



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

Distr.: General
17 June 2019

Original: English
English, French and Spanish only

Committee on the Elimination of Racial Discrimination

**Combined fourth to eighth reports submitted by
Thailand under article 9 of the Convention, due
in 2016***

[Date received: 24 April 2019]

* The present document is being issued without formal editing.

GE.19-09856(E)



* 1 9 0 9 8 5 6 *

Please recycle 



I. Introduction

Background

1. Thailand became a State Party to the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) through accession on 28 January 2003 which came into effect on 27 February 2003. Thailand submitted its first to third periodic reports (2004–2008) under article 9 of the Convention in June 2011 (published in October 2011) and orally presented to the Committee on the Elimination of Racial Discrimination (the Committee) during 9–10 August 2012. The Committee thereafter adopted its concluding observations and recommendations (CERD/C/THA/CO/1-3) at its eighty-first session during 6–31 August 2012.

2. Thailand, subsequently, provided additional information in December 2013 (CERD/C/THA/CO/1-3/Add.1.), in response to the Committee’s request to receive information within one year on the implementation of the recommendations contained in para. 20 (situation of Thai women of Malay ethnic origin), para. 21 (special laws application in the southern border provinces (SBPs) and para. 25 (asylum seekers and refugees) of its concluding observations.

3. In addition, Thailand provided responses to the concerns raised in the Committee’s letter dated 11 May 2015 regarding the alleged intimidation of members of Malayu-Thai Society Organizations and the collection of DNA samples from Thai students of Malay ethnic origin living in the SBPs and the Committee’s letter dated 3 October 2016 concerning the alleged violence against the Karen people living in the Kaeng Krachan National Park (KKNP), Thailand. A detailed response to the Committee’s follow-up letter dated 17 May 2017 concerning the alleged violence against the Karen people living in KKNP has been submitted separately, however, the information related to government’s efforts to address the issue has been reflected in this present periodic report for a comprehensive overview.

4. The present report is a collection of the fourth to seventh periodic reports (2013–2015), which has been drawn up in accordance with the Committee’s reporting guidelines (CERD/C/2007/1) and extended to cover the progresses up to March 2019. During the preparation process of this report, reports on Thailand’s implementation pursuant to other human rights treaties were also submitted. These include the initial reports of the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention on the Rights of Persons with Disabilities (CRPD), as well as the periodic reports of the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

Report’s preparation process

5. The preparation process of this report is undertaken by the National Committee for the Promotion of Implementation of the CERD, operating under the Rights and Liberties Protection Department (RLPD) under the Ministry of Justice (MOJ), with the mandate to promote domestic implementation of the obligations under the CERD.

6. The report’s preparation process was conducted during 2014–2018 with the participation of all sectors including the public sector, the private sector, civil society, ethnic groups, as well as all persons concerned across the country. Nine consultative forums were organized in Bangkok and other regions in order to disseminate information on the initial report and the Committee’s concluding observations, to exchange views on the achievements and challenges on Thailand’s implementation of the Convention and to follow-up and address concerns expressed by the Committee in its concluding observations.

7. The zero draft of the report was presented at 5 workshops in Bangkok and 4 different regions for comments and accordingly revised. The draft report was approved by the National Committee for the Promotion of Implementation of the CERD and the Cabinet

respectively. According to the Cabinet's resolution on 4 December 2018, the MOJ and Ministry of Foreign Affairs (MFA) were assigned to incorporate comments from concerned agencies and finalize the English translation of the report.

II. Responses to the concluding observations (CERD/C/THA/CO/1-3)

A. Concerns and recommendations of the Committee

Domestic application of the Convention (para. 7 CERD/C/THA/CO-1-3)

8. As reflected in the first to third periodic reports, while the Convention itself is not directly applicable in domestic legal system, but the rights guaranteed under the Convention have been laid down to a large extent in the Thai Constitution and relevant legislation.

9. Since 1997, the Constitution of the Kingdom of Thailand has adopted and established the ground rules for a system more conducive to the needs of a pluralistic and cohesive society, specifically under the prohibition of all forms of discrimination clause (Section 30 of the 1997 Constitution¹), and provided a firm legal recognition ensuring the harmonious co-existence of ethnic groups in Thailand (Section 46 of the 1997 Constitution²). The subsequent Constitutions, including the current Thai Constitution (the 2017 Constitution) promulgated on 6 April 2017, reaffirm and build on these doctrines which are the enabling keys to give effect to all provisions of the Convention (See Chapter III on Rights and Liberties of the Thai People – Section 25–49, Chapter V on Duties of State – Section 51–63, and Chapter VI on the Directive Principles of State Policies – Section 64–78 of the 2017 Thai Constitution).

10. Specifically, Section 27 of the 2017 Constitution guarantees that all persons are equal before the law and prohibits “discrimination against a person on the grounds of differences in origin, race, language, sex, age, disability, physical or health condition, personal status, economic and social standing, religious belief, education, or political view.” While Section 70 of the 2017 Constitution clearly directs the State, through legislation and determination of policy for the administration of State affairs, to “promote and provide protection for different ethnic groups to have the right to live in the society according to the traditional culture, custom, and ways of life on a voluntary basis, peacefully and without interference, insofar as it is not contrary to public order or good morals or does not endanger the security of the State, health or sanitation.”

11. Furthermore, the 2017 Constitution prompted the promulgation of the National Reform Plans covering 11 areas, including politics, public administration, laws, justice system, economy, natural resources and environment, public health, mass media and IT, social issues, energy and anti-corruption on 6 April 2018. The Plans provide guidelines for the country to move forward in line with the Thailand 4.0 Agenda as well as the 2030 Sustainable Development Agenda. They are legally binding and state agencies must implement them. Particularly, the National Reform Plan on Social Issues focuses on the unlocking barriers and obstacles of the disadvantaged groups in all aspects in order to create social inclusion. The target groups include children, women, persons with disabilities, older persons, low income persons, helpless persons, and persons without nationality or

¹ Section 30 – All persons are equal before the law and shall enjoy equal protection under the law. Men and women shall enjoy equal rights. Discrimination against a person on the grounds of the difference in origin, race, language, sex, age, physical or health condition, personal status, economic or social standing, religious belief, education or constitutionally political view, shall not be permitted. Measures determined by the State in order to eliminate obstacle to or to promote persons' ability to exercise their rights and liberties as other persons shall not be deemed as discrimination under paragraph three.

² Section 46 – Persons so assembling as to be a traditional community shall have the right to conserve or restore their customs, local knowledge, arts or good culture of their community and of the nation and participate in the management, maintenance, preservation and exploitation of natural resources and the environment in a balanced fashion and persistently as provided by law.

legal status under the law on civil registration, former prisoners, and persons living with HIV/AIDS.

12. The 2017 Constitution also prompted the endorsement of the 20-year National Strategies (2018–2037) on 13 October 2018. One of the key strategies under equal opportunity and social equality issues is the promotion of development based on social and cultural capital that value diversity, such as ethnicity, religion and culture, and non-discrimination as well as the promotion of equal rights and dignity of ethnic groups by giving importance to the local knowledge and wisdom of people and communities, promoting pride of their roots, preserving identity and a traditional way of life, and cultivating common grounds while valuing diversity. The strategy also provides a framework for politicians and policy makers to support the roles of educational institutions in enhancing the values of social and cultural diversity and transforming them into economic values in order to reinforce the economic foundation as well as to promote cooperation with neighboring countries who share the same cultural heritages with Thailand. The Strategies will be reviewed every five years and its compliance will be monitored by the House of Representatives and the Senate as well as the Committee in Charge of Preparation of National Strategies. A non-compliance case may be transmitted to the National Anti-Corruption Commission (NACC) for further action.³

13. All laws and actions taken by the governments, courts and administrative agencies must comply with the Constitution, National Reform Plans and the 20-year National Strategies (2018–2037), thus in compliance with the rights enumerated in the Convention. Examples of laws that prohibit discriminatory acts include Article 22 of the Child Protection Act B.E. 2546 (2003) and Article 7 of the Child and Youth Promotion Act B.E. 2550 (2007). Further reviews of policies and laws pertaining to the protection and promotion of the rights of ethnic groups will be highlighted subsequently in this present periodic report.

The interpretative declaration (para. 8 CERD/C/THA/CO-1-3)

14. Thailand is committed to the full implementation of the Convention and takes a practical approach for the realization of the rights enshrined in the Convention. The Constitution guarantees that equality among the various races is an integral part of our collective identity and prohibits any discrimination on the grounds of differences in origin, race, language, sex, age, disability, physical or health condition, personal status, economic and social standing, religious belief, education, or political view, which are, indeed, broader than those listed under the Convention. Even though the terms “colour”, “descent” or “national” are not used in Section 25 of the Constitution, they are subsumed under “origin”, “race”, “language”, and “personal status.” In addition, the compatibility of the interpretative declaration with the Convention should be considered together with Thailand’s practices in carrying out its obligations under the Convention. As mentioned in para. 13, all laws and actions taken by the governments, courts and administrative agencies must comply with the Constitution, National Reform Plans and the 20-year National Strategies (2018–2037).

Definition and criminalization of racial discrimination (para. 9 CERD/C/THA/CO-1-3)

15. Section 25 of the Constitution on prohibition against discrimination directs any laws, measures and actions to combat direct and indirect discrimination in all fields of public life such as employment and appointment under a public authority, administration of law relating to the acquisition, holding or disposition of property, and establishment or conduct of trade, business, profession, vocation or employment. In the absence of legal provisions to enable the prosecution of acts of racial discrimination and the request of redress for violations, Section 25 of the Constitution allows “any person, whose rights or liberties protected under the Constitution are violated, can invoke the provisions of the Constitution

³ See Article 23–27 of the National Strategies Preparation Act, B.E. 2560 (2017)
<http://www.krisdika.go.th/wps/wcm/connect/0491a7804507e63482e69aefd8452bbc/NATIONAL+STRATEGIES+PREPARATION+ACT%2C+B.E.+2560+%282017%29.pdf?MOD=AJPERES&CACHEID=0491a7804507e63482e69aefd8452bbc>.

to exercise his or her right to bring a lawsuit or to defend himself or herself in the Court.” While Thailand has yet to adopt a stand-alone legislation on racial discrimination, incitement of racial hatred and hate speech may be punished as sedition, defamation or insult in line with the Criminal Act and other laws. In the meantime, numerous lawsuits related to racial discrimination have been filed at the Administrative Court, which will be elaborated further in para. 22.

16. Requirement of the obligation under Article 2, paragraph 1 (d) of the Convention may be implemented by means other than legislation if such means is appropriate, and if legislation is not required by circumstances, hence Thailand addresses the issue of racial discrimination through laws, policies, institutions and programs as deemed appropriate.

Systematic review of national and local policies (para. 10 CERD/C/THA/CO-1-3)

17. According to the report “Thailand’s Preparedness regarding the Withdrawal of the Reservation under the International Convention on the Elimination of All Forms of Racial Discrimination (2014)”, a number of existing laws are based on, and contain explicit provisions relating to, human rights principles. These include laws pertaining to nationality, children, women, labour, human trafficking, and media. No national and local policy and law has any discriminatory impact on a particular ethnic group.

18. While incitement of racial hatred and hate speech may be punished as sedition, defamation or insult in line with the Criminal Act, Section 37 of the Act on Broadcasting and Television Businesses B.E. 2551 (2008) prohibits a licensee to broadcast a program that may affect national security, public order or good morals of the people, have a nature of obscenity or cause serious deterioration of mind or health. The licensee who violates the law shall be fined for class-2 administrative fine ranging from 50,000 baht (USD 1,562) but not exceeding 500,000 baht (USD 15,620) (Section 57 and 59). In addition, Section 22 of the Consumer Protection Act B.E. 2522 (1979) criminalizes an advertisement containing any statement which directly or indirectly supports violation of law or morals, is conducive to cultural depreciation of the nation, causes disunity or prejudice to unity of the people to imprisonment for a term not exceeding three months or to a fine not exceeding thirty thousand baht, or both (Section 48).

19. In addition, the National Broadcasting and Telecommunications Commission (NBTC) established by the Act on Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services B.E. 2553 (2010) has a duty, among others, to give approval to an operator who intends to operate a telecommunications business and to protect the rights and liberties of the people from being exploited by the operators, to protect individuals’ right of privacy and freedom to communicate by means of telecommunications; and to promote the rights, freedom and equality of people in the access to, and use of, frequencies in the sound and television broadcasting and telecommunications services.

Reservation to article 4 (para. 11 CERD/C/THA/CO-1-3)

20. After careful consideration, the variation of existing laws and practices, especially those mentioned in para. 15–19 above, are compatible with the obligations set out in Article 4 with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights set forth in article 5 of the Convention. Thailand’s withdrawal of the reservation to Article 4 of the Convention took effect on 7 October 2016.

Court cases on racial discrimination (para. 12 CERD/C/THA/CO-1-3)

21. The principle of equal treatment and equality before the law is treated very seriously in all court systems: The Court of Justice, the Administrative Court, the Military Court, and the Constitutional Court. All persons in Thailand who feel that their basic rights have been violated can assert any claims from such violations in civil and criminal proceedings in courts and seeks redress in terms of non-judicial and judicial remedies. A wide range of legal services, aids and representation are also available. This applies to victims of racial discrimination, as follows:

- Ministry of Justice by the RLPD has put in place: (1) 86 Justice clinics located nationwide for purposes of providing legal advice, disseminating legal knowledge, accepting grievances, providing complaint management services, assisting injured and accused persons in criminal cases and facilitating the coordination between individuals and the relevant agencies for free of charge; (2) Professional interpreter services to persons who are interviewed, arrested, or charged in criminal proceedings as well as to assist them for the interpretation during criminal trials; (3) Protection of witnesses in criminal cases for the safety of witnesses or individuals who are closely related to witnesses and at risk of being threatened or harassed as a result of the person becoming or being a witness in accordance with the Witness Protection Act B.E. 2546 (2003); (4) Assistance to injured persons and accused in criminal cases by providing financial assistance to two groups of individuals, i.e. the injured persons and the accused, in accordance with the Damages for the Injured Person and Compensations and Expenses for the Accused in the Criminal Case Act B.E. 2544 (2001); (5) Justice fund to provide legal aid to individuals, including both the accused and those who have suffered from the trial or those whose human rights have been infringed. It covers assistance in terms of bail, retaining of lawyers, court's fees and other expenses relating to the trial.
- Ministry of Labour offers a wide range of services and legal aid relating to labour rights to all employees regardless of their legal status, as guaranteed under the Labour Protection Act B.E. 2541 (1998). Highlights of such the services are: (1) Access to legal aid and remedy of migrant workers, including those in irregular situations, throughout remedy mechanisms according to the laws; (2) NGOs can submit project proposals or work plans to apply for financial assistance from the Management of Foreign Workers' Employment Fund under the Emergency Decree on Foreigners' Working Management, B.E. 2560 (2017) as well as the provisions issued on 14 September 2017 by the Management of Foreign Workers' Employment Fund Committee on the criteria, means, and conditions of the use of the Fund. The MOL has widely publicized information on the availability of the Fund, as well as, conditions and procedures of funding application, among concerned government agencies, the private sector, and the NGOs in the NGOs' Line Group (an instant messaging application widely used in Thailand) as well as on the Department of Employment's website (<https://www.doe.go.th/fund>); (3) Hotline services with interpreters are provided 24 hours for migrant workers all over the country. About 100 interpreters were appointed to "1546" and "1694" hotlines, Post-Arrival and Reintegration Centers, Migrant Workers Assistance Centers, Provincial Offices of Labour Protection and Welfare and Provincial Employment Offices. 60 language coordinators were appointed to Port-in and Port-out (PIPO) Centers; (4) Stella Maris Seafarer's Center, a tripartite cooperation between MOL, ILO and Stella Maris, has been set up to improve standards of living of fishery workers and ensure accessibility to assistance and grievance mechanisms for labours and victims in labour cases; (5) Post-Arrival and Reintegration Centers were established in Tak, Nong Khai, Sa Kaeo, Mukdahan and Ranong provinces to provide information on migrant workers' rights, to inspect and screen migrant workers to reduce the risks of malpractice by recruitment agencies and to provide them with employment preparation. These centers also serve as shelters for migrant workers departing to their countries of origin. There are total of 867,547 migrant workers have attended training courses at such centers to date; (6) Migrant Workers Assistance Centers have been established to provide help and support for migrant workers, including consultation on compensation. The centers also collaborate with relevant agencies and NGOs in 10 provinces, Samut sakhon, Surat Thani, Songkhla, Samutprakan, Chonburi, Ranong, Chiang Mai, Nakhon Ratchasima, Khon Kaen, and Tak; and (7) DOE Help ME (<http://www.DOE Help Me>) is available in 6 languages (Thai, English, Burmese, Laotian, Cambodian and Vietnamese) to receive complaints from migrant workers and provide consultation for workers and companies 24/7.
- The Office of the Permanent Secretary, Prime Minister Office founded the 'Center of Public Service' to receive complaints and requests for relief of grievances from

the public, provide legal advice, liaise with related agencies and engage in investigations of facts in urgent cases. The services of the Centre are free of charge.

- Ministry of Interior founded the ‘Damrongdhama Center’ responsible for accepting complaints, requests for justice, requests for assistance, including grievances, nation-wide, and liaising with and forwarding cases to other relevant agencies for their further action.
- Office of the Attorney-General founded 112 offices nation-wide under the Department of Legal Aid and Civil Rights Protection and the Provincial Office of the Prosecutor for the Protection of Rights, Legal Aid and Legal Execution to protect rights, liberties and interest of people in Thailand. This is aimed at reducing conflicts and addressing disparities within the society, especially for those living in poverty. The offices’ services include legal counselling, assisting in drafting agreement and alternative dispute resolutions, providing a list of volunteer lawyers and assisting in civil and labour law proceedings – all for free of charge. There is also the Office of International People’s Rights Protection to provide legal services for Thai nationals in Thailand or living abroad on the issues pertaining the laws of two or more countries.
- Thai Bar Association under the Royal Patronage founded the Legal Aid Office of the Thai Bar to provide legal assistance and advice by volunteer lawyers and legal officers to the public for free of charge.
- Lawyers Council of Thailand provides assistance during legal proceedings and disseminates legal knowledge to the public. Individuals may apply for legal assistance in person or submit written requests at the Lawyers Council or its representative offices in each province. The ‘Human Rights Sub-Committee on Ethnic Minorities, Stateless and Migrant Workers’ has been founded to provide legal assistance to ethnic minorities, stateless and migrant workers.
- A number of public universities in Thailand set up law clinics to provide legal advice to the public, including students and their parents, for free of charge.
- Other private institutions such as the Department of Legal Aid of the Women Lawyers’ Association of Thailand, the Cross-Cultural Foundation, the Muslim Attorney Centre Foundation and legal clinics at various private universities provide legal assistance to the public in accordance with their internal principles and guidelines. The retaining of lawyers for accused persons is usually offered to defendants or accused persons who have not been treated fairly or are unable to defend themselves. Those wishing to receive legal aid must also be in financial difficulties and unable to afford the lawyer’s fees. Furthermore, some private institutions also publish legal publications to the public thorough social media channels and their websites. Some institutions offer volunteer programmes on specific issues such as rights of women, juvenile rights, minorities’ rights or the rights of people living in Southern Border Provinces.

22. The court decisions granting effective legal protection against actions in connection with racial discrimination are cited below as examples:

(a) Supreme Court Decision No. 720/2505 (1962) set the precedent for the guarantee of rights to marry of foreigner who temporary enters the country without a certificate of residence as long as the person meets the marriage conditions under the Civil and Commercial Code;

(b) Supreme Court Decision No. 2755/2545 (2002) affirmed the principle of equality before the law and the right to access to justice of foreigner as well as principle of legality of administrative decisions and actions. These principles and right are later reaffirmed and applied in the decisions of subsequent cases of the Administrative Court established in 2001;

(c) Supreme Administrative Court Judgement No. 117/2548 (2005) passed a judgment in favour of villagers of Mae Aye in a case filed against Department of Local Administration of Chiangmai and district chief of Mae Aye who failed to abide by the Act

on Administration Procedures B.E. 2539 (1996). The judgement results in the inclusion of names of 1,243 people of Mae Aye in the Household Registration Thor Ror. 14, which is the registration of Thai nationals and permanent residents. Such registration entails endorsement of Thai nationality;

(d) Supreme Administrative Court Judgement No. 25/2547 (2004) ruled in favor of the foreigner by revoking the unfair and discriminatory administrative orders of then Minister of Interior;

(e) Supreme Administrative Court Judgment No. 743/2555 (2012) ruled in the landmark 'Klity Creek Case', in which the plaintiffs were ethnic Karen dwellers of forest community called 'Lower Klity Village' in Kanchanburi province. According to the court judgment, the Department of Pollution Control, Ministry of Natural Resources and Environment (MONRE) should undertake restoration of the water and the environment of the Creek until lead contamination did not exceed the stipulated standards. The Court further required the Department to pay for damages to the plaintiffs.

- Supreme Administrative Court Judgment No. 660/2559 (2016) ordered the Department of National Parks, Wildlife and Plant Conservation (DNP), MONRE to pay 300,987 baht (USD 9,120) in compensation to six Karen people living in Kaeng Krachan National Park, Phetchaburi province. The court described the authority's action to burn down plaintiffs' shelters and properties in the park as an "over-exercise of power" and against the key guidelines in the MONRE's handbook on the enforcement of the National Park Act's Article 22 as well as under the Administrative Procedure Act B.E. 2539 (1996). The court also found that the park officers' action was against the Cabinet's resolution of 3 August 2010 on 'The restoration of Karen's way of life', which directs park officials not to arrest and protect Karen traditional community on the use of traditional land in the disputed areas. Such ruling confirmed the right of people belonging to ethnic groups to occupy and protect their own property. While the court did not grant the plaintiffs' request to return to the disputed areas due the lack of any legal proof of land ownership or tenure, the New National Park Act B.E. ... as passed by the National Legislative Assembly (NLA) on 7 March 2019, to replace the National Parks Act B.E. 2504 (1961), would help reduce land conflicts in the protected areas especially for those who had occupied the areas before the Royal Decree regarding the declaration of such land as a national park. For details of the draft Act, please see para. 35 below.

23. The Act Amending the Civil Procedure Code (No. 26) B.E. 2558 (2015) stipulates 49 sections (Section 222/1 to Section 222/49) governing a class action mechanism in Thailand, which a court can allow a class action complaint to be filed to the court, so that the court may pass a judgment on the rights of the plaintiff and 'class members'. It may be used to promote the rights of victims to request for damages from the wrongdoers in tort cases, breach of contract cases and cases claiming for various legal rights.

Equality in the enjoyment of civil and political rights (para. 13 CERD/C/THA/CO-1-3)

24. Under Section 95 of the Constitution, an eligible voter for a general election is a person who has Thai nationality. For those who acquired Thai nationality by naturalization, they must hold Thai nationality for not less than five years regardless of their race or ethnicity. For a person to be eligible to stand for the general election, Section 97 of the Constitution requires that such person acquires Thai nationality by birth. The same conditions for those eligible to vote and those eligible to run in election under the general election also apply for an election of members of local councils and local executives under the Election of Local Councils Members of Local Administrators Act B.E. 2545 (2002). Of all 488,105 stateless persons in Thailand, the majority are from ethnic groups who are granted or in the process of applying for Thai nationality under the Nationality Act B.E. 2508 (1965) as amended by the Act No.4 B.E. 2551 and the Act No.5 B.E.2555 (2012). Once approved, they will acquire Thai nationality by birth which will automatically and fully confer them the rights to vote and to stand for election at all levels.

Access to citizenship (para. 14 CERD/C/THA/CO-1-3)

25. Following a series of policies and legislative measures to address the problem of statelessness, Thailand has adopted a comprehensive and systematic solution by vigorously implementing the 2005 National Strategy on Administration of Legal Status and Rights of Persons in order to expedite the determination and sustainably solve problems of legal status of the individuals. This brings about policy coherence, revision and the enactment of necessary laws, and collaboration among concerned agencies (Initial Report, para. 49 and 79–86), resulting in a drastic and continued decrease of the number of persons without legal status or nationality.

26. The key developments include the enactment of the Amendment of Nationality Act No.5 B.E. 2555 (2012) which grants Thai nationality to the displaced Thais and the cooperation between the Ministry of Interior (MOI) and the Ministry of Public Health (MoPH) in developing an integrated Birth Registration System to assist a registrar in identifying and following-up on children. Between 2008 to 2018, there were 116,825 children of ethnic groups or persons with no registration status, 230,534 children of permanent residents or foreigners who legally entered Thailand, 152,261 of migrant workers and 23,612 children of Myanmar displaced persons (MDPs) in total 523,232 registered of their birth.

27. On 7 December 2016, the Cabinet approved 2 resolutions to further address the issue of statelessness and promote the rights of stateless persons in Thailand, as proposed by the MOI. (1) The Cabinet approved in principle the draft ministerial regulation to specify the status and conditions of persons who were born in Thailand but do not possess Thai nationality to reside in Thailand. The ministerial regulation, which came into force on 17 August 2017, grants persons born in Thailand to alien parents the right to legally reside in Thailand, following the right of their parents, and prevent them from being arrested as illegal immigrants and; (2) The Cabinet approved the guidance and measures to address nationality and legal status issues of stateless students and persons born in Thailand. This resolution prompted the MOI's Proclamation on acquisition of Thai nationality on a general basis of persons who were born in the Kingdom to alien parents and have not acquired Thai nationality and acquisition of Thai nationality on a case by cases basis, which came into force on 14 March 2017, enabling children or persons who were born in Thailand to apply for Thai nationality, given the conditions of either parent is of ethnic minority groups, who had registered with the MOI with his or her name and personal data recorded in the Profile Registration and have resided in Thailand for a consecutive period of not less than 15 years, or children or persons who are studying or have already graduated with a bachelor's degree or equivalent and were born in Thailand to other groups of aliens. Children and persons, who were abandoned since early childhood or whose parents are unknown can also apply with a document certifying as such by any relevant agency under Ministry of Social Development and Human Security (MSDHS) and have resided in Thailand for a consecutive period of not less than 10 years. This policy can potentially grant access to Thai nationality up to 110,000 children in Thailand.

28. Thailand continues to increase its effort to enhance accessibility and knowledge for submitting requests and filing documents for nationality application as well as to raise awareness among beneficiaries. The legal clinic for nationality and legal status has been established by the Department of Provincial Administration, MOI, with aims to promote and disseminate knowledge, provide information, respond to questions and queries as well as receive complaints through a hotline service and a designated website. Furthermore, operation teams from key government agencies at the central level in Bangkok have been dispatched to provide support, monitor and solve operational problems for local authorities.

29. The collection of DNA samples is used to prove the right to Thai nationality, especially of people living in border provinces or in the remote areas. The government has worked with academics and private sectors to tackle the problems of lack of birth registration and other documentation necessary. For example, the Central Institute of Forensic Science (CIFS) in cooperation with the RLPD used this method to gather DNA samples from 114 stateless individuals in nine out of 13 districts in Kanchanaburi province. CIFS and RLPD also cooperate with Thammasat University to provide DNA testing

services to Mani ethnic groups living in the southern provinces of Thailand which enables the Mani to acquire Thai citizenship.

30. The Amendment of the Civil Registration Act No.3, taking effects on 15 April 2019, introduces key legal provisions relating to stateless children, abandoned or rootless children or persons in Thailand, including by directing the registrar to examine place of birth and nationality of a child within 90 days from the notification date of the child's birth. If the registrar is unable to do so, the registrar shall issue a profile registration and identification document for the child. This will allow the child to apply for Thai nationality if the child can prove for a consecutive period of 10 years of his or her residence in Thailand either before or from the birth notification date and meet the conditions set out by Ministry of Interior. The new legislation will also be applied to all stateless, abandoned or rootless children or persons who have not notified their birth. When they are over 15 years of age, they will be able to notify their own birth to the registrar and proceed with the same procedures.

Self-identification (para. 15 CERD/C/THA/CO-1-3)

31. 62 ethnic groups have been recognized since the adoption of the 1997 Constitution and subsequent Constitutions as well as the Strategy to Address the Problem of Status and Rights of Person in 2005 and relevant laws and policies (Initial Report, para.6). The categorization of specific groups, such as rootless, aliens, unsurveyed persons, persons with status problems, including in the Strategy to Address the Problem of Status and Rights of Person in 2005, serves a technical purpose and is temporary in nature. It has adopted a specific but most effective approach to each group without discrimination, for example, some names have been abandoned for the names preferred by concerned groups in honour of their right to self-identification. The Thai society has also responded sensitively and respectfully and consciously applied correct identification in general. The Mani ethnic group is no longer called "Sakai", the Akhar ethnic group is no longer called "E-gaw" and the Hmong ethnic group is no longer called "Meo", for instance.

32. Thailand adopted the UN Declaration on the Rights of Indigenous Peoples in 2007. The term 'indigenous peoples' is interpreted as those who are pre-settlers or had lived in the area in the pre-colonial period, however, the Thai peoples who live there today had lived here from the beginning. Still, Thailand has granted equal rights to all ethnic groups, including the Karen, Hmong, Lahu and Mien and actively promoted their cultural identities and livelihood. Thailand understands that the articles dealing with the right to self-determination and related rights in the UNDRIPs shall be interpreted in accordance with the principles of territorial integrity or political unity as stated in the Vienna Declaration and Programme of Action.

Ethnic groups living in forests (para. 16 CERD/C/THA/CO-1-3)

33. For decades, Thailand's thinking and practice towards the sustainable and long-term conservation of forest biodiversity and integrity are grounded in its commitments to promote and protect the rights of local people, ethnic groups and communities and foster their economic and cultural relationship to land and natural resources, through transparency and participatory means.

34. In 2017, people lived in or utilized an approximate area of 15 million rai (2.4 million hectares) of the forests. While some did so under executive measures, others had yet to receive authorization and others were in disputing land claims. Around 9 million rai (1.44 million hectares) was in the reserved forest areas, and around 6 million rai (0.96 million hectares) in the "protected areas", including national parks, wildlife sanctuary, and non-hunting areas. The unauthorized or provisional occupation in the protected areas could be divided to that before 2002 of about 3.6 million rai (0.576 million hectares) and the new occupation after 2002 of about 2.3 million rai (0.368 million hectares).

35. To address practical challenges in natural resources management, particularly where the rights of local or traditional communities seem to compete with environmental rights, Thailand has constantly undertaken systematic reviews of its laws, policies, measures and practices to make it possible for humans to live harmoniously in the forests, including the

protected ones. These include the National Reform Plan on Natural Resources and Environment, mentioned in para. 11, aims to protect the environment and promote effective natural resources and environment management thereby minimizing potential forest land conflicts and inequalities. It proposes a comprehensive systematic reform plan with mechanisms to deal with the issues of land-use designations, the rights to reside and utilize protected and reserved forests, community and ethnic groups rights, and sustainable forest and wildlife management. The plan has indeed led to the amendments of the National Parks Act B.E. 2504 (1961), the Forest Act B.E. 2484 (1941) and the Wildlife Conservation and Protection Act B.E. 2535 (1992), as well as the National Legislative Assembly's approval of the Community Forest Act, among others.

- The National Parks Act B.E, as approved by the NLA on 7 March 2019 to replace the National Parks Act B.E. 2504 (1961), puts in place provisions to allow people who are landless and have resided in or utilized the national park within the timeframe under the Cabinet's resolution of 30 June B.E. 2541 (1998) or within the timeframe under the NCPO's Order No. 66/2557 dated 17 June B.E. 2557 (2014) to reside in or utilize the national park for a tenure period up to 20 years per each permission on a case-by-case basis, subject to certain conditions and in conformity with the objectives to preserve, restore and maintain good conditions of natural resources, ecosystem and biodiversity of the designated areas under the "Project on the Conservation and Maintenance of Natural Resource in the National Park" approved by the Cabinet.⁴ The law requires that the assessment of land occupation in the protected areas before the draft act comes into effect be conducted within 240 days from the date at which the draft act comes into effect. Not only does it for the first time provide opportunities for ethnic communities including Karen to secure land tenure, continue a traditional way of life, including a traditional rotational farming system, and preserve their cultural integrity, but it also helps reduce land conflicts in the protected areas while strictly prohibiting land encroachment and land trespassing. The law is expected to benefit around 2,700 communities to stay in the protected areas of about 5.9 million rai (0.944 million hectares), including the national parks and the wildlife sanctuary areas.
- The Wildlife Conservation and Protection Act B.E. as approved by the NLA on 7 March 2019 to replace the Wildlife Conservation and Protection Act B.E. 2535 (1992), will allow people who are landless and have resided in or utilized the wildlife sanctuary area or non-hunting zone within the timeframe under the Cabinet's resolution of 30 June 1998 or within the timeframe under the NCPO Order No. 66/2557 dated 17 June 2014, with the same conditions to those applied in the draft National Parks Act, to reside in or utilize the wildlife sanctuary area or non-hunting zone for a tenure period up to 20 years per each permission.
- The Community Forest Act. B.E. ..., as approved by the NLA on 15 February 2019, will allow local residents living near the forests that are not protected forests such as national parks or areas that belong to the government and have potential to become a forest to submit a proposal with a renewable five-year plan on the utilization and conservation of the forest in their community to the concerned authority. Permission will be given directly by a community committee, as opposed to the current practice, in which the authority is a permit holder and the community committee is the authority's assistant. Not only will this Act address the national interest in conserving and rehabilitating forest areas, but it will also benefit local residents in working with the State on sustainable natural resources management.

36. The Government has established the National Land Policy Committee to set up a policy on land allocation to the public without land ownership. Following the said policy with set criteria and conditions, the Cabinet approved in principle to allocate land as a compound plot to a community by allowing their access to utilize it as but not giving them

⁴ The reference is made to the Cabinet's resolution of 30 June B.E. 2541 (1998) on 'The solutions to land use problems in the forest areas' and the NCPO's Order No. 66/2557 dated 17 June B.E. 2557 (2014) on 'Additional government agencies to suppress and stop the encroachment and destruction of forest resources; Interim policies for the operations under the current situation'.

land ownership. A community in question has to appear in a cooperative or another form as appropriate. The government has targeted a 20-year plan on living land allocation for community, which covers an area of 5.6 million rai (895,999.6 hectares) in 3 years. As of March 2019, 860 areas of land in 70 provinces have been allocated accounting for 1,294,197 rai (207,071 hectares) in total. 151 areas of land in 58 provinces have been authorized for utilization, a total area of 504,644 rai (80,743 hectares).

Vulnerable ethnic groups (para. 17 CERD/C/THA/CO-1-3)

37. MSDHS has established the Social Development for Special Groups Division under the Department of Social Development and Welfare to promote, support and coordinate works related to special groups including hill tribe people. The Division also oversees, provides support for, and monitors 16 Centres for the Development of Hill Tribe People in 20 provinces.

38. The Master Plan for the Development of Ethnic Minorities in Thailand B.E. 2558 – 2560 (2015–2017) has been adopted and implemented by the MSDHS. It is now subsumed under the Co-existence Promotion in a Multicultural Society Plan B.E. 2561 – 2564 (2018–2021) developed by the Office of the National Security Council. The key guidelines of the Plan include (1) promotion of co-existence promotion in a multicultural society, (2) inclusive participation in national development and problem solving, (3) promotion of living with dignity and honour and enjoyment of rights and development in accordance with the way of life, culture, traditional knowledge and area-specific context, (4) promotion of knowledge and understanding of all sectors, national and international, about a multicultural society in Thailand and related government action, and (5) promotion of government’s effective implementation and management toward a multicultural society. The plan and subsequent action plans will be driven by a policy-making committee and implementing sub-committees being established under the draft Office of the Prime Minister’s Regulation on the Co-existence Promotion in a Multicultural Society. The plan will comprehensively promote the enjoyment of all aspects of human rights of ethnic groups in Thailand.

39. In 2010, the Ministry of Culture continued the efforts to revive ethnic groups’ ways of life across 5 major areas, (1) identities and cultures, (2) natural resources management, (3) right to nationality, (4) cultural heritage preservation, and (5) restoration research on the purpose of short and long-term livelihood. As a pilot project, two ethnic groups, the sea gypsies and Karen, were supported by the Cabinet’s resolution of 2 June 2010 on the ‘The restoration of sea gypsies’ way of life’ and the Cabinet’s resolution of 3 August 2010 on ‘The restoration of Karen’s way of life’. The measures for the implementation of the Cabinet resolutions include promoting access to Thai nationality, providing support in sustainable agriculture, education, healthcare, promoting their identity, ethnic values, way of life, tradition, art and culture, as well as finding appropriate solutions on the traditional land claims.

40. The reviving of ethnic groups’ ways of life is being supported further by a project of the Princess Maha Chakri Sirindhorn Anthropology Centre (SAC), a public organization under the supervision of the Ministry of Culture. The SAC receives the government’s budget of 70 million baht (USD 2.1 million) to implement planned activities in the areas of documentation, research and public education and outreach for a period of 3 years between 2019–2021. The project aims to promote public understanding and knowledge on ethnic groups in Thailand, including through developing a national database and guidelines for restoration of ethnic groups’ ways of life, conducting academic researches and seminars, as well as working on a zero draft of the Act on Promotion and Preservation of Ethnic Groups’ Ways of Life and its public hearing among ethnic groups. The project is also expected to promote ethnic groups’ cultural rights and tradition and develop mechanisms to enhance capacities of ethnic groups, so that they are able to manage themselves on a basis of their cultures and ways of life and to participate in national development with other stakeholders. After all, the project supports the government’s plan to promote a multicultural society providing a foundation for enhanced national security and combating prejudices and reducing cultural clashes. Further information on the SAC’s work can be found in the Appendix.

41. The special measures taken for Thai women of Malay ethnic origin will be elaborated in para. 46–58.

Risk of disappearance of certain ethnic languages (para. 18 CERD/C/THA/CO-1-3)

42. Since 2012, Thailand has 27 registered local languages including those that belong to ethnic groups. Thailand enacted the Promotion and Conservation of Intangible Cultural Heritage Act B.E. 2559 (2016) and is a party to the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage. These languages indeed build a vital part of our national cultural heritage. Currently, the Office of Royal Society is preparing a draft Strategic Plan to Drive Forward the National Language Policy to maintain and promote Thai, local and ethnic languages used in Thailand, to enhance foreign language capabilities, and to improve standards of interpreter and sign language interpreter. Based on the concept of “Language for Sustainable Peace”, the strategic plan has three principles, namely: (1) Language for maintaining community identity and national cohesion; (2) Language for raising awareness, understanding and ensuring access to basic rights and; (3) Language for economic development. The strategic plan would encourage ethnic children to study their own languages and use them as a foundation to study other languages including the Thai language and thus improve the efficiency of their learning and promote equitable access to higher education through a bilingual system.

43. In a formal education system, a number of primary schools in the border and marginalized areas have been given special assistance by the Ministry of Education – in cooperation with the Language Institute of Mahidol University – to provide a bilingual teaching, the mother tongue and the main Thai language, to ethnic children speaking non-Thai languages. The Language Institute of Mahidol University has also conducted supporting surveys and researches on languages in Thailand.

Negative stereotypes and prejudices (para. 19 CERD/C/THA/CO-1-3)

44. Ethics and standards of media profession are governed largely by a self-regulation and self-disciplinary system in accordance with the laws, professional codes of responsibility and international standards. Members of the Thai press and media are protected under the Constitution with regard to their rights and freedom of expression. They are as well subject to criminal sanctions under the criminal law and prohibition under the law on broadcasting.

45. The guidelines for the promotion of ethics and standards of media profession established under the National Reform Plan on Mass Media and Information Technology include (1) promoting the establishment of a national council of mass media industry and journalists for a self-regulation or self-disciplinary system in accordance with international standards, rule of law and professional responsibility, (2) supporting and promoting the development and enhancement of capacities of journalists, (3) supporting the establishment of an ombudsman system for handling complaints and monitoring professional standards and ethics at the levels of an organization, a professional group and a national council and promoting public participation and (4) supporting the development of a manual of standards for professional media ethics. In addition, Thailand is currently drafting the Mass Media Ethics and Profession Promotion Act B.E. in accordance with the said National Reform Plan.

Situation of Thai women of Malay ethnic origin in Southern Border Provinces (Follow-up to the Committee’s letter dated 29 August 2014)

46. Thailand takes an integrated, inclusive approach incorporating SDGs, particularly SDGs 5 (Gender Equality) and 16 (Peace, Justice and Strong Institutions), and human rights for Thai women of Malay ethnic origin.

47. For the socio-economic promotion of women including Thai women of Malay ethnic origin in the SBPs, the Southern Border Provinces Administrative Centre (SBPAC) – in close consultations with all stakeholders – has adopted, the Strategic Plan for Children, Women and Families in the SBPs B.E. 2562–2564 (2019–2021), in complement to the National Women’s Development Strategy (2017–2021) and Thailand’s implementation of

CEDAW. The strategic plan places emphasis on (1) protection and equal access to quality public services, (2) capacity building and inclusive participation in a multicultural society, (3) innovation for effective development, (4) promotion of a positive attitude towards gender equality, and (5) data collection and analysis. The action plans of the strategy plan include a project on occupational and marketing training for women affected by the violence, especially those who are widows. The implementation of the strategic plan will be further strengthened and supported by the ‘Coordination Centre for Women and Children Affairs in the Southern Border Provinces’, which is being established by the MSDHS and the SBPAC, in partnership with UN Women and UNICEF, as a coordinating platform for government agencies and CSOs to move forward the human rights promotion and protection of women and children in the SBPs.

48. In 2018 Department of Skill Development, MOL provided skills training courses to a total of 788 Thai women of Malay ethnic origin in the SBPs. Most training courses are aimed to uplift skills in making products from local materials for their households and local markets. Women who attended the training courses reportedly earned more income to support their families.

49. Under the project ‘Strengthening Participation of Civil Society in Conflict Solving and Development in SBPs’, the SBPAC has provided financial support to initiatives and projects of local communities and civil society organizations, including the SBPs women networks, and their work to improve the quality of life of women in the SBPs since 2017. 223 projects with a total amount of around 63 million baht (USD 2 million) were approved and implemented in 2017 alone.

50. The Government also has projects to empower women in SBPs. The Thai Women Empowerment Fund, established in 2013, has provided over 250 million USD to support women from all over the country in their activities including economic empowerment. The MSDHS has set up 8 learning centers across regions in Thailand to provide job trainings for women, including ethnic women and girls with low-income, in remote areas, as well as victims of trafficking and prostitution. The centers work with local communities and schools to raise awareness on anti-violence, anti-stigmatization, gender equality, and the rights of women of disadvantaged groups and assist them in looking for jobs, including in private companies, or starting their own businesses.

51. In 2012–2015, the MSDHS in cooperation with the UNDP has run a 4-year project to empower Muslim women to participate in community development in 14 provinces in the South of Thailand. Thanks to this project, the Muslim Women Network has been expanded and a Muslim women association has been set up in 7 provinces of Thailand to provide necessary assistance to Muslim women in the South of Thailand.

52. Thailand’s Gender Equality Act, which came into effect on 9 September 2015, promotes gender equality in various aspects of social, economic, and political rights. The national mechanism to ensure the effectiveness of the Gender Equality Act 2015 is the Committee for the Promotion of Gender Equality chaired by the Prime Minister. Under this law, the Committee for the Consideration of Gender Equality Cases has also been set up. If the Committee for the Consideration of Gender Equality Cases finds that an act in question is discriminatory in nature, the Committee is authorized to issue an order for agencies or persons concerned to put an end to any such act and provide remedies to the injured person in compensation for the damage caused. Injured persons are entitled to receive compensation by lodging requests to the Department of Women’s Affairs and Family Development of the MSDHS. In addition, the Act has also established the Gender Equality Promotion Fund under the administration of the Committee on Gender Equality Fund Administration to provide compensation, remedies, and preventive measures against gender discrimination. The maximum sanction is up to 6-month imprisonment, or a fine not exceeding 20,000 baht or both.

53. Within the government, about one fourth of heads and deputy heads of agencies, departments, and ministries are women. The proportion is rising. The Civil Service Act B.E. 2551 does not make any distinction between male and female civil officials, henceforth treating every civil official equally including in terms of salaries (Section 37), supplemental

allowances (Section 38) and working hours (Section 39). At present, a Muslim woman is appointed as the Deputy Provincial Governor of Narathiwat Province in the SBPs.

54. The Constitution gives priority to mainstreaming gender perspectives into policy-making at all levels. The Constitution has for the first time adopted a gender-perspective budgeting principle for all government agencies.

55. For those who have been affected by the situation in the South, SBPAC has in place a comprehensive remedy manual to provide assistance and remedies to the victims or their families for the loss of lives or injuries/disabilities (physical/mental) and their property (dwellings, personal belongings, vehicles, etc.) due to the violations of the perpetrators in the SBPs or to provide compensation for the injured persons and their families who have been affected by the government officers' action. The manual provides clear and detailed guidelines, including for individualized assessments of a degree of damages (such as the severity of the injury, a degree of pain and suffering, an impact on day-to-day living, a degree of dependence on others, side effects, an ability to work, the market values of lost or damaged properties), and a time frame and rates of remedies or compensation or a combined option of remedy and compensation from concerned agencies (such as the SBPAC, MSDHS, RLPD, Ministry of Education (MOE), and the Department of Disaster Prevention and Mitigation under the MOI), as well as an access to remedy or compensation and necessary documentation and forms. In addition, SBPAC has also set up a helpline and a 'Help & Support' online application. Victims also have options to an ordinary justice system as mentioned in para. 21 above.

56. The Muslim Women Association was established to provide necessary assistance to Muslim women in the SBPs. The Thai government also provides the opportunity and venue for women to participate and work in collaboration with all sectors involved, such as with the SBPAC.

57. The Thai Government also works with civil society organizations in the SBPs to enhance sustainable public safety and security and development by bringing together all parties to initiate pilot projects in selected community, including through cultural tourism and market management. A good example of such civil society organizations is the Association of Women for Peace, which has worked on assisting women and children affected by the situation in the South of Thailand and raising their needs to decision makers.

58. Since 2015, the MOJ has implemented the 'Access to Justice in accordance with the Way of Life of People in the Southern Border Provinces Project' with an aim to improve a mediation system for the application of Islamic Law in family and inheritance matters. It has encouraged the roles of women in a mediation process by appointing Muslim women to work as an assistant mediator at provincial Islamic councils in 5 provinces, namely Narathiwat, Yala, Pattani, Songkla and Satun.

Special law application in the Southern Border Provinces (Follow-up to the Committee's letter dated 29 August 2014)

59. The National Human Rights Commission (NHRC) and CSOs actively play important roles in monitoring the enforcement of the special laws in the SBPs. The Internal Security Operations Command, the Fourth Region Forward Command (ISOC4) is currently reviewing the situation and assessing the possibility of replacing the use of Contingency Public Administration Emergency Decree B.E. 2548 (2005) with the Internal Security Act B.E. 2551 (2008) in certain areas of the SBPs. In the meantime, the ISOC has drafted an action plan to lift the Emergency Decree as a framework for relevant agencies to support the process in the SBPs. The recent 4 districts in SBPs which the Emergency Decree has been lifted are (1) Mae Lan District in Pattani Province, (2) Betong District in Yala Province, (3) Su-ngai Kolok District in Narathiwat Province and (4) Sukhirin District in Narathiwat Province, with Sukhirin being the latest one to take effect on 20 December 2018.

60. The government promotes the cooperation with CSOs in promoting and protecting human rights in the SBPs. The Thai agencies, including the MOE, MSDHS, MOJ, MOI, SBPAC, and ISOC4, have continued engagement with relevant UN agencies and CSOs in the implementation of measures, activities and initiatives to promote and protect human rights of people with a particular focus on children and women in the SBPs. The

‘Coordination Centre for Women and Children Affairs in the SBPs’, mentioned in para. 47, serves as an example of such efforts of the government.

61. Racial profiling is not practiced. Thailand stays firm to rightful policies and laws as well as the ‘Understand, Reach out and Develop’ approach in building a sustainable peaceful environment and a multicultural society in the SBPs. Since 2013, the ISOC4 has operated the ‘Bring People Home’ project to help people accused of instigating violence in the SBPs or taking part in violence, including those facing criminal charges, by organizing social reintegration activities, vocational training, as well as legal and other necessary assisting measures. Over 2,000 persons have shown interest or joined the project. The project is being reviewed to set appropriate target groups and clear guidelines. This is one of the key activities under the Integration Plan on Prevention and Solution for the Problems in the SBPs B.E. 2561–2565 (2018–2023).

62. In 2017, Thailand enacted the Organic Act on the National Human Rights Commission to strengthen the NHRC in monitoring human rights violations and promoting human rights in the country in accordance with the ‘Principles relating to the Status of National Institutions (the Paris Principles)’. The organic act addresses a number of drawbacks of the previous act, particularly on the issues of composition and the guarantees on the independence and pluralism of the NHRC. The organic act protects members of the NHRC from legal liability (civil, criminal and administrative liabilities) for actions undertaken in good faith during the course of their official duties (Section 30) and gives them the power to investigate and request or order any government officials or any person to present information, clarification documents and evidence (Section 33–38). The NHRC can also submit recommendations related to human rights issues or problems to the Cabinet for further action. Those who refuse to cooperate may face criminal sanction and penalties for up to 6-month imprisonment, a fine up to 10,000 baht, or both (Section 59).

63. To address alleged cases of torture and enforced disappearance and to prevent future occurrences of such cases, the Prime Minister issued the Prime Minister’s Order No. 131/2560 dated 23 May 2017 establishing the National Committee for Managing Cases Relating to Torture and Enforced Disappearance, chaired by the Minister of Justice and comprising 13 representatives from related agencies as members. The Committee is supported by four sub-committees on (1) follow-up and monitoring, (2) assistance and remedy, (3) prevention and training and (4) case screening. Any public officer who is found to have been involved in torture and/or enforced disappearance will be prosecuted in accordance with the law.

Migrant workers (para. 22 CERD/C/THA/CO-1-3)

64. Over the past few years, Thailand has regularized over two million undocumented migrant workers, enabling them to be legally protected and gain access to basic social services such as healthcare and education. Labor MoUs between Thailand and CLMV countries (Myanmar, Lao PDR, Cambodia and Vietnam) have expanded avenues for legal labour migration. As of February 2019, 922,169 migrant workers are working in Thailand under the MoU arrangements.

65. As of February 2019, the numbers of foreign workers in Thailand are 3,293,819 persons, consisting of (1) 163,644 skilled foreign workers (118,234 persons for general business and 45,410 persons permitted under Board of Investment law); (2) 241 life time permit migrants/permanent resident; (3) 65,480 ethnic minority workers and; (4) 3,064,454 migrant workers from Myanmar, Lao PDR, Cambodia and Vietnam (1,830,136 persons permitted under Nationality Verification and the MoU schemes), 1,198,269 persons permitted under temporary measures and 36,049 persons as border workers). The Royal Thai Government has been working diligently to eliminate vulnerabilities of migrant workers through measures such as (1) conducting more rigorous labour inspection; (2) improving the mechanism for examining and supervising labour recruitment agencies; and (3) lifting policy and legal measures to meet international standards (such as wages must be paid monthly to employees via a bank account and hiring of labour relating fees must be paid by employers).

66. The enactment of the Royal Ordinance concerning the Management of Employment of Migrant Workers B.E. 2560 (2017) is one of the key examples of Thailand's efforts to not only systematically and effectively manage migrant workers, but also improve and ensure that Thai labor standards are in line with international ones.

67. All migrant workers, including illegal migrant workers, have access to legal aid throughout remedy mechanisms under Labour Protection Act B.E. 2541 (1998). Under the Act, an employee is entitled to rights or a number of benefits as specified therein, for example, wages, severance pay, holiday pay, overtime pay, etc. In an event that an employer does not comply with the provisions contained in the Act, such as failure to pay for wages, severance pay, holiday pay, etc., the employer will be subjected to the penalty specified in Chapter 16 of the Act.

68. Moreover, the Act also enables the appointment of 'labour inspectors' to protect and provide remedy to employees whose rights have been infringed by their employer. One of the powers and duties of a labour inspector under Section 124 is to accept complaints, investigate the facts and make an order for the employer to make payments of any sum of money which the employer is liable to pay under the Act. The role of the labour inspector is thus crucial to the enforcement of the law and to assist an employee who may not understand the law and have limited financial resources to pursue a labour claim. The MOL also offers a wide range of services and legal aid relating to labour rights to employees, one of which is the assistance by the legal officers working in the Department Labour Protection and Welfare. More specifically, the legal officers are able to act as legal representatives of employees throughout the entire legal proceedings, in accordance with the guidelines and regulations of the MOL.

69. From the Fiscal year 2013–2018, there are labour inspections of the employment of 337,317 migrant workers from Myanmar, Lao PDR and Cambodia and 9,037 deliberations on complaints regarding work remuneration have been conducted as follows: in 2013 a total of 1,193 migrant workers, amounting to 5.77 million baht (USD 180,000); in 2014 a total of 1,231 migrant workers, amounting to 12.42 million baht (USD 388,000); in 2015 a total of 1,698 migrant workers, amounting to 7.83 million baht (USD 245,000); in 2016 a total of 1,897 migrant workers, amounting to 25.03 million baht (USD 782,000); in 2017 a total of 1,635 migrant workers, amounting to 20.82 million baht (USD 651,000); in 2018 a total of 1,383 migrant workers, amounting to 46.50 million baht (USD 1,488,640) October 2017–30 June 2018).

70. In addition to services and legal aids relating to labour rights available for migrant workers mentioned in para 21, measures for the protection and promotion of migrant workers' rights in Thailand include; 1) improvement of accommodation's conditions in the construction sector and factories; 2) HIV/AIDs and Tuberculosis treatment and prevention in workplaces; 3) activities to promote labour welfare for specific groups (migrant workers, elderly workers, workers with disabilities), including healthcare mobile units and preparation programs for quality retirement; 4) arrangements of breast-feeding corners, facilities, and time allowances on work premise for women with newborn babies; 5) technical support for setting up small children centers and nurseries on work premise and; 6) access to a social security system. As of February 2019, 1,135,855 migrant workers were registered as an insured person under the Thai social security system. Migrant workers who are insured under the Social Security Fund and Workmen's Compensation Fund receive work-related and no-work-related benefit/compensations including sickness benefit and health services. Those who are not insured under the Social Security Fund are protected from health insurance system of the MoPH. For those who are exempted from Workmen's Compensation Fund, employers are liable to pay compensations according to Workmen's Compensation Act.

71. On 4 June 2018, Thailand deposited the instrument of ratification of Protocol of 2014 to the Forced Labour Convention, 1930 (P29). The ratification reassures Thailand's commitments in the prevention and elimination of forced labour, as well as the protection and remedy for victims of forced labour in Thailand. It also reflects Thailand's intention to improve Thai labour standards. On 30 January 2019, Thailand deposited the instrument of ratification of the International Labour Organization (ILO) Work in Fishing Convention No. 188, 2007 (C188), which has made Thailand the 14th member country of ILO, and the first

country in Asia, to deposit the Instrument of Ratification of the said Convention. The Ministry has also drafted the Work in Fishing Act, B.E. which has fully incorporated views from all stakeholders taken from six rounds of public hearing, where most participants agreed that the ratification of the Convention will be beneficial to both employers and employees, as well as improving the standards of Thailand's fisheries sector and fisheries products.

Migrant women (para. 23 CERD/C/THA/CO-1-3)

72. Pregnant migrant workers are respected and entitled to the same rights as national workers. The Ministry of Labour has no policy to repatriate foreign pregnant female workers to their countries of origin. On the contrary, the Ministry has adopted a policy to take care of migrant workers, including foreign pregnant female workers, irrespective of their nationalities through welfare packages, as mentioned in para. 70 above.

Human trafficking (para. 24 CERD/C/THA/CO-1-3)

73. Thailand has a holistic approach that aims to streamline an anti-human trafficking process, while promoting effective coordination and cooperation between relevant agencies, the private sector, CSOs and all stakeholders. Thailand's efforts are driven by the 5P approach: (1) Policy and legal framework, (2) Prosecution, (3) Protection, (4) Prevention, and (5) Partnership, in order to address the problems of human trafficking in a systematic and sustainable manner.

74. The Royal Thai Government is committed to continuously implementing laws and measures to counter trafficking in persons, including the enactment of Anti-Trafficking in Persons Acts in 2008 and the ratification of Protocol of 2014 to the ILO's Forced Labour Convention 1930. In 2015, The Royal Thai Government announced the anti-trafficking in persons as national agenda and the integration of all relevance agencies to combat trafficking in persons. The United States' Trafficking in Persons (TIP) Report 2018 has graduated Thailand from Tier 2 Watch List to Tier 2.

75. A number of pieces of legislation and amended ministerial orders have been passed to sharpen penalties for convicted offenders and to provide better protection for victims, for instance:

- The 2nd amendment to the Prevention and Suppression of Human Trafficking Act B.E. 2558 (2015);
- The Government established the 'Committee on Prevention and Suppression of Human Trafficking' which has the right to close down agencies or factories, temporarily cancel the permit to offenders, cancel the driving license and implement any necessary measures to prevent further offences regarding to trafficking in persons;
- The 3rd amendment to the Prevention and Suppression of Human Trafficking Act contains revised Articles 4 and 6 of the Act, including on the definition of "wrongful exploitation", to be more in line with Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;
- The Human Trafficking Criminal Procedure Act B.E 2559 (2016) has in place a number of key procedural measures to make the adjudication process less burdensome for victims, including to allow for pre-trial deposition via video-conference out of the courtroom;
- The Royal Ordinance on Fisheries B.E. 2558 (2015) and its 2nd Amendment B.E. 2560 (2017);
- The Anti-Money Laundering Act B.E. 2558 (2015);
- The Beggar Control Act B.E. 2559 (2016).

76. Thailand has established special anti-human trafficking units across the three key prosecution agencies to improve the effectiveness and expedite the prosecution of

trafficking cases, i.e., the Royal Thai Police, the Office of the Attorney General, and the Court of Justice. The Government continues to increase the budget for the fight against human trafficking, amounting to USD 116 million for fiscal year 2018, an increase of 13.5% from 2017.

77. The Government has shifted its investigation and prosecution approach to a proactive, intelligence-led enforcement model with greater coordination with domestic and international partners. In 2017, there were a total of 302 cases of human trafficking, with 427 suspects and 455 victims identified. With the regard to types of exploitation, sex trafficking continued to account for the majority of cases in 2017 (255 cases) while there were 21 cases of forced labour or service and 26 cases of forced begging. Since 2016, the Courts of Justice have adjudicated human trafficking cases with greater efficiency. Out of the 732 human trafficking cases brought before the courts in 2017, 536 cases were completed. The duration needed to reach a verdict varied according to the complexity of the case. The statistics of the adjudication duration ranging from within 6 months for 339 cases (representing 63.25 percent of completed cases), between 6 to 12 months for 153 cases (28.54 percent), between 12 and 24 months for 43 cases (8.02 percent) and more than 24 months for 1 case (0.19 percent). Almost all of the cases (92 percent) were completed within one year.

78. The length of time the public prosecutors spent to reach a decision whether or not to indict a case was shorter in 2017 than in previous years. In 2017, the Office of the Attorney General spent 28.81 days on average to arrive at a decision whether to indict each of the 307 human trafficking cases it obtained. The faster pace is due largely to measures put in place by the Office of the Attorney General in requiring public prosecutors to expedite their consideration of human trafficking cases, to object to bail requests if it could affect cases (suspects possibly fleeing or tampering with evidence) and to object to the postponement of certain suspect transfers.

79. Prior to 2017, a total of 44 public officials were found to have been involved in human trafficking, 16 of whom were subsequently expelled from government service. Given the 11 cases of complicit officials uncovered in 2017, the number of complicit officials has risen to 55. The Government has not only expedited hearings but also imposed harsher disciplinary punishments. Ten more officials were expelled from government service, bringing the number of expulsion to 26 officials. For the other 29 officers, 21 were suspended from government service or removed from their positions. Among the remaining eight officials, disciplinary actions are being taken against three while the other four officials are under scrutiny by the NACC. One former police officer could not be subject to disciplinary punishment, as his wrongdoing was disclosed after his retirement.

80. In 2017, the Government assisted a total of 360 victims of trafficking who chose to receive protection under MSDHS's shelters. A total of 149 victims worked outside the shelters and 138 victims are employed within the shelter. Victims of trafficking are able to be compensated through 4 channels, namely the Anti-Human Trafficking Fund, the Labor Compensation, the Compensation of Injured Person, and the compensation in accordance with Section 35 of the Anti-Human Trafficking Act (B.E. 2551). The Anti-Human Trafficking Fund and the Compensation of Injured Person are grants supported by the government whilst the Labor Compensation and the compensation in accordance with Section 35 of the Anti-Human Trafficking Act (B.E. 2551) are claims from employers or perpetrators.

81. In 2017, a total of 20 trafficking victims were compensated by the Compensation of Injured Person of the RLPD, amounting to 340,000 baht (USD 10,811). The Anti-Human Trafficking Fund of the MSDHS compensated 760 victims in the same period amounting to 5,641,579 baht (USD 179,382).

82. The Royal Thai Police (RTP) has established the Thai Internet Crimes against Children Task Force (TICAC) to investigate internet-facilitated child sex trafficking. In 2018, RTP has also established the Thailand Anti-Trafficking in Persons Task Force (TATIP), composed of law enforcement officials, social workers, and NGOs, to increase coordination of sex and labor trafficking law enforcement efforts. In addition, specialized units have been set up within the Criminal Court and the Office of Attorney General to

expedite and further enhance the efficacy of the country's criminal justice system, rendering Thailand the first country in Southeast Asia to have specialized anti-trafficking agencies in every step of the criminal justice process.

83. In conjunction with Thailand's efforts over the years to prevent, deter and eliminate Illegal, Unreported, and Unregulated (IUU) fishing, Thailand has enacted new laws and measures to enhance labour inspections, to increase fines for non-compliance with labour laws and fisheries laws and to stamp out forced labour in the fishing and seafood processing industry. Statistically, more than 400,000 workers are employed in this industry, of whom around half are foreign workers. One of the key legislations is the Royal Ordinance concerning the Management of Employment of Migrant Workers B.E. 2560 (2017), as mentioned in para. 66. This comprehensive legal framework governing the entire fisheries sector has enabled the Government to gain complete oversight over fishing activities as well as detect any suspected trafficking activities, while also providing the tools to punish violators of the law.

84. The monitoring, control and surveillance system implemented through 31 so-called "Port-in-Port-Out (PIPO) Control Centers is the key success in combating IUU fishing and trafficking in fishing industry. These PIPO Control Centers are situated in 22 coastal provinces and equipped with advanced aircraft tools, unmanned aerial vehicles, and sea patrols, including undercover vessels. In addition, the mobile inspection unit "Flying Inspection Team" or FIT has also established with a mandate to operate random vessel inspections in parallel with the PIPO Centers, as a measure to cross-check the effectiveness of the system. Due to Thailand's vigorous law enforcement efforts and expedited prosecution process, 4,448 IUU or human trafficking cases have been brought before the criminal court since May 2015.

85. To further strengthen the prevention and protection of labour in the fisheries and seafood manufacturing industry, Thailand has conducted the trilateral "Ship to Shore Rights" project in cooperation with the ILO and the European Union. According to the baseline report for the "Ship to Shore Rights" project launched in February 2018, the overall labour situation in Thailand has greatly improved in terms of remarkable reduction of physical harm and child labour. Moreover, in 2018, the Ministry of Labour also appointed further 275 labour inspectors and, by virtue of the Ministry of Labour's Order No.138/2561 of 3 April 2018, strengthened their mandate in the fisheries sector. The Seafood Task Force is another example of the collaboration among Thai seafood processors, producers, buyers, retailers, as well as NGOs and government agencies with a view to addressing labour issues and illegal fishing throughout their supply chains. The Task Force reflects Thailand's commitment to tackle the issues in a sustainable manner and through multi-stakeholder engagement.

86. The Royal Thai Government in collaboration with the ILO, Workers' Organization and Employers' Organizations is finalising the 'Decent Work Country Programme (DWCP)' to promote decent work for all. The MoU on DWCP in Thailand 2019–2021, which is scheduled to be signed among the four parties in April 2019, will provide better protection for employees, Thai and migrant alike, and benefit employers in the resulting increased productivity and a more sustainable conduct of business.

87. The Royal Thai Government extended an invitation to the UN Working Group on the issue of human rights and transnational corporations and other business and enterprises to pay a country visit to Thailand between 26 March–4 April 2018. In their end-of-mission statement, the Working Group found particularly helpful the actions taken by the Government and industry associations led by the Thai Tuna Industry Association (TTIA), including the adoption of a code of conduct on ethical labour practice as a requirement for TTIA membership and the commitment to monitor suppliers' compliance with international standards.

88. Thailand has made efforts to drive forward the implementation of the UN Guiding Principles on Business and Human Rights. The draft National Action Plan on Business and Human Rights has been prepared by the Committee to Prescribe, Prepare, Monitor and Analyze the Implementation of the National Action Plan since November 2016 and undergone extensive rounds of public and multi-stakeholder consultations in Bangkok and

all regions of the country. Region-specific contexts, challenges and needs on business and human rights have been incorporated. The current draft National Action Plan has 4 priority areas: (1) labour, (2) land, environment and natural resources, (3) human rights defenders, and (4) cross-border investment and multi-national enterprises. The draft National Action Plan is expected to be finalized by 2019. In addition, the implementation of the National Action Plan will be supported by, among others, Thailand and OECD co-operation programme in promoting and enabling Responsible Business Conduct (RBC). A two-year RBC cooperation work plan is being developed.

89. Thailand ratified the International Labour Organization's Discrimination (Employment and Occupation) Convention, 1958 (C111) on 13 June 2017 and the Protocol of 2014 to the Forced Labour Convention, 1930 (P29) on 4 June 2018. On 4 December 2018, the Cabinet passed the draft Royal Decree clarifying the definition of "forced labour" under the Act on the Prevention and Suppression of Trafficking in Persons to be more in line with the P29. The Royal Decree is yet to be published in the Royal Gazette before taking effect. In addition, as mentioned in para. 71., on 30 January 2019, Thailand ratified the C188 and the draft Act on Work in Fishing is now being developed.

90. The Government took steps to decrease the demand for commercial sex acts, including by investigating and prosecuting offenders who purchased children for commercial sex acts. The Government developed and launched a video discouraging sex tourism to be shown on flights operated by Thai Airways International. The Ministry of Tourism distributed more than 315,000 brochures to businesses and tourism professionals and organized trainings for 800 local government officials, tourism sector workers, students, youth, and civil society organizations on the prevention of sexual exploitation of child in the tourism industry.

Asylum seeker and refugees (Follow-up to the Committee's letter dated 29 August 2014)

91. Thailand has made remarkable progress in systematically providing protection of persons in need of international protections and displaced persons, as well as a long-term solution on alternative to detention for children.

92. On the issue of Myanmar displaced persons (MDPs), as of January 2019, there are 97,613 MDPs in 9 Temporary Shelters residing in Thailand since 1985 in 4 provinces namely, Mae Hong Son, Tak, Kanchanaburi, and Ratchaburi. Since 2016, Thailand and Myanmar have been working closely on the return of the MDPs from Thailand in a safe, voluntary, dignified and sustainable manner. The Joint Working Group on the Preparation of the Return of MDPs chaired by the Permanent Secretaries of the Ministries of Foreign Affairs of Thailand and Myanmar was established in 2018 to provide policies and guidelines for systematic returns of MDPs in a time bound manner. The Joint Working Group has met three times and there have been three groups of totaling 729 MDPS returning to Myanmar. Such success has helped to build momentum and confidence among the remaining displaced persons on their safe return to Myanmar, evidenced by the rising number of MDPs who have expressed interests to return to Myanmar. The development assistance programs extended by Thailand are also being conducted to promote the livelihood of the displaced persons in the returning areas in Myanmar.

93. During 2013–2014, Thailand experienced a large influx of illegal migrants in the Indian Ocean reported towards Thailand, but since 2015 there has no longer been such irregular movement. In order to find durable solutions for those who arrived Thailand, we cooperated with Bangladesh, the UNHCR and the International Organization Migration (IOM) either for nationality verification and return to the country of origin or for third-country resettlement.

94. On the issue of migrant children, on 21 January 2019 the seven key government agencies, namely the RTP, MSDHS, MFS, MOI, MoPH, MOE, and MOL signed the Memorandum of Understanding (MoU) on the Determination of Measures and Approaches Alternative to Detention of Children in Immigration Detention Centers. The MoU determines responsibilities among all concerned agencies and provide them with common guidelines to integrate procedures on non-detention of migrant children under the age of 18.

Instead of staying in the Immigration Detention Centers, the children and their mothers or guardians will be put either under the care of the Ministry of Social Development and Human Security, private organizations, or civil society organisations while waiting for long-term solutions. The MoU reaffirms Government's commitment in adhering to humanitarian principles as pledged by H.E. General Prayut Chan-o-cha, the Prime Minister of Thailand, at the Leaders' Summit on Refugees in New York on 20 September 2016.

95. Although Thailand is not a party to the United Nations Convention relating to the Status of Refugees, adopted in 1951 (1951 Refugee Convention), we have shown a long humanitarian tradition and commitment. As a major country of transit and destination, Thailand has been affected by a mass influx of legal and illegal migrants from various parts of the world. In December 2018, Thailand joined many other countries in adopting the Global Compact on Refugees (GCR) and the Global Compact for Safe, Orderly and Regular Migration (GCM) at the Plenary Session of the 73rd Session of the General Assembly in New York, as part of our spirit to promote the international cooperation and pursue the burden-and-responsibility principle in globally solving problems related to refugees and migrants. Currently, we are also exploring the possibility of joining the 1951 Refugee Convention.

B. Other recommendations

Ratification of other conventions (para. 26 CERD/C/THA/CO-1-3)

96. Since 2012, Thailand has signed or become a State party to the following key Conventions on human rights, and their associated optional protocols:

- The Optional Protocol to the Convention on the Rights of the Child No. 3 on the Communications Procedure, which came into force, as well as for Thailand, on 14 April 2014.
- Thailand has signed the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) on 9 January 2012.
- The ILO Convention No.187 on the Promotion Framework for Occupational Safety and Health Convention 2006, which entered into force for Thailand on 23 March 2017.
- The Maritime Labour Convention 2006, which entered into force for Thailand on 7 June 2017.
- The ILO Convention No. 111 on Discrimination (Employment and Occupation) 1958, which entered into force for Thailand on 13 June 2018.
- Protocol Additional to the ILO Convention No. 29 on Forced Labour 1930, which will enter into force for Thailand on 4 June 2019.
- The ILO Convention No. 188 on Work in Fishing Convention 2007, which will enter into force for Thailand on 30 January 2020.
- The 2003 Convention for the Safeguarding of the Intangible Cultural Heritage (ICH Convention), which entered into force for Thailand on 10 June 2016.

Follow-up to the Durban Declaration and Programme of Action (para. 27 CERD/C/THA/CO-1-3)

97. While a separate comprehensive action plan, as recommended by the Committee in its concluding observation, has not been established, numerous legislative, administrative, educational and cultural reforms, plans and projects detailed in the present periodic report were partly inspired by the implementation of the Durban Declaration in order to promote human rights of and prevent discrimination against foreigners including ethnic groups and migrant workers. Furthermore, as explained above, measures have been taken to prevent racial discrimination and protect victims in accordance with laws and regulations.

Declaration under article 14 (para. 28 CERD/C/THA/CO-1-3)

98. Thailand has conducted a study for the declaration under article 14 on the recognition of the competence of the Committee to receive and consider communications from individuals or groups of individuals within the jurisdiction of Thailand claiming to be victims of a violation by Thailand of any of the rights set forth in the Convention and found that the existing domestic remedial mechanisms is capable and effective of handling the racial discrimination matters and violations.

Amendment to article 8 (para. 29 CERD/C/THA/CO-1-3)

99. Pending consideration.

Dissemination (para. 30 CERD/C/THA/CO-1-3)

100. Dissemination of Thailand's initial report and the Committee's concluding observations has been done through various channels including through the website of MOJ and workshops held in 5 regions including Bangkok with concerned government agencies, CSOs, and the general public. The detailed activities are appeared in the Appendix on Measures to Prevent and Combat Prejudices and to Promote Inter-racial Understanding and Human Rights for All.

Dialogue with Civil Society (para. 31 CERD/C/THA/CO-1-3)

101. Regular dialogue with CSOs particularly in combating racial discrimination in connection with the implementation of the present recommendations and the preparation of this present periodic report has been regularly and individually or jointly organized by concerned agencies.

III. Implementation pursuant to provisions under articles 2–7 of the Convention

Article 1: Definition of racial discrimination

102. With regard to the definition of racial discrimination and special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals, it is as explained in para. 8–13, 15–16, 31–36, and 91–95 of this present periodic report.

Article 2: Government policies for elimination of racial discrimination

103. As explained in para. 14–20, 31–36, 46–63, and 91–95 of this present periodic report.

Article 3: Condemnation, prevention, prohibition, and elimination of practices constituting racial segregation and apartheid

104. Thailand has a firm policy of encouraging multiculturalism and plural societies as well as preventing racial segregation and discrimination of all forms in Thailand.

Article 4: Active countermeasures for elimination of propaganda acts or incitement to promote racial superiority, hatred and racial discrimination

105. Thailand withdrew the reservation to this article as mentioned in para. 20 of this present periodic report and will continue to explore appropriate and necessary policies,

legislations and measures for the advancement of eradication of acts based on racial superiority, hatred and racial discrimination.

Article 5: Equality and prohibition of discrimination in exercising rights

106. As explained in para. 15–16, 21–30, 33–43, and 46–90 of this present periodic report.

Article 6: Remedies and compensation for all victims of racial discrimination in Thailand

107. Available remedies and access to justice for all victims of racial discrimination in Thailand is as mentioned in para. 21–23 of this present periodic report.

Article 7: Education, culture and information dissemination to combat prejudice leading to racial discrimination

108. As explained in para. 44–45 of this present periodic report. The detailed activities on the education, culture and information dissemination to combat prejudice leading to racial discrimination and the promotion of human rights in Thailand are appeared in the Appendix on Measures to Prevent and Combat Prejudices and to Promote Inter-racial Understanding and Human Rights for All.

Appendix

Measures to Prevent and Combat Prejudices and to Promote Inter-racial Understanding and Human Rights for All

A wide range of measures to prevent and combat prejudices and to promote inter-racial understanding and human rights for all in Thailand have been undertaken by relevant agencies, the National Human Rights Commission (NHRC), CSOs, private sectors and multilateral organizations, as follows:

- The Ministry of Education plays a key role in promoting and cultivating social values such as care, respect, responsibility, peace, harmony and co-existing in schools. Its education policies emphasize the importance of preserving, restoring and disseminating culture heritage, the Thai and local language, local wisdom and traditional arts, cultures, among others. Such policies are reflected in schools' academic curriculum, particularly in social studies. To guard against the development of harmful prejudices and stereotypes, students are taught to respect and celebrate multi-culture and multi-racialism, including through learning platforms such as games, student projects, school camps and field trips to museums and heritage sites. In addition, the Ministry of Education has implemented specific strategies, plans and projects to address specific needs of ethnic children and people in Thailand in a holistic manner, such as (1) the 'Educational Development Plan in Border Area (2017–2021)', which aims to improve education and quality of life of students, university students and people living in the border areas connected to Myanmar, Lao PDR and Cambodia, and (2) the 'Public-Private Partnership School Project' in the Southern Borders Provinces (SBPs) using a comprehensive and integrated approach for children in SBPs by providing school safety and education, reducing risks and exposures to risks and addressing basic needs of children, especially low-income, disadvantaged or vulnerable children, as well as orphans.
- As mentioned in the periodic report, the Ministry of Culture has in place comprehensive plans on restoration of ethnic groups' ways of life such as those implemented under the Cabinet's resolution of 2 June 2010 on the 'The restoration of sea gypsies' way of life' and the Cabinet's resolution of 3 August 2010 on 'The restoration of Karen's way of life'. It has allocated budget for ethnic groups to organize activities, including ethnic festive events, to promote and celebrate their tradition and culture. It has provided financial support to academic institutions in conducting researches, disseminating knowledge and promoting public understanding of ethnic groups in Thailand. One of such academic institutions is the Princess Maha Chakri Sirindhorn Anthropology Centre. The centre aims to foster tolerance and cross-cultural awareness through anthropological research and public education, such as the Local Museums Research and Development Project co-launched with local museums. In addition, the 'Project on the Support of the Restoration Process of Ethnic Groups' Ways of Life' has been initiated to promote public understanding and knowledge on ethnic groups in Thailand, including through developing a national database and guidelines for restoration of ethnic groups' ways of life, conducting academic researches and seminars, as well as working on a zero draft of the Act on Promotion and Preservation of Ethnic Groups' Ways of Life and its public hearing among ethnic groups. The project is expected to promote ethnic groups' cultural rights and tradition and develop mechanisms to enhance capacities of ethnic groups, so that they are able to manage themselves on a basis of their cultures and ways of life and to participate in national development with other stakeholders. After all, the project supports the government's plan to promote a multicultural society providing a foundation for enhanced national security and combating prejudices and reducing cultural clashes.
- The Ministry of Justice by the Rights and Liberties Protection Department (RLPD) has implemented a series of training programs and workshops to disseminate and

enhance human rights knowledge and understanding among government officials, CSOs, the private sector and general public, with a view to strengthening social cohesion and community engagement and providing a foundation for creating a multicultural society.

- Since 2014, over 20 inter-agency workshops in all regions of Thailand including Bangkok have been organized to disseminate the Committee on the Elimination of Racial Discrimination (CERD)'s concluding observations and follow up on the progress and challenges of the implementation thereof. Such workshops – along with other CERD-related human rights workshops – were attended by concerned government agencies, CSOs, and relevant stakeholders.
- Between 2015–2019, trainings on human rights principles related to law enforcement in the SBPs have been organized for at least 5,371 concerned government officials including security personnel deployed in the SBPs to promote their understanding on human rights in order to minimize risks of human rights violations while discharging their official duties.
- Since 2017, over 8 workshops to promote the human rights principles among the youth in SBPs have been organized, in which 518 youths attended. The workshops focused on the principles of equality, non-discrimination, cultural diversity and multiculturalism, including through learning strategies such as facilitated discussions, interactive dialogues, arts, music and games.
- The Ministry of Foreign Affairs has actively worked with concerned Thai agencies and relevant international organizations in promoting international human rights standards and norms among government agencies, the private sector, CSOs including academics and the media, and the general public, particularly through workshops, trainings, seminars, lectures and publications. Some highlights include:
 - On the occasion of the 70th anniversary of the Universal Declaration of Human Rights, the Ministry of Foreign Affairs organized a human rights lecture series throughout the year 2018. One of the lectures featured a presentation of Mrs. Tuenjai Deetes, National Human Rights Commissioner and the 2018 Nansen Refugee Award Finalist for Asia, entitled 'A Lifetime Experience Working on Statelessness: Reflections on Progresses and Challenges in the Elimination of Statelessness in Thailand' in October 2018. More than 100 representatives from government agencies, diplomatic corps and international organizations in Bangkok, academia, as well as the general public attended the event.
 - Two children books 'Little Chick and Little Duck. We are different, we are friends.' and 'Konmek's Dream', aiming to raise awareness of human rights principles among children and youth and to promote the respect and acceptance of differences, non-discrimination, human dignity, equal opportunities, the inclusion of those vulnerable as well as the peaceful co-existence in the pluralistic society, have been launched as part of the Ministry's Human Rights Education Series.
 - On 14 December 2018, the Ministry of Foreign Affairs, the Ministry of Justice, the Office of the High Commissioner for Human Rights (OHCHR), Regional Office for South-East Asia, and the United Nations High Commissioner for Refugees (UNHCR) co-organized an event entitled 'The 70th Anniversary of the Universal Declaration of Human Rights and the 1st Anniversary of Thailand's Human Rights National Agenda: Towards a Caring and Sharing Society' at the Bangkok Art and Culture Centre, Bangkok, Thailand. Over 200 representatives from government agencies, diplomatic corps, international organizations, the private sector, civil society organizations, as well as the general public including the youth attended the event. The event aimed to strengthen awareness and understanding of human rights in the Thai society, support the ongoing efforts to enhance the human rights work at the national and international levels, and reaffirm the

Government's commitments to promoting and protecting human rights in Thailand and beyond. The event was part of 'Thailand's Human Rights Month' co-organized by concerned government agencies, international organizations, foreign embassies in Thailand and CSOs.

- The Ministry of Foreign Affairs, in collaboration with OHCHR, has organized an annual capacity-building workshop on human rights treaty body reporting for government officials at the working level for two consecutive years since 2018. The first workshop held in February 2018 focused on national reporting under CERD, and the second one held in March 2019 focused on national reporting under CESCR.
- The Ministry of Foreign Affairs has commissioned the Faculty of Communication Arts of Chulalongkorn University to work on a research project 'Media and the Promotion and Protection of Human Rights of Those in Vulnerable Situations'. One of the target groups under the research is ethnic minorities, along with persons with disabilities, older persons and LGBTI. The research outcomes are expected to be released by the first half of 2019.
- The **Office of the Civil Service Commission (OCSC)** offers a two-month self-taught basic human rights course through an e-learning platform for civil servants and staff members. Each year, about 600 participants attend this training course.
- **Institutions of higher education, including universities, in Bangkok and other provinces** increasingly offer courses on human rights for their students at various levels, as well as the general public. For example, Mahidol University offers human rights courses at the Bachelor's, Master's and doctoral degrees. Chulalongkorn University runs a three-week training course on human rights, justice in society and the rule of law. Thammasat University has a seven-week training program on human rights and civil rights laws. Other universities such as Sukhothai Thammathirat University, Ubon Ratchathani University, Maha Sarakham University, Chiang Mai University, Mae Fa Luang University, Payap University, as well as several Rajabhat Universities also offer human rights-related courses or house a department of human rights.

The National Human Rights Commission (NHRC) has held a series of 'train the trainers' programs on human rights education and related issues for instructors and educational personnel at the university level. It has concluded MoUs with more than 50 institutions of higher education in the country since 2016. With these programs, the NHRC aims – through instructors and educational personnel who have attended them – to disseminate knowledge and build up awareness on human rights among children and youth in order for them to drive forward the promotion and protection of human rights in the society.