



International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General
30 November 2021

Original: English

Committee on the Elimination of Racial Discrimination 105th session

Summary record of the 2847th meeting*

Held at the Palais Wilson, Geneva, on Monday, 22 November 2021, at 3 p.m.

Chair: Ms. Li

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The meeting was called to order at 3 p.m.

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

Combined fourth to eighth periodic reports of Thailand (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. Wisitsora-at** (Thailand), introducing his country's fourth to eighth periodic reports (CERD/C/THA/4-8), said that his country had entered a reservation to article 4 of the Convention when it had ratified the instrument in 2003 and had withdrawn it in October 2014. It had also entered a reservation to article 22, on the referral of disputes to the International Court of Justice.
3. All stakeholders had been consulted during the preparation of the periodic report, under the supervision of the National Committee for the Promotion of Implementation of the CERD. As the National Human Rights Commission was an independent organization, the Government had no control whatsoever over its activities. It supported the proposal to amend the legal framework in order to guarantee its independence.
4. The rights guaranteed by the Convention and other related international instruments had been enshrined in the Constitution and in a number of domestic laws. The 2017 Constitution prohibited discrimination on the grounds of origin, race, language, sex, age, disability, physical or health condition, personal status, economic and social standing, religious belief, education or political opinion. The country's 20-year National Strategies (2018–2037) promoted sustainable development based on social and cultural diversity and the reduction of cultural bias in Thai society.
5. The Ministry of Justice was preparing a draft anti-discrimination law incorporating preventive, protective, suppressive and remedial measures against, inter alia, discrimination based on race or origin. Public hearings in all regions and consultations with different stakeholders had been held in June and July 2021, and the draft would be submitted to the Cabinet and the parliament in 2022. A draft law on the protection and promotion of the way of life of ethnic groups had been prepared by the Princess Maha Chakri Sirindhorn Anthropology Centre, under the supervision of the Ministry of Culture. It provided for the protection of cultural rights, capacity-building for ethnic groups, equality in the face of ethnic differences and the participation of ethnic groups in decision-making processes. In addition, during the period 2018–2021, various government agencies had jointly implemented the plan to promote coexistence in a multicultural society. Proactive efforts included inter-agency cooperation in providing legal assistance and other services to ethnic groups. For instance, 86 justice clinics located throughout the country, including in remote areas, provided them with legal advice and information regarding grievance procedures, complaint management, mediation, witness protection and financial assistance for injured and accused persons in criminal cases. Professional interpretation services in criminal proceedings were also provided, in person and virtually, through the E-Justice Conference Centre of the Court of Justice.
6. Thailand had consistently maintained, in line with the interpretative declaration it had issued on becoming a party to the Convention, that the term "indigenous peoples" referred to peoples who had lived in an area during its pre-colonial period, and that the term was therefore not applicable to Thailand. That notwithstanding, all 62 ethnic groups in the country continued to enjoy full legal recognition and non-discriminatory treatment.
7. A national screening mechanism was being developed to identify people in need of protection and to grant them legal status, temporary residence authorization and the access to basic services required to lead a decent life, including health care, education and other services.
8. The National Strategy on Administration of Legal Status and Rights of Persons presented a comprehensive and systematic solution to the issue of statelessness. DNA samples had been collected, on a voluntary basis and free of charge, from persons without

legal status or nationality, in order to verify their origins. On acquiring citizenship, they had access to public welfare services and rights, basic education, social protection and health-care services. At least 800 stateless persons would be registered for the campaign in 2022, including hill-tribe villagers in the northern part of the country and in other remote areas. Thailand was also collaborating with the Office of the United Nations High Commissioner for Refugees (UNHCR) on the Statelessness Reduction and Community Sensitization Project, which provided legal and administrative support to individual applicants.

9. Care for displaced persons from neighbouring countries had been provided for decades, based on humanitarian principles. Around 80,000 displaced persons were currently resident in temporary shelters. Thailand had registered more than 2 million migrant workers with irregular status, who were legally protected and entitled to receive social services. The memorandum of understanding signed in 2019 with Cambodia, the Lao People's Democratic Republic, Myanmar and Viet Nam had expanded legal labour migration flows and had helped to prevent exploitation. Within Thailand, various forms of assistance were provided to migrant workers, such as translation services and guidance on rights and duties. The Cabinet had adopted a resolution during the coronavirus disease (COVID-19) pandemic permitting migrant workers from neighbouring countries whose work permits had expired or who had illegally entered the country to stay temporarily, to continue working and to obtain essential health services.

10. The Government had allocated a budget of about \$40 million during the COVID-19 pandemic to cover the medical expenses of groups with problems related to their legal status or rights. Vaccinations were available to a wide range of vulnerable groups, including foreigners and migrant workers, regardless of their status. The Ministry of Public Health planned to accelerate the vaccination of migrant workers, including those in border areas and in temporary shelters for displaced persons. The economic impact of the COVID-19 pandemic should not lead to any delay in or denial of justice. All expenses, such as the cost of bail, lawyers' fees, court fees and forensic examination fees, were covered free of charge for persons in need, through the Ministry of Justice's Justice Fund.

11. **Ms. Chung** (Country Rapporteur), noting that the State party had submitted only two periodic reports since ratifying the Convention in 2003, said that the Committee would appreciate it if Thailand would fulfil its reporting obligations in a more timely manner. She commended the State party on its hosting of a significant number of migrant workers, refugees and asylum seekers. However, she said that many migrant workers and asylum seekers from neighbouring countries were without legal status, and a considerable number, including children, were stateless.

12. Many indigenous peoples who lived in forest or coastal areas were subjected to discrimination and their enjoyment of human rights was hindered by unsustainable development. Most development policies were formulated without the free, prior and informed consent of people who had lived in the affected areas for generations. There had also been reports of forced evictions without proper compensation, as a result of construction and development projects, with the complicity of transnational corporations. The Committee had received reports of the prevalence of hate speech, stereotyping and racial profiling of ethnic groups and indigenous peoples.

13. The human rights situation of ethnic groups and indigenous peoples had further deteriorated as a result of emergency decrees and martial law. Reports of enforced disappearances, torture, ill-treatment and racial profiling of people in the southern border provinces and oppression of human rights defenders were a source of great concern.

14. In response to information received by the Working Group on Early Warning and Urgent Action Procedures, the Committee had sent letters to the Government in 2015, 2017, 2019 and 2020, but it continued to receive reports of human rights violations relating to the issues raised in the letters. Furthermore, the State party had not yet ratified several important international human rights instruments.

15. The Committee wished to know whether the State party would consider withdrawing its interpretative declaration stating that the Convention did not impose any obligation on the country beyond the confines of its own Constitution and laws. It would be grateful for data on the ethnic composition of the population, including ethnic groups, indigenous peoples,

migrant workers, refugees, asylum seekers and stateless persons, based on the criterion of self-identification. It would also appreciate receiving disaggregated data on their enjoyment of civil, political, economic, social and cultural rights.

16. She requested an explanation for the downgrading, in 2015, by the Global Alliance of National Human Rights Institutions (GANHRI) of the status of the National Human Rights Commission, from A to B status. What action had been taken on the recommendations of the GANHRI Subcommittee on Accreditation?

17. As the definition of racial discrimination in the Constitution did not include discrimination on all grounds, she said that she wished to know whether steps had been taken to enact legislation containing a definition that was in line with the Convention. She asked whether the Constitution guaranteed the rights specified in article 4 of the Convention to all people, including ethnic minorities, indigenous peoples and non-citizens. She said that the Committee had been informed that the community rights of ethnic minority groups had been curtailed with the adoption of the Constitution in 2017. It had been reported that the forest reclamation policy and the National Park Act of 2019 disproportionately affected indigenous peoples and people from Isan.

18. The Committee had been informed that the Civil Registration Act stipulated that children whose birth had not been registered within 90 days could apply for citizenship only 10 years later. She requested information on progress in enacting the draft law on the prevention and suppression of torture and enforced disappearance and said that the Committee had been informed that the draft failed to meet international human rights standards. She would be interested to hear about measures taken to incorporate the offences described in article 4 of the Convention into the Criminal Code and about cases in which the provisions of the Convention had been applied by domestic courts.

19. She requested information on measures taken to address any barriers faced by ethnic groups, indigenous people, migrant workers, refugees, asylum seekers and stateless persons in acquiring access to justice and a fair trial. She said that unfair charges had reportedly been levelled against Isan people pursuant to the forest reclamation policy and against Malayu people in the southern border provinces. The resulting proceedings had been unduly lengthy owing to a lack of funds and lack of assistance from the Government.

20. The Committee had been informed that the Government continued to spread negative stereotypes about ethnic groups and indigenous peoples. For instance, migrant workers had been labelled as carriers of COVID-19. The Committee wished to know what measures had been taken to address incidents of incitement to racial hatred and propagation of racist stereotypes, including those involving government officials, in the media and social media and on the Internet.

21. Public authorities, including police and military officers, reportedly collected DNA samples from some ethnic groups and indigenous peoples without their informed consent and resorted to other forms of racial profiling. She would be interested to hear about measures taken to address that problem. She enquired about the impact on ethnic groups of the martial law declared in 2014 and the extended state of emergency. She said that, as the Committee had received reports of torture, ill-treatment, extrajudicial killings and enforced disappearances in the provinces, it would appreciate information regarding mechanisms to ensure that the exercise of authority by government officials remained strictly within the legal framework.

22. The Committee had been informed of cases of judicial harassment, violence, threats, intimidation and reprisals against human rights defenders. Criminal and civil charges had reportedly been filed against indigenous activists who legitimately exercised their right to protest and protect their ancestral land. It would be useful to know whether the State party had taken any measures to address such practices.

23. She would appreciate information concerning the difficulties faced by civil society organizations that supported the rights of ethnic groups in registering under the State party's existing laws and regulations.

24. **Mr. Yeung Sik Yuen** (Country Task Force) said that the Committee welcomed the news that the Ministry of Justice was drafting an anti-discrimination bill. It also welcomed

the State party's withdrawal of its reservation to article 4. In that regard, he would appreciate details of any court cases involving charges of propagating ideas or theories of racial superiority or the promotion of racial hatred. He wondered whether there were any legal provisions whereby racist organizations could be declared illegal, prosecuted and banned. He would also like to know whether prosecution for sedition was common or recurrent, what the maximum penalty was and what had been the most severe sentence imposed by a court for that offence.

25. Noting that certain sections of the Criminal Code criminalized the instigating, propagating, assisting and facilitating of the commission of offences, he asked the delegation to clarify whether the intention of such provisions was specifically to penalize accomplices or joint perpetrators. He said that he would be interested to know whether there were documented court cases involving such offences in relation to racial discrimination.

26. The State party's report said little about the role played by the National Human Rights Commission in the promotion and protection of human rights in general and in relation to racial discrimination in particular. The Committee had received a comprehensive alternative report from the previous members of the National Human Rights Commission detailing various recommendations the Commission had made to the Government, and the newly constituted Commission had endorsed it. He would appreciate information on action taken and any outcomes in respect of those recommendations.

27. In the view of GANHRI, the Commission continued to suffer from a lack of credibility and public confidence. He wondered what action was being taken to improve the Commission's image. He would also appreciate the delegation's comments on allegations by civil society organizations that most candidates for the Commission's membership who had been put forward by civil society or who had a background in human rights work had been rejected by the Senate, and only Government-approved academics and former Government officials had eventually been appointed.

28. Under the 2017 Constitution, the Commission was required to inquire into matters of alleged fake news referred to it by the Government. Had it reported to the Government on any such investigations involving non-governmental organizations (NGOs)? He said that the Commission had received complaints from members of the Karen ethnic group about the Government's conversion of land used by them to earn their livelihood, the resulting adverse effects on their way of life and arrests and convictions that had occurred in connection with the land dispute. In the Commission's view, those complaints were justified. Recalling the provisions of the United Nations Declaration on the Rights of Indigenous Peoples establishing that indigenous peoples and individuals had the right not to be subjected to forced assimilation or destruction of their culture, he asked what the State party had done to remedy the situation.

29. He said that it appeared that some enterprises had been able to secure 60-year leases of land for commercial exploitation. He wondered therefore whether the State party could envisage negotiating with the Karen to find a sustainable agreement, perhaps involving a renewable 20-year lease. The National Human Rights Commission seemed to be agreeable to mediating.

30. The Committee had been informed that disciplinary proceedings had been taken against Ms. Angkhana Neelapajit, a former National Human Rights Commissioner, for noting investigations that had allegedly been blocked by a former chair of the Commission. She was also facing a defamation claim. He understood that the Commission had not provided her with defence counsel. He would appreciate the delegation's comments on the allegations of judicial harassment of Ms. Neelapajit and other human rights defenders.

31. On the question of access to justice, he would like to know whether free legal aid was available to indigent litigants in both civil and criminal cases, whether there was a means test and what financial and other criteria applied in order for litigants to qualify for such legal aid. Effective justice should be independent and impartial. He would like to know whether members of the judiciary were appointed by an independent judicial commission and, if so, how that body was constituted. He asked whether judges had security of tenure, whether there were limited grounds justifying the removal of a judge and how often removals had taken place.

32. **Ms. Shepherd** said that she would like to know whether the State party had any plans to introduce legislation specifically to prevent racial discrimination. She would appreciate clarification of paragraph 16 of the State party's report, according to which article 2 (1) (d) of the Convention might be implemented by means other than legislation if such means were deemed appropriate and if legislation was not "required by circumstances". Could the delegation explain what was meant by "required by circumstances"?

33. With regard to hate speech, she said that she wondered how the media's self-regulating codes, referred to in paragraph 44 of the report, dealt with negative stereotyping and prejudice. The Committee had received reports that prominent politicians had made statements propagating or promoting negative stereotypes and prejudices relating to Rohingya refugees. In the light of paragraph 12 of the Committee's general recommendation 30, on discrimination against non-citizens, and also bearing in mind that hate speech was not criminalized in the State party, she would like to know what resolute action the Government took to censure, reprimand or prosecute individuals, particularly politicians, who promoted negative stereotypes and prejudice against ethnic minorities, in particular non-national minorities.

34. According to the State party's report, no policy or legislation had any discriminatory impact on a particular ethnic group, and racial profiling was not practised. Those statements were not consistent with information the Committee had received from various sources. She asked the delegation to explain the basis for the State party's claims.

35. She said that Malayu-descended Thais, especially in the southern border provinces, had allegedly been subjected to racial profiling. The National Human Rights Commission had commended the Government for its efforts to prevent further racial conflict in the region by arresting those who disseminated hatred towards other religions and by resolving the conflict over the wearing of the hijab by Muslim students. On the other hand, concerns persisted about racial profiling, unwarranted military checks and house arrests, torture, the use by the authorities of DNA testing and facial recognition software and the lack of access to justice in that region. She would like to know in what other ways the Government was committed to protecting the Thai population of Malayu descent. If and when Government officials were found guilty of offences, did they face criminal punishment or other disciplinary measures?

36. She said that the Committee had received disturbing reports of the use of algorithms and DNA profiling in attempts to prove that certain individuals were more prone to violence or criminality owing to their ethnicity or nationality. Racial profiling contravened not only the Convention but also the Committee's general recommendation 36, on preventing and combating racial profiling by law enforcement officials. In the light of the research it had carried out during the drafting of the general recommendation, the Committee had concluded that there was no direct link between DNA and ethnicity or nationality. The Committee condemned the use of DNA profiling in law enforcement.

37. **Mr. Kut** (Follow-up Coordinator) said that the Committee had asked the State party, in the concluding observations on its combined initial to third periodic reports ([CERD/C/THA/CO/1-3](#)), to provide further information within a year on the situation of Malayu women and the double discrimination they faced; on the application of special laws in the southern border provinces and reports of racial profiling, torture and enforced disappearance of Malayu people there; and on the situation of asylum seekers and refugees in Thailand. The State party had replied in a timely fashion, which the Committee appreciated.

38. With regard to the situation of Malayu women, the Committee had subsequently asked for further information on the effective implementation of the Promotion of Opportunities and Gender Equality Bill and the Local Administrative Organizations Bill and on compensation for victims of violence. It had also raised the issue of the underrepresentation of women in the Advisory Council for the Administration and Development of Southern Border Provinces.

39. In its periodic report, the State party described the work of the Committee for the Consideration of Gender Equality Cases. He wondered whether the delegation could provide any statistics relating to the practice of that body. He would also appreciate information on

any tangible results from the Ministry of Justice's project addressing access to justice for people in the southern border provinces, taking into account their way of life.

40. With regard to the southern border provinces, the Committee had requested further information on how the National Human Rights Commission and civil society monitored the application of the special laws that had been applied there, and on specific efforts that were being made to counter racial profiling in the application of those laws. It had suggested the establishment of an independent mechanism to monitor their enforcement, a review of the laws in the light of human rights standards and the thorough investigation of all human rights violations.

41. On the question of the situation of asylum seekers and refugees, he noted that the State party had not acceded to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol to that Convention. He said that he understood that the matter was still under consideration and that the Committee would appreciate receiving more information on the possibility of accession.

42. **Mr. Diaby** said that the State party's legal framework for the conservation of biodiversity took no account of indigenous peoples' role as guardians of the environment. At the heart of the problem was the absence of any recognition of indigenous groups and a denial of their right to occupy lands, which, combined with a militarized approach to conservation, had resulted in some indigenous communities being evicted from their ancestral lands, attacked, or even killed. He would appreciate hearing the delegation's comments in particular on the case of Porlajee "Billy" Rakchongcharoen, an environmental defender who had disappeared in 2014 and whose remains had been found in 2019 in an oil drum submerged under the Kaeng Krachan dam suspension bridge. He had apparently been arrested by a national park superintendent for collecting wild honey.

43. **Ms. Ali Al-Misnad** said that she would appreciate the delegation's comments on the situation of children who did not attend school because they did not have adequate identity documents. Apparently, their parents did not apply for birth certificates because they were either afraid of the authorities or unable to speak their language. She would also appreciate clarification concerning the various groups that had been mentioned as suffering from discrimination, which included not only ethnic groups, refugees and asylum seekers, but also undocumented migrant workers. It was not clear to her whether those workers were members of one of the groups already mentioned or if they were recruited abroad by companies.

44. **Ms. Tlakula** said that she would like to ask the delegation to provide some examples of cases of racial discrimination that had been brought before the courts, as mentioned in paragraph 21 of the periodic report. She would also like to know whether the legislative amendments enabling members of ethnic groups to obtain Thai nationality, mentioned in paragraph 24, had in fact been approved, and whether the legislative reforms regarding natural resources, forests and parks, mentioned in paragraph 35, had entered into force.

45. She would appreciate hearing the delegation's comments on the plight of the Isan people, who reportedly continued to suffer from stereotyping, hatred and racial discrimination in employment, and whose children had no access to quality education. She would also welcome comments on allegations that among the refugees subjected to racial discrimination were lesbian, gay, bisexual, transgender and intersex persons who were not ensured a gender-appropriate means of search by law enforcement officers. Transgender women, when arrested, were reportedly placed in cells for men.

46. **Mr. Albuquerque e Silva** said that, according to reports received by the Committee, persons of African descent were frequently subjected to racial discrimination in the State party. One such person was a national of the United States named Dwight Turner. In 2006, he had reportedly been turned down for a teaching position at an elementary school because the school administrators feared that he would "scare the children". The Committee had also learned that advertisements in the State party often contained racist imagery and messages. In view of that situation, he wished to know what measures were being taken to combat negative stereotyping and racial discrimination directed at persons of African descent. He wondered what initiatives the Government had taken in connection with the International Decade for People of African Descent and what was being done to implement the Durban Declaration and Programme of Action.

47. **Ms. Izsák-Ndiaye** said that she wished to know whether the terms “rootless”, “aliens”, “unsurveyed persons” and “persons with status problems”, which appeared in paragraph 31 of the periodic report, continued to be used in government instruments or whether they had been replaced by less discriminatory terms. She would welcome information on the outcome of the pilot project that had been launched to improve the situation of two ethnic groups – the sea gypsies and the Karen people – by, inter alia, enhancing their access to Thai nationality, education and health care and promoting their identities, ethnic values, traditions, arts and cultures. The Government might state whether it had any plans to implement similar projects for the many other ethnic groups living in the State party.

The meeting was suspended at 4.25 p.m. and resumed at 4.45 p.m.

48. **Mr. Wisitsora-at** (Thailand) said that judges in Thailand were independent and the Office of the Judiciary was not part of the Government. The Government did not participate in the appointment of judges or in the procedure for taking disciplinary action against them. Judges who violated the law were removed from office by decision of a judicial commission mainly composed of judges.

49. **Mr. Suwaree** (Thailand) said that, under the Constitution, all persons were equal before the law, irrespective of their ethnic affiliation, and all forms of discrimination were prohibited. In October 2016, Thailand had withdrawn its reservation to article 4 of the Convention, and it was currently considering the possibility of withdrawing its reservations to other international instruments. No national laws or local policies contained any provisions that discriminated against any particular ethnic group. The interpretative declaration that Thailand had entered in respect of the Convention stated that the application of the Convention would be limited to, or consistent with, the obligations of Thailand under the other international human rights instruments to which it was a party.

50. Under the dual legal system in force in Thailand, international treaties could not be directly applied by the courts. The issue of racial discrimination was covered by a number of national laws and regulations, including the Prevention and Suppression of Human Trafficking Act, the Nationality Act and the Alien Workers Act. The National Human Rights Plan also addressed the issue of discrimination on the ground of ethnic affiliation. International legal provisions on equality and non-discrimination had been invoked by the courts in a number of cases.

51. **Mr. Virabutr** (Thailand) said that the term “indigenous peoples” was not used in Thailand, as it was not applicable to the ethnic groups living in the country. However, all ethnic groups were equal before the law, and the Government was continuing to promote a practical approach to realizing their rights. Data held by the Ministry of the Interior indicated that, as of September 2021, the population of Thailand included around 270,000 persons belonging to minority ethnic groups who had migrated to the country from abroad. Those persons had around 128,000 children who had been born in Thailand.

52. Thailand was home to 62 ethnic minorities who spoke a range of languages belonging to five language families, including the Austroasiatic, Sino-Tibetan and Tai-Kadai families. The rights of ethnic minorities, which included the right to apply for Thai nationality, were protected by the Constitution of 1997, a number of national laws and policies and the Strategy to Address the Problem of Status and Rights of Persons, of 2005. The terms used in the Strategy to refer to certain categories of persons had been adopted on a temporary basis, for technical purposes only. The Ministry of Culture had taken steps to encourage the public to refer to ethnic groups using the terms preferred by the groups themselves.

53. The National Human Rights Commission was an independent institution operating under the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and the Organic Act on the National Human Rights Commission. The Commission’s mandate was to identify and investigate all cases of human rights violations in the country, with a view to submitting recommendations to relevant agencies. Since its establishment, it had played an important role in protecting human rights, especially in cases where the violation of a right constituted a criminal offence and the victim was unable to file a complaint. In such cases, the Commission was authorized under the Code of Criminal Procedure to file a complaint on behalf of the victim.

54. In January 2021, acting in accordance with the Paris Principles, the Commission had approved the establishment of its first regional office. That office, which was located in Songkhla Province, in the south of the country, covered 14 provinces, including those along the country's southern border. The Commission was accredited by GANHRI with category B status but was making every effort to have its status restored to category A, and it had submitted the necessary documentation to the GANHRI Subcommittee on Accreditation. In December 2020, the Subcommittee had conducted an online interview with representatives of the Commission and had decided that further consideration of the Commission's status would be deferred for 18 months.

55. In September 2021, the Commission had submitted to the Government a draft amendment to the Organic Act on the National Human Rights Commission, with a view to revoking the relevant sections of the Act that required it to explain any misinformation or errors contained in reports on human rights in Thailand. If the Government approved the amendment, the Commission would be brought further into line with the Paris Principles.

56. **Mr. Osathanon** (Thailand) said that hate speech and racist propaganda were not prohibited by any specific law, but that insulting a person was an offence punishable under the Criminal Code. The Act on Broadcasting and Television Businesses of 2008 regulated the content of television programmes, including advertisements. The broadcasting of programmes that promoted the overthrow of democratic regimes or that had an adverse impact on national security, public order, public morals or the mental health of the public was prohibited.

57. The National Broadcasting and Telecommunications Commission was authorized to suspend broadcasts of programmes that violated the regulations. In 2013, the Commission had adopted guidelines that prohibited the broadcasting of programmes that promoted hatred, negative stereotypes, insults to human dignity and the shaming of persons on grounds of ethnicity, nationality, gender identity, sexual orientation and religion, among other characteristics. The Film and Video Act of 2008 provided for the censorship or modification of films, advertisements, television programmes, video games and other media content that was likely to undermine public order or morals or the security and dignity of Thailand. Content published online was subject to a number of other laws.

58. The Computer Crime Act of 2007 was used to suppress illegal online activities and the dissemination of false information on computer networks that was liable to endanger public security or interfere with critical information systems. The Ministry of the Digital Economy and Society had established the Internal Security Operations Centre to monitor, detect, prevent, analyse and respond to any violations of the Act. The Office of the Prime Minister had drafted a bill on the promotion of ethical and professional standards in the mass media, which was intended to promote respect for human rights, human dignity and the right to privacy. The bill had been considered by the Cabinet and was currently being reviewed by the Office of the Prime Minister.

59. The main cause of hate speech was inaccurate information. In order to counter that problem, the Ministry of the Digital Economy and Society had launched the Anti-Fake News Centre, which used a range of technical tools to analyse the accuracy of information in traditional and online media. The Ministry of the Digital Economy and Society had taken steps to raise media professionals' awareness of ethical journalistic standards and the harmful effects of false information, including for minority ethnic groups. The Ministry of Justice conducted awareness-raising campaigns in order to promote understanding of the situation of the country's ethnic groups. Law enforcement officers, young persons, teachers and local journalists had participated in a number of seminars and workshops in order to enhance their understanding of human rights laws and how they were applied.

60. **Mr. Charoenpon** (Thailand) said that DNA testing was used to identify persons who committed criminal offences. DNA samples were entered in a national database that was used solely for the purpose of defending national security. Under the Code of Criminal Procedure, DNA samples could be taken from persons suspected of committing an offence only with their consent. Furthermore, DNA samples and personal information could not be disclosed without the person's written consent. Since 2019, the Internal Security Operations Command had mandated the use of facial scans to register the SIM cards of cell phone users in the

southern border provinces, with a view to ending violence and restoring peace and security in those provinces. The majority of the SIM cards that had not been registered had been used in connection with the commission of offences, including the detonation of explosives in attacks against the security forces and innocent civilians. The number of violent incidents in the southern border provinces had dropped sharply since the introduction of mandatory facial scans and SIM card registration.

61. The special security laws in the southern border provinces were never applied in a discriminatory manner. The officials responsible for implementing such laws respected the rights of all persons and complied with international obligations. Although the situation on the ground had improved, the special security laws would continue to be enforced, because indiscriminate acts of violence were still being carried out. The laws in question were complementary measures that did not replace due process under ordinary criminal law. They were implemented in accordance with the principles of necessity and proportionality, without discrimination of any kind. In September 2021, the Cabinet had approved an action plan that would provide for the gradual lifting of the Contingency Public Administration Emergency Decree in the southern border provinces in the period between 2022 and 2027.

62. **Ms. Pairchaiyapoom** (Thailand) said that Thailand did not have a law specifically devoted to prohibiting racial discrimination. However, under the Constitution, discrimination of any kind was prohibited. Anyone whose constitutional rights were violated could initiate legal proceedings to obtain judicial relief.

63. The Ministry of Justice, as had been noted, was working to ensure that a comprehensive bill on measures to combat discrimination, including racial discrimination, would be passed. The measures it provided for included remedies for victims of discrimination and the establishment of two committees. One committee would have considerable scope for action to combat unfair discrimination, including by considering complaints submitted by victims, and the other would also have a wide range of responsibilities, with a concentration on the promotion of equality. The Rights and Liberties Protection Department of the Ministry of Justice would serve as the secretariat for both. There had been six public hearings on the bill, held in June and July 2021, and its submission to the Cabinet was expected in 2022. Once the bill was signed into law, an act constituting unfair discrimination would, in specific conditions, be a punishable offence.

64. In the meantime, the Ministry of Justice was conducting regular activities to raise awareness of human rights among all relevant stakeholders. Those activities included conferences, seminars and workshops organized at all levels of government. Ethnic communities living in remote areas were reached with the aid of mobile units. Various accessible media, including video clips, had been used to raise awareness of the rights enshrined in the Convention. During the pandemic, many of the Ministry's awareness-raising activities had moved online.

65. The bill on the protection and promotion of the way of life of the people of the country's ethnic groups that had been prepared by the Princess Maha Chakri Sirindhorn Anthropology Centre provided for the establishment of a system that would ensure the participation of ethnic groups in all matters of concern to them. Consultations on the bill, which was expected to be adopted in 2022, were ongoing. In addition to that bill, which had the support of the Government, four others that covered much the same ground had been put forward by lawmakers or civil society organizations. The National Assembly would consider those together with the bill submitted by the Government.

66. The Government consistently promoted access to justice for all. Complaints of human rights violations could be submitted at both the central and local levels. The Ministry of Justice's provincial offices, for example, received such complaints. Complaints could also be filed with other institutions, including the Office of the Prime Minister, reachable by hotline, and the provincial offices of the Ministry of Social Development and Human Security. Various channels were used to familiarize members of the public with their rights and ensure that they knew where to turn if their rights were violated.

67. In view of the pandemic, the public agencies responsible for the administration of justice had made it easier to submit complaints, file suit and apply for legal services online. A newly launched tracking application made it possible for the public to follow court cases

as they made their way through the legal system. Legal advice was provided at no charge by volunteer lawyers at provincial offices. Cases involving people who did not speak Thai were referred to lawyers and other legal specialists with the appropriate language skills.

68. The Rights and Liberties Protection Department, well aware of the barriers that people who did not speak Thai faced in their dealings with the justice system, had developed a project under which people with the relevant skills were encouraged to serve as volunteer interpreters, including during investigations. Opportunities for additional training were regularly made available to those volunteers by the Ministry of Justice. The services of an interpreter or translator were, if necessary, provided at no charge to the parties to judicial proceedings. Services were provided in a host of languages, including Karen, Hmong, Lahu, Lisu, Akha and Malay.

69. Victims of human rights violations or other crimes and defendants who had been acquitted of all charges were eligible for compensation from the State. Applications for such compensation had to be submitted within one year of the commission of the crime or the delivery of a final verdict of acquittal.

70. Subsidies were provided through the Ministry of Justice's Justice Fund to ensure that everyone, regardless of nationality or ethnicity, had full access to legal services. The office that administered the subsidies was currently studying additional methods of providing assistance and taking steps to enhance the transparency of its governance.

71. Under the Dispute Mediation Act, mediation services were provided at no charge in local communities. Earlier in 2021, the Ministry of Justice had issued a regulation stating that witnesses, including members of the country's various ethnic communities, were to be provided with protection in accordance with their specific needs. All witnesses who had entered the Thai Witness Protection Programme were safe.

72. The Ministry of Justice viewed human rights defenders as partners in its efforts to promote and protect human rights in Thailand and regularly organized activities to promote understanding of the importance of their role. The Ministry had also worked closely with human rights defenders, regardless of their nationality, to develop measures to protect them from reprisals, while continuing to provide them with legal aid and other services.

73. The aim of a proposed amendment to the Code of Criminal Procedure was to allow courts the discretion to dismiss charges filed against human rights defenders with the purpose of dissuading them from doing their work. Prosecutors, too, could recommend to the Attorney General that such cases should be dismissed. In addition, the Ministry had made a proposal to amend the Witness Protection Act to broaden the definition of the term "witness" to include all persons, including human rights defenders, who could find themselves under threat as a result of their willingness to cooperate with the authorities.

74. The House of Representatives had recently completed a first reading of a bill on the prevention and suppression of torture and enforced disappearance. The bill, currently under consideration by a special parliamentary commission, would be submitted to lawmakers for a second reading in the coming weeks. A committee set up by the Prime Minister had been given a mandate to work on matters relating to cases of enforced disappearance.

75. The Department of Special Investigation had found incontrovertible evidence of the death of Porlajee "Billy" Rakchongcharoen. His surviving family members had recently been awarded compensation amounting to approximately \$4,200. The Office of the Attorney General had not initiated criminal proceedings, as it considered that more evidence was needed to prosecute the case.

76. **Ms. Chung**, speaking in follow-up to a previous question, said that she wished to know whether the State party was willing to consider withdrawing the interpretative declaration it had made in respect of the Convention and whether the southern border provinces would remain under martial law.

77. Many of the allegations made in the reports submitted to the Committee by civil society organizations appeared well founded. Was it true that all victims of extrajudicial executions were, as noted in one report, of Malay descent or that, as another had noted,

criminal charges and civil complaints were commonly filed against indigenous human rights defenders in order to intimidate them?

78. **Mr. Yueng Sik Yuen** said that the penalties provided for in section 393 of the Criminal Code did not seem commensurate with the gravity of the acts referred to in article 4 of the Convention.

The meeting rose at 6 p.m.