



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination 105th session

Summary record of the 2848th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 23 November 2021, at 10 a.m.

Chair: Ms. Li

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

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention *(continued)*

Combined fourth to eighth reports of Thailand (continued) (CERD/C/THA/4-8; CERD/C/THA/Q/4-8)

1. *At the invitation of the Chair, the delegation of Thailand joined the meeting.*
2. **Mr. Yeung Sik Yuen** (Country Task Force) said that he wished to know whether a one year statute of limitation applied to all categories of offence. If so, he wondered what might happen if the perpetrator of an offence was identified more than one year after the fact.
3. **Ms. Tlakula** said that she would be grateful if the State party could reply to her previous questions about the treatment of lesbian, gay, bisexual, transgender and intersex refugees. She would also appreciate clarification of how DNA samples were used in the context of the assessment of applications for Thai nationality.
4. **Ms. Ali Al-Misnad** said that she would welcome information about the schooling of refugee children.
5. **Mr. Diaby** said that he had not yet heard a reply to his previous questions about the State party's legislation on the protection of biodiversity. The Committee had been informed that over 29,000 cases involving indigenous or local persons charged with encroaching on protected areas had been tried by the national courts between 2014 and 2019. He wished to know what the outcomes of those cases had been.
6. **Mr. Albuquerque e Silva** said that he would appreciate a reply to his questions about the steps taken to tackle discrimination against persons of African descent in the State party.
7. **Ms. Chung** (Country Rapporteur) said that it would be useful to receive further information on the measures taken to protect and ensure the provision of education in indigenous languages. She would welcome further clarification of the State party's forestry conservation laws and programmes, including information on the mechanisms in place to prevent human rights violations, for example by ensuring that the culture of indigenous persons living on forest land was respected and that no decisions affecting them were taken without their free, prior and informed consent. It would be useful to the Committee to learn whether the preparation of the National Park Act and the Wildlife Conservation Act had involved consultation with all the ethnic minorities and indigenous peoples concerned. Information on the progress made in reviewing national legislation on land tenure, forests and natural resource management would be welcome, in particular with regard to any amendments affecting the status of indigenous peoples or communities living on forest land. She would be grateful if the State party could comment on reports that indigenous peoples and ethnic minorities had been forcibly evicted from their lands and if it could clarify whether such persons had access to compensation and remedies in their own language. Were there any measures in place to prevent such evictions? Were criminal charges ever brought against indigenous peoples or forest communities because of their use of forests land? Since the terms "indigenous people", "minority group" and "ethnic group" were not clearly defined in the State party's legislation, she said that she wished to know what measures had been taken to recognize indigenous peoples and ethnic groups in law and to ensure their recognition on the basis of self-identification. It would also be useful to receive specific information on any special measures taken to ensure such persons' enjoyment of economic, social and cultural rights, in particular their rights to health care, including reproductive health services, social protection and an adequate standard of living.
8. The Committee had received reports that ethnic Malay Muslim residents of Thailand were frequently subjected to racial profiling. She would therefore welcome information on any measures taken to investigate allegations that DNA samples were collected from such persons without their consent, that facial recognition technology was used by police and military officers for the purposes of racial profiling in the southern provinces bordering Malaysia, and that the people who lived there, who were primarily of Malay Muslim ethnic origin, were forced to register their mobile telephone numbers using facial recognition technology to confirm their identities. In view of reports that private schools offering an

education in the local Malay language had been forced to close, she wished to know what steps the State had taken to ensure respect for the culture of its ethnic Malay Muslim citizens, to improve communication between the public authorities and Malay Muslim communities through the use of the local Malay language and to ensure that ethnic Malay Muslims had access to justice with fair-trial guarantees. It would be useful to receive updated information on the legislative and other measures taken to address the problem of crime committed against ethnic Malays, particularly ethnic Malay women. She would welcome the delegation's comments on reports that the wives and children of suspected insurgents of ethnic Malay origin were forced to provide DNA samples without their free, prior and informed consent and that ethnic Malay women had been subjected to discrimination in schools for wearing hijabs.

9. She wondered whether the delegation could comment on reports that persons from the region of Isan were subjected to discrimination and racist stereotyping, were overrepresented in low-paid jobs in the informal sector and faced eviction from their ancestral lands. She would also welcome the delegation's comments on reports that the Moken community, a seafaring indigenous people who inhabited islands in the Andaman Sea along the Thai-Myanmar maritime boundary, were subjected to strict regulation by the Government of Thailand, that indigenous Lisu and Lahu people were frequently stereotyped as drug smugglers by law enforcement officers, and that Lahu human rights defenders had been subjected to enforced disappearance and extrajudicial killings. It would be useful to receive further information on the situation of the Urak Lawoi people. The Committee had received reports that they had been excluded from consultative processes on decisions concerning them and ordered to leave their ancestral lands. In view of the intersectional discrimination faced by indigenous lesbian, gay, bisexual, transgender and intersex persons and sex workers, could the State party provide data on the situation of sex workers in Thailand, disaggregated by ethnicity?

10. She said that she was interested to learn about the measures taken to combat human trafficking, in particular the trafficking of Rohingyas from Bangladesh and Myanmar. She wished to know what specific measures had been taken to address trafficking linked to child labour and the sexual and labour exploitation of undocumented migrants, members of ethnic groups and indigenous peoples, as well as to address the problem of forced labour in the fishing, agriculture and domestic work sectors. In the light of the concerns raised in the concluding observations recently issued by the Human Rights Committee ([CCPR/C/THA/CO/2](#)) and the Committee on the Elimination of Discrimination against Women ([CEDAW/C/THA/CO/6-7](#)) in respect of the situation in Thailand, what measures had been taken to address the prevalence of corruption and complicity among public officials in relation to trafficking cases? Did the Government cooperate with civil society in its efforts to combat trafficking?

11. She said that she wished to know what measures had been taken to protect the human rights of migrant workers, especially when they were undocumented. She wondered whether the delegation could comment on reports that undocumented workers who were the victims of crime were denied compensation, that the procedures for the employment of migrant workers were ridden with corruption and that subcontracting, although prohibited by law, was practised. She also wished to know whether migrant workers had the same rights as citizens to access government programmes, including the Workmen's Compensation Fund and the Social Security Fund; whether there were special measures in place to protect women migrant workers, including domestic workers, sex workers and pregnant workers; whether the State could provide data on the number of migrant workers diagnosed with the coronavirus disease (COVID-19) and whether they had access to medical treatment on an equal footing with others; and whether the Government had earmarked resources for assisting migrant workers affected by the COVID-19 pandemic. She wondered whether the State party could provide a full account of the impact of the COVID-19 pandemic on ethnic minorities, indigenous peoples, migrant workers, refugees, asylum seekers and stateless persons, including any reports of discrimination against such persons by government or hospital employees, in the context of the pandemic. Did members of ethnic groups and indigenous peoples benefit from special measures to protect them from the virus? She said she was also interested to learn more about the measures taken to combat COVID-19 in places of

deprivation of liberty, where undocumented migrants were reportedly at high risk of contracting the virus because of overcrowding.

12. It would be useful to receive updated information on the legislative and other measures taken to protect refugees and asylum seekers; to prevent any further expulsion of Rohingyas seeking asylum; to stop the criminalization of undocumented migrants in irregular situations and to find durable solutions for them; and to urgently improve the conditions in the detention centres managed by the Immigration Bureau, for example through the provision of basic services, especially health care. She would also welcome up-to-date information on efforts to reduce and prevent statelessness, including with regard to the birth registration of stateless children and the naturalization of stateless persons. Was there a risk that the children of undocumented migrant workers living in Thailand could become stateless?

13. Lastly, she said that she would appreciate further information on the measures taken to address violations of the rights of ethnic minority groups and indigenous peoples caused directly or indirectly by the actions of transnational corporations, and on any accountability or remediation measures taken when such violations occurred. She wondered whether the State party had identified any human rights concerns or risks related to large-scale development projects, including large-scale projects promoted by Thai companies and investments in other countries or by foreign firms. It would be useful to learn what measures were planned to protect indigenous peoples' right to health against the negative effects of business activities; how transparency was ensured in respect of business activities on indigenous land; what mechanisms and processes were in place to ensure that the free, prior and informed consent of indigenous peoples was obtained for business activities affecting them; and whether the claims of both indigenous peoples and businesses were taken into account when the possible impact of such activities was assessed.

14. **Mr. Yeung Sik Yuen** said that he would be interested to learn the reason for the statelessness of the nearly 500,000 stateless persons currently living in Thailand. Was their situation the result of a lack of birth registration? He said that he wished to know whether stateless persons born in Thailand were entitled to Thai nationality on the basis of the principle of *jus soli*. He also wished to know how many of the stateless persons belonged to indigenous groups.

15. He would be grateful if the State party could explain whether any of the ethnic groups or minorities recognized in Thailand did not meet the definition of "indigenous peoples" usually employed by the United Nations, namely, that they were the inheritors and practitioners of unique cultures and ways of relating to people and the environment, who had retained social, cultural, economic and political characteristics that were distinct from those of the dominant societies in which they lived. He wondered whether the State had considered becoming a party to the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169).

16. It would be interesting to learn whether the free, prior and informed consent of the Karen indigenous people had been obtained with regard to the registration of the Kaeng Krachan National Park, which was located on their ancestral land, with the United Nations Educational, Scientific and Cultural Organization (UNESCO) Intergovernmental Committee for the Protection of the World Cultural and Natural Heritage. He would be grateful if the delegation would comment on reports of the forced eviction, harassment and violent abuse of members of the Karen minority living in Kaeng Krachan and on the compatibility of such forced evictions with articles 10 and 26 of the United Nations Declaration on the Rights of Indigenous Peoples.

17. With reference to information submitted to the Committee by the National Human Rights Commission of Thailand, he wished to know whether the State party had investigated reports that the names and personal data of persons living in two villages in Chiang Mai Province had been removed from the local civil register, which had undermined their access to medical care and their ability to travel outside of the region. If so, he wished to know whether any remedial action had been taken. He wondered whether any investigations had been conducted into reports that the names of 248 Marid Muslims living in Prachuab Kirikhan Province had also been removed from the local civil register.

18. He would like to know whether the Government had considered implementing the recommendation of the National Human Rights Commission to provide a protected area to enable the members of the Mani ethnic group to pursue their way of life and culture and, if so, whether their free, prior and informed consent would be sought before any such arrangements were made. He asked about the extent of the land they currently occupied and used, and how large the protected area would be. He said it would be useful to learn whether there were any plans for the commercial exploitation of the land they would vacate.

19. Highlighting the fact that over 80 per cent of victims of enforced disappearance were reportedly members of indigenous groups and ethnic minorities, he said that it would be useful to hear what measures had been taken to put a stop to such human rights violations. In particular, he wished to know what steps the State party had taken to bring to justice the perpetrators of the enforced disappearance of the Karen activist, Porlajee “Billy” Rakchongcharoen, and the soldier who had shot and killed Chaiyaphum Pasae, a young activist of the Lahu indigenous group, on 17 March 2017 at a military checkpoint.

20. The Committee had received reports indicating that the Isan people lived in deep poverty in the most underdeveloped region in the State party. It would be useful to learn whether the Government had developed an action plan to improve their quality of life; what measures were being taken to provide them with equality of treatment in education and equal opportunities with regard to human development; and what steps were being taken to prevent them from being ostracized by the mainstream Thai population.

21. Lesbian, gay, bisexual, transgender and intersex persons were possibly the most vulnerable group in the State party, and those who were from indigenous and ethnic groups were particularly at risk of discrimination. Stigma, prejudice and a weak legal framework appeared to undermine their inclusion in Thai society. It would be useful to know whether any measures had been taken to protect them from gender-based discrimination and police harassment and brutality and to ensure that they had access to adequate health care.

22. **Ms. Shepherd** (Country Task Force) said that she would like to know how the Government ensured that members of ethnic groups did not face any language barriers or obstacles based on stereotyping when attempting to access legal remedies. The detention centres where ethnic groups such as the Rohingya people were confined for indefinite periods while they awaited repatriation were reportedly overcrowded and the conditions there unsanitary. She would like to know what measures the State party had taken to ensure that persons held in such centres were protected against COVID-19; whether refugees, asylum seekers and migrant workers were eligible for the COVID-19 vaccine and, if so, whether it was provided free of charge; and how many refugees had died in detention centres from the virus.

23. The dissemination of separate statistics for Thai citizens and non-citizens who had died as a result of COVID-19 could result in xenophobic backlash. It was therefore difficult to understand why the Government continued to make that distinction. She would appreciate information on whether the Government had ensured that migrant workers had access to COVID-19 testing and whether they received the same support and benefited from the same protection measures as Thai citizens.

24. Over 19,000 migrant children had reportedly been affected by school closures owing to the COVID-19 pandemic. School closures and the wider socioeconomic impacts of COVID-19 on communities and society disrupted children’s and young people’s support systems, leaving them more vulnerable to illness and child protection risks, such as physical and humiliating punishment, sexual and gender-based violence, child marriage, child labour, child trafficking and the recruitment and use of children in armed conflict. She wished to know whether the Government had addressed the long-term impacts on migrant children of the disruption in their education; whether schools for Thai children and migrant children had reopened; and, if so, what precautions the Government had taken to protect children at school during the pandemic.

25. While the State party had indicated that there had been no large influxes of undocumented migrants by sea since 2015, the international community had criticized Thailand for preventing ill-equipped boats carrying refugees and possible survivors of human trafficking from landing, in some cases pushing them back out to sea with minimal food and

water. The Committee had received credible reports indicating that, in April 2018, the Thai authorities had pushed back a boat containing 56 Rohingya refugees that had arrived after a heavy storm. In July 2015, the State party had reportedly sent 109 detainees from the Uighur community back to China, despite the fact that there had been reliable reports that they would face persecution. The Government allegedly failed to distinguish between refugees and migrants and subjected both groups to criminal penalties for migration-related offences. She would appreciate the delegation's comments on those claims. She would like to know what measures the Government had taken to apply the principle of non-refoulement and to refrain from sending asylum seekers and persons fleeing from conflict back to their countries of origin if there was a risk of them being killed or placed in danger. While welcoming the Memorandum of Understanding on the Determination of Measures and Approaches Alternative to Detention of Children in Immigration Detention Centres, she said that she wished to know whether the Government had considered extending the policy of alternatives to detention to refugees and asylum seekers in general. She also would like to know how the Government had addressed the wide discretion enjoyed by immigration officials in granting or denying bail under the Immigration Act.

26. Echoing Mr. Albuquerque e Silva's concerns, she asked how the State party planned to implement the Durban Declaration and Programme of Action and to commemorate the International Decade for People of African Descent. While she understood that there were few people of African descent in the State party, she said that it was important for everyone to understand the situation of oppressed and marginalized groups.

27. **Mr. Amir** said that he would like to know whether the State party continued to use the same approach in the current situation as Thailand had applied for hundreds of years, when it had historically considered all the minorities living in its territory to be fully-fledged citizens under the law. He wished to know whether the Government had sought to negotiate or cooperate with Myanmar to make arrangements for the return of Rohingya persons. He also wished to know whether the Government planned to find a political and legal resolution to the question of the status of the Rohingya currently living in Thailand.

28. **Mr. Payandeh** said that, while he understood that Thailand was not a party to the Convention relating to the Status of Refugees, he would welcome information on how it ensured that refugees and asylum seekers enjoyed the protection they were guaranteed under general international human rights law. Specifically, he would like to know if they were protected against deportation and covered by the guarantee of non-refoulement, including within the context of so-called pushback operations at the border. He would be interested to learn how the State party determined whether a person had the right to protection as a refugee. He would also like to know what screening mechanisms were in place to identify migrants and refugees who were protected under international human rights law and to establish their protection status, and whether such mechanisms operated without regard to their national origins and countries of origin.

The meeting was suspended at 11.15 a.m. and resumed at 11.30 a.m.

29. **Mr. Wisitsora-at** (Thailand) said that, while one section of the Criminal Code prohibited insult, other sections could also be relevant to the prohibition of discrimination, including the one on defamation, which carried heavier penalties. Further information in that regard would be conveyed to the Committee in writing. The delegation was not aware of any efforts by the Government to prevent the wearing of the hijab in schools anywhere in Thailand or to close down any schools on religious grounds. DNA tests could be used throughout the country to confirm the origin of stateless persons who put forward evidence of their eligibility for Thai nationality.

30. As the case concerning Angkhana Neelapaijitwas was ongoing, he could not comment on it. Under Thai law, everyone had the right to counsel. Anyone unable to pay for a lawyer was provided with one free of charge. While the term "indigenous peoples" was not applicable in Thailand, his country had voted for the adoption of the United Nations Declaration on the Rights of Indigenous Peoples in 2007, and it continued to closely follow the situation of indigenous peoples around the world. The Constitution, national legislation and policies ensured for all groups, without discrimination, the full protection and promotion

of human rights, including the right not to be subjected to forced assimilation or the destruction of any culture.

31. **Ms. Worasan** (Thailand) said that, while her country was not party to the Convention relating to the Status of Stateless Persons or the Convention on the Reduction of Statelessness, it provided protection and assistance to stateless persons, particularly by facilitating birth registration and naturalization. According to government figures, there were currently 479,802 stateless persons in Thailand. The Government had taken several measures to protect those persons and to provide them with legal rights and access to public services, including by amending the Civil Registration Act and enforcing relevant regulations. Stateless persons were provided with birth notification and identity cards, which enabled them to remain in Thailand legally and to apply for naturalization. On 26 January 2021, the Cabinet had approved revised criteria for the determination of legal status, which would improve access to legal immigration status and permanent residency for registered long-term residents who had not met the previous criteria. About 400,000 stateless persons were expected to benefit from the revised criteria.

32. Children born in Thailand to non-Thai parents, including stateless children, were entitled to birth registration under the Civil Registration Act. Between 2008 and 2021, the births of 681,000 migrant children been registered. Nationwide information campaigns had been conducted to ensure that everyone could benefit from birth registration and naturalization. A digital platform had been introduced to expedite the naturalization process and ensure its predictability, reliability and transparency, and the Ministry of the Interior had set up a website and a call centre to provide applicants with information on birth registration and naturalization. Mobile units travelled to remote areas to provide assistance and receive applications.

33. All children, including those without birth certificates, had access to education. Measures had been taken to improve such access for children whose legal status was unclear, including for children from ethnic minorities. The Ministry of Education Regulations on Proof of Admission of Students into Educational Institutions and a Cabinet resolution issued in 2005 established that all educational institutions had a duty to admit school-age children regardless of whether official documentation was presented.

34. **Ms. Dilogwathana** (Thailand) said that education was the main engine of the country's development. Thailand had made some progress in achieving Sustainable Development Goal 4 – ensure inclusive and equitable quality education and promote lifelong learning opportunities for all –, which had been identified as a priority in the 20-year National Strategies (2018–2037). The Ministry of Education was fully committed to providing education for all, at all levels, in accordance with the principles set forth in the National Scheme of Education (2017–2036). The Government had adopted several policies and measures to ensure that disadvantaged children could access formal and non-formal education. Students attending State schools benefited from certain services and facilities, such as tuition in ethnic languages, free of charge. A system had been developed to generate a unique identity code for non-Thai students, which enabled undocumented children, including migrant children, children from ethnic groups and others, to access basic education. As at September 2021, 103,400 students had been assigned such a code. Although classes were generally taught in the Thai language, in April 2019 the National Assembly had passed legislation that allowed schools to incorporate content corresponding to the local context into the curriculum. Such content might include cultural awareness of ethnic groups' way of life and language learning. The Government also supported professional not-for-profit organizations that provided basic education for children.

35. To protect the languages and preserve the cultural identity of ethnic groups, the Ministry of Culture had drawn up a national intangible cultural heritage list and a list of endangered ethnic languages. The Ministry funded cultural research and carried out projects to safeguard and revitalize ethnic languages and cultures. The Princess Maha Chakri Sirindhorn Anthropology Centre also conducted research about ethnic groups in Thailand and had created a database containing information on their languages, cultures and situations.

36. The laws on land tenure, forests and resource management respected the principle of equality and equal treatment before the law. The Government's forest management policies

were people-centred and sought a balance between social and economic interests and environmental considerations. A National Land Policy Board had been established with the aims of addressing land tenure problems, coordinating the efforts of government agencies and promoting comprehensive land management, afforestation, reforestation and the establishment of community forests. Protected Area Committees, composed of representatives of government agencies, non-governmental organizations (NGOs) and local communities, had been established in many areas as a dispute resolution mechanism. In 2019, the Government had passed several new laws to better coordinate the management of conservation areas. The new laws promoted the participation of local communities, access to land and other resources and biodiversity, and they obliged the authorities to conduct inventories of land and resources. They introduced a human rights-based approach to the conservation of natural resources and for the first time made provision for ethnic communities to have secure land tenure, to maintain their traditional agricultural systems and way of life and to preserve their cultural integrity. The laws also contributed to reducing land conflicts, by strictly prohibiting land encroachment and repartitioning in protected areas. They were expected to benefit about 2,700 communities in protected areas, including national parks and wildlife sanctuaries.

37. Since 2019, the Government had carried out activities to support the livelihoods of the Karen people living in the Kaeng Krachan National Park. In March 2021, the Prime Minister had established a committee to address the specific concerns of Karen communities regarding land use and living standards. Over 20 organizations had conducted dozens of projects in the community of Ban Bang Kloi, located in the centre of the national park. The participation of Karen communities had been enhanced through a new land management mechanism and the establishment of a Protected Area Committee for the Kaeng Krachan Forest Complex.

38. Regarding the inscription of the Kaeng Krachan Forest Complex on the UNESCO World Heritage List, the Government had conducted full and inclusive consultations with all local stakeholders and had taken ecological concerns into account. Since 2015, numerous public hearings had been organized and household visits had been conducted to inform villagers about the nomination process and the benefits of obtaining World Heritage status. The consultations had been organized by community leaders and had been held in a local language to ensure the fullest participation of the local community.

39. **Mr. Charoenpon** (Thailand) said that, to uphold the rights of women belonging to ethnic groups in the southern border provinces, the Government had established the Coordination Centre for Women and Children in the Southern Border Provinces. The Centre had a mandate to promote and protect rights and to address questions related to access to justice and remedies; violence against women and children; women and peace and security; women's and children's health; access to government services; participation in public decision-making processes; and gender equality.

40. Several laws had been enacted to combat violence against women. The aim of the Domestic Violence Victims Protections Act of 2007 was to protect family members, including spouses, ex-spouses, persons cohabitating or having had cohabited as husband and wife without marriage registration, legitimate children, adopted children and persons living in the same household. The Act provided for temporary protection measures, including the referral of domestic violence victims to shelters run by the Ministry of Social Development and Human Security. Such shelters were staffed by multidisciplinary teams who were trained to respect the victims' humanity, dignity and human rights. The Government was currently reviewing the Act with a view to providing more appropriate protection, assistance and social welfare services for victims. Provincial offices under the Ministry of Justice also provided support services for victims of sexual violence.

41. **Mr. Patcharawit** (Thailand) said that the Government aimed to combat trafficking in persons through the effective coordination and cooperation of all relevant public agencies, the private sector and civil society organizations. Efforts to suppress human trafficking included the establishment of a police division dedicated to combating the online sexual exploitation of children. In 2021, the Royal Thai Police had held three workshops, attended by a total of 400 police officers, to enhance their capacity to investigate human trafficking. The Government had also carried out a project with almost 4,500 participants, including

representatives of the Children and Youth Council of Thailand, children and youth networks, educational institutions and others, in order to increase understanding of the threat of trafficking. The Ministry of Labour organized regular training courses for labour inspectors to update their knowledge and skills and enable them to identify incidents and victims of forced labour and human trafficking, and the Labour Protection in Fisheries Act had been adopted. In 2020, more than 90,000 workplaces, covering some 1.9 million workers, had undergone labour inspections.

42. Newly arrived migrant workers from neighbouring countries also received training in order to prevent and raise awareness of human trafficking. The Ministry of Social Development and Human Security continued to expand and upgrade the assistance and support it provided to trafficking victims. The Ministry's welfare protection centres provided care services for victims that took into account their background, culture and way of life. Trafficking victims could choose to stay in NGO-run shelters. Rules had been issued to allow NGOs to participate in victim protection programmes by registering such facilities as private shelters, and three had been licensed. Trafficking victims were identified in a process undertaken by a multidisciplinary team, including police and social workers, in which a child-sensitive approach was applied. Adult trafficking victims staying in welfare protection centres or shelters were permitted to take employment, and 33 adult victims had received employment authorization and had been issued with a personal identity code for that purpose. Residents at the shelters could make telephone calls to their families and had Internet access. The multidisciplinary team also tracked the progress of the prosecution in the victims' cases.

43. The Thailand International Cooperation Agency had carried out several development projects aimed at eradicating poverty and enhancing the resilience of communities in neighbouring countries. The Government considered that the beneficiaries of such initiatives were less likely to become involved in irregular migration and trafficking.

44. **Ms. Techagomai** (Thailand) said that a ministerial regulation had been adopted in August 2020 in order to eliminate unfair recruitment charges and waive certain fees for various categories of migrants, including victims of human trafficking, witnesses in trafficking cases and children. Migrant workers in Thailand had the right to join trade unions and could also choose to join their employers' welfare committees. The Ministry of Labour had introduced a draft amendment to the Labour Relations Act that would allow migrant workers to serve as trade union board members. It was expected that the amendment would be submitted to the National Assembly in 2022. To support the rights of migrant workers, the Ministry of Labour provided legal assistance to all workers, regardless of race or nationality, as well as interpreting services in the Burmese, Khmer and Vietnamese languages. Other measures taken by the Ministry included the legal protection of the minimum wage and the building of networks with civil society organizations and volunteers to protect migrant workers in the informal sector.

45. A Cabinet resolution of 28 September 2021 allowed undocumented migrant workers from Cambodia, the Lao People's Democratic Republic and Myanmar to regularize their situation. In November 2021, Department of Employment inspectors had been visiting workplaces and informing employers that they must apply for work permits for migrant workers who did not already have them. Migrant workers who had health insurance would be issued with a work permit valid until 13 February 2023.

46. All persons affiliated with the social security system were treated equally. Social security measures against the COVID-19 pandemic included an active testing programme, medical services and a vaccination programme for all insured persons.

47. **Mr. Osathanon** (Thailand) said that Thailand had a long history of providing humanitarian assistance and protection to persons fleeing from conflict. A sub-committee established under the Office of the National Security Council had been tasked with examining the possibility of accession to the 1951 Convention relating to the Status of Refugees, proposing legislative amendments needed for consistency with that Convention and developing a road map for action.

48. A comprehensive action plan on irregular migration had been adopted for the period 2020–2022 and provided policy guidance for migration management. Bearing in mind the mixed nature of migratory flows and the need to balance security considerations and human

rights, action under the plan primarily focused on the plight of expelled persons and migrant workers, migrants and asylum seekers who were in irregular situations. The recently approved national refugee screening mechanism, which represented a milestone in refugee protection, would begin to be implemented in early 2022. The mechanism would enable the identification of persons in need of protection, the granting of temporary legal residence and access to basic services. Under the mechanism, applicants for protected person status would not be required to stay in immigration detention centres.

49. Pursuant to the Memorandum of Understanding on the Determination of Measures and Approaches Alternative to Detention of Children in Immigration Detention Centres, community-based alternatives to immigration detention were made available to migrant children, including children of undocumented asylum seekers. Awareness-raising and capacity-building activities were held for immigration officers and social workers to improve the protection of migrant children. An ad hoc body had been set up to explore the possibility of withdrawing the country's reservation to article 22 of the Convention on the Rights of the Child and develop a relevant action plan and road map.

50. As a major country of transit and destination, Thailand had seen a mass influx of irregular migrants from within and outside the region. Close bilateral, regional and international cooperation had helped reduce and prevent irregular movement of persons in the Indian Ocean region in 2021. The Office of the National Security Council, in cooperation with relevant agencies, had developed standard operating procedures for the management of irregular maritime migration, based on humanitarian principles. The Immigration Bureau had been working closely with partners, including the International Organization for Migration (IOM), to improve conditions in immigration detention centres. A new facility was currently being built to reduce overcrowding.

51. **Ms. Worasan** (Thailand), recalling that Thailand had provided shelter and humanitarian assistance to displaced persons from Myanmar since 1984, said that some 80,000 were currently staying at nine temporary shelters in four provinces. Since 2016, the Governments of Thailand and Myanmar had cooperated to facilitate voluntary repatriation. Some 1,000 displaced persons had so far returned, but progress had stalled as a result of the COVID-19 pandemic and recent developments in Myanmar. All the displaced persons from Myanmar had access to basic education, and vocational training was provided with the aim of supporting their sustainable return. All temporary shelters had medical units delivering basic health care, and more advanced care was available at nearby hospitals. Delivery of COVID-19 vaccinations in the nine temporary shelters had commenced in September 2021. Approximately 15 per cent of the persons displaced from Myanmar had so far been vaccinated.

52. **Mr. Limsommut** (Thailand) said that the Government's COVID-19 vaccination campaign prioritized at-risk populations, including ethnic minorities and non-citizens, in areas with particularly high infection rates. Persons without legal status, undocumented migrant workers and persons living in temporary shelters received vaccinations free of charge. More than \$40 million had been allocated to cover the cost of COVID-19 screening, testing, vaccination, treatment and care. Thus far, 2.6 million non-citizens had received the first dose of a COVID-19 vaccine and 1.7 million were already fully vaccinated.

53. Citizens and non-citizens, regardless of their ethnicity or legal status, had access to public health care. Some employers of foreign migrant workers offered participation in social security schemes, and those workers whose employers did not participate in the social security system could register for public health insurance after undergoing a health check. The Ministry of Public Health had set up a health insurance fund for persons without legal status and for stateless persons. About 1 million foreign workers had registered for health insurance, and approximately 800,000 accessed health insurance coverage through the fund by way of a health insurance card that could be purchased at low cost. Public hospitals delivered care to the country's 1.2 million migrant workers who were without health insurance. Displaced persons and other vulnerable groups were eligible for subsidized medical attention and hospital care.

54. **Ms. Chung**, recalling that, according to the State party, there was no discrimination in education, said that she would like to receive clarification about the amendments to

Ministry of Education regulations on school uniforms, which reportedly prevented female Muslim students from wearing the hijab. The delegation might also wish to elaborate on long-term policies to resolve the situation of Myanmar refugees who had been living in temporary shelters on the border between Thailand and Myanmar for decades. Their situation had deteriorated as a result of the recent influx of Rohingya refugees.

55. **Mr. Yeung Sik Yuen** said that, in its call for the State party to adopt specific criminal legislation addressing the offences proscribed by article 4 of the Convention, the Committee had wished to draw the State party's attention to the serious nature and potentially detrimental consequences of incitement to racial hatred and advocacy of racial superiority. While it was encouraging to learn of plans to pass legislation on such questions in 2022, it was crucial for the State party to recognize that the existing provisions were distinctly inadequate and needed to be reviewed.

56. **Mr. Wisitsora-at** (Thailand) said that, while it was true that the punishment for insult set forth in the Criminal Code was comparatively light, a different section of the Code provided for heavy penalties for defamation, and subsequent sections set forth even more severe punishment if the offence was committed through the media. The Government was therefore of the view that the existing legislation complied with the obligations under the Convention, although there was certainly always room for improvement.

57. Reaffirming that there was no discrimination in education, he said that the amendments to the Ministry of Education regulations had possibly been misinterpreted. His delegation would look into the matter and provide information to the Committee in due course. Additional information would also be furnished about long-term solutions for refugees living in temporary shelters.

58. **Ms. Pairchaiyapoom** (Thailand) said that in October 2019 Thailand had been the first country in the Asia-Pacific region to adopt a National Action Plan on Business and Human Rights, thus facilitating implementation of the United Nations Guiding Principles on Business and Human Rights in four priority areas, namely addressing questions related to labour protection; land, environment and natural resource management; the protection of human rights defenders; and cross-border investment and multinational enterprises. Under the plan, companies were encouraged to take account of the views of ethnic groups in the implementation of their projects, and any project affecting their way of life must be implemented in consultation with the populations concerned. In addition, the recently adopted Dispute Mediation Act was intended to support constructive dialogue, resolve conflict at the community level and reduce the number of cases brought to court. A multiple stakeholder sub-committee had been set up to provide advice on managing conflicts arising from transnational or cross-border business operations. The Ministry of Justice, in cooperation with national and international partners, had been conducting human rights awareness activities for business since 2016, and the Ministry of Foreign Affairs provided advice for Thai investors conducting business in other countries.

59. Gender equality and the rights of lesbian, gay, bisexual, transgender and intersex persons were among the priorities of the fourth National Human Rights Plan. The 2015 Gender Equality Act was currently being amended to enhance the promotion and protection of lesbian, gay, bisexual, transgender and intersex persons. A civil partnership bill was currently being drafted. Once adopted, it would allow same-sex couples to register their partnership and grant them the same rights and privileges as married couples, including property and inheritance rights. Once revised by the Ministry of Justice, the bill would be resubmitted to the Cabinet. A study had been conducted on the situation of lesbian, gay, bisexual, transgender and intersex persons in prison, and recommendations had subsequently been made to the Department of Corrections to improve their treatment. Training activities had been conducted for law enforcement officers to promote understanding of the specific needs of lesbian, gay, bisexual, transgender and intersex persons. Additional information on the range of activities carried out to improve implementation of the Convention with regard to ethnic minorities would be provided in writing.

60. **Ms. Chung** said that the Committee trusted that its dialogue with the delegation and the implementation of its concluding observations would help improve the human rights situation in the State party. Progress in the elimination of racial discrimination would benefit

the overall democratization process, strengthen the rule of law and contribute to national reconciliation and social peace.

61. **Mr. Wisitsora-at** (Thailand) said that the dialogue with the Committee had provided useful insight on ways to further improve implementation of the Convention. The Committee's concerns regarding persisting human rights challenges had been noted and would be discussed with all relevant stakeholders. The Government drew on meaningful engagement with stakeholders, in particular victims of racial discrimination, to enhance efforts to accelerate adequate protection of the rights guaranteed under the Convention, with particular emphasis on the situation of ethnic minorities, migrant workers and migrants, and access to COVID-19 vaccines. Additional efforts would be made to facilitate access to citizenship and health-care services for vulnerable groups.

The meeting rose at 1 p.m.