPR, to government officials and the public. The UPR publication also includes the Braille version and audio book in order to make it accessible to visually-impaired and older persons.
- Human rights education and training has been regularly organised for government officials, especially for law enforcement officers, the youth and the general public.
- Human rights-sensitising tools in the forms of calendars, posters, exhibition sets, short documentaries, and radio spots in both Bahasa Melayu and Thai have been created to disseminate information about human rights principles and basic laws for police officers and military personnel in the Southern Border Provinces.

Human Trafficking

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

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

- Recent national anti-trafficking measures include: (a) improving data collection system and exchange of information among criminal justice agencies, (b) establishing a centre to facilitate workers seeking jobs overseas in 10 provinces, (c) developing Good Labour Practices (GLP) for shrimp and seafood primary processing workplaces, shrimp and seafood processing, shrimp farms, and fishing boats and (d) establishing the Labour Coordination Centres in Fishery Industry.
- On protection and recovery, recent progresses include development of the Joint Standard on Guidelines and Standard Operating Procedures (SOPs) to Identify Victims of Trafficking in Persons and increasing efforts to assist trafficked victims to find jobs outside shelters.
- With regard to child labour, training has regularly been organised for labour inspectors and multidisciplinary teams to address the issue of child labour. The National Plan on the Elimination of the Worst Forms of Child Labour (2015-2020) and the Strategy to Prevent and Combat Transnational Organised Crime are being drafted. The guideline on good practices for tourism industry to prevent sexual exploitation of children will also be developed in the near future.
- Relevant agencies have conducted several measures to enhance the efficiency of labour inspection on fishing boats and high-risk worksites, such as including indicators on human trafficking in the labour inspection form and revising relevant laws.

Rights of Specific Groups

- Various measures are implemented to address violence against women and children. These measures include development of a manual on a non-violent approach to child rearing and caring in various settings which are distributed to parents and teachers. Efforts have also been undertaken to increase the role of the community to protect children and women and to combat violence against them including domestic violence. In this regard, the provincial Memorandum of Understanding (MOU) was already concluded in 31 provinces and will be developed throughout the country in the near future. Thailand is also in the process of drafting measures to prevent sexual harassment in the workplace. The draft is opened for public hearings in June 2014.
- Thailand is undertaking a study on the situation of children with legal status problem including children in the temporary shelters for displaced persons with an aim to establish a guideline to promote the welfare of these children.
- Projects and training on women's empowerment and capacity building are regularly conducted to promote their participation in politics and public administration. The Government, in cooperation with the United Nations Development Programme (UNDP) also jointly implements a women's empowerment project in 14 provinces in the South of Thailand, which covers the period of 2012-2016.
- Thailand is implementing the second National Plan of Action on the Treatment of Women Prisoners (2014-2017) in prisons and correctional facilities throughout the country. The Plan serves as a mechanism and guideline on the implementation of the

United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders or the Bangkok Rules. The Thailand Institute of Justice (TIJ) has also publicised the guidance and e-course on the implementation of the Bangkok Rules.

- The Persons with Disabilities Empowerment Act of 2007 was amended in 2013 to include provisions on monitoring of the access by persons with disabilities to their rights, establishment of service centres for persons with disabilities, increasing the role of persons with disabilities organisations, developing disability-friendly environment and providing services on sign language interpreters and assistants for persons with disabilities.
- With regard to the protection of irregular migrants, displaced persons and those with protection needs in the country, Thailand has always adhered to humanitarian and human rights principles. Thailand is currently establishing national mechanisms under the framework of the Comprehensive Strategy on Addressing Illegal Migrants of 2012 to be in line with international standards and practices.
- The Universal Health Coverage Scheme has been expanded to cover undocumented migrant workers since January 2013. Health Officers and Volunteers for Migrants nationwide are also trained to help disseminate information on healthcare and government services for migrant workers.
- To promote and protect the rights of persons living in vulnerable conditions, Thailand is implementing the Strategy for the Empowerment and Protection of the Rights of Vulnerable Groups (2012-2016). The Strategy aims to strengthen systematic data collection, enhance access to government services for these people, and promote positive attitudes toward these people, such as HIV-infected persons and former inmates.
- Thailand is developing the draft Civil Partnership Act to legalise same-sex marriage in the country, pending our domestic procedure.
- Thailand has already achieved most of the Millennium Development Goals (MDGs). We have also set up our own Millennium Development Goals Plus, to accelerate inclusive development in the country, especially on poverty eradication and addressing disparities.

Administration of Justice

- Efforts have been made to disseminate information on the right to state compensation in accordance with the Compensation and Expenses for Injured Person and the Accused Act of 2011. An easy-to-read guideline on submission of complaints and application for remedy, under the said Act is also available in provincial justice offices in every province.
- To increase access to justice, the Centre for Remedy of Victims of Crimes has been established to assist victims in this regard. The Compensation and Expenses for Injured Person and the Accused Act of 2011 has also been reviewed with an intention to cover more criminal offences.
- In October 2013, the Bureau of Legal Enforcement, Human Rights and Forensic Science under the Internal Security Operations Command, Region 4 was established. The mandate and responsibility of the office is to strengthen the prevention of human rights violation and protection of people in the Southern Border Provinces (SBPs).
- The special office under the Office of Regional Public Prosecution has also been set up

to take charge of prosecution of cases in the SBPs.

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

Cooperation with special procedures mandate holders of the Human Rights Council

- Thailand issued a standing invitation to all special procedures mandate holders of the HRC during the presentation of our first UPR report in 2011.
- In 2013, Thailand welcomed the visit of the Special Rapporteur on the human right to safe drinking water and sanitation. Relevant agencies will take into account the recommendations of the Special Rapporteur when implementing their policies in order to improve the right to safe drinking water and sanitation of all people in the country.

3. **Challenges** After the completion of the first cycle of our UPR, Thailand has continuously exerted its efforts to promote and protect human rights in the country in line with our accepted recommendations and voluntary pledges. However, we are aware that challenges remain especially on awareness raising among all relevant agencies to implement the recommendations and pledges, including on the promotion of the role of the National Human Rights Commission and civil society organisations to monitor and follow up on the Government's endeavours in this regard.
4. Thailand is committed to improve the human rights situation in the country. We believe that the UPR process is not only about drafting a report but it is also an important engine for awareness raising and positive change with regard to human rights in the country.

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