



Executive Summary

This assessment report on the human rights situation in the country is prepared according to the duties and authorities provided in Section 247 (2) of the Constitution of the Kingdom of Thailand B.E. 2560 and Section 26 (2) of the Organic Act on National Human Rights Commission B.E. 2560. In preparing the report, the National Human Rights Commission (NHRC) compiled data from human rights incidents that occurred in 2019, the private sector, civil society, the performances of government agencies, and the works of NHRC itself. The NHRC also organized consultations with various stakeholders and field visits for observation and documentation in some cases. The data was analyzed against the rights recognized in the constitution, national laws and treaties to which Thailand is a party and has obligations to comply, to assess the situation of rights in each area and to develop recommendations. The situation assessment was divided into 4 areas according to the scope of international human rights treaties and important human rights issues in the Thai context: 1) civil and political rights; 2) economic, social and cultural rights; 3) human rights of specific groups; and 4) human rights issues of concern, which can be summarized as follows:

1. The situation of civil and political rights

Important issues include access to justice, torture and enforced disappearances, and freedom of expression and peaceful assembly.

In 2019, the government continued to promote access to justice, in particular providing help to the accused or defendants who do not have sufficient securities to secure temporary release during the court proceedings. In addition, an amendment was made to Section 161/1 of the Criminal Procedure Code to provide protection to human rights defenders from lawsuits initiated in bad faith or with distorted facts. The National Council for Peace and Order (NCPO)'s Announcement on cases to be tried by Military Court was revoked and pending cases are being transferred to the Court of Justice. Efforts were made to solve the problem of overcrowded prisons by establishing a committee to develop measures to reduce congestion of inmates. However, there were still reports of lawsuits against villagers and human rights activists. There were political activists repeatedly assaulted without adequate progress regarding the prosecution of perpetrators. And there were delays in transferring cases from the Military Court to the Court of Justice.

In the prevention and eradication of torture and enforced disappearances, a progress was made with the proposal of the Bill on Prevention and Suppression of Torture and the Disappearance of Persons B.E. to the House of Representatives. The government cooperated with the UN Working Group on Enforced or Involuntary Disappearances, and the investigation into the case of Mr. Porlaji Rakchongcharoen or Billy yielded a significant progress. As for the situation regarding the exercise of freedom of expression and peaceful assembly, it was found that in general the public were able to exercise such freedom without state interference, as a result of the abolition of the Head of NCPO's order that banned political gatherings since late 2018, and the NCPO's announcement that ordered the media to refrain from presenting information that criticize the government in 2019. There were still some cases of using the Computer-related Crimes Act B.E. 2550 (2007) and its amendments to prosecute political activists for expressing their opinions. The number is relatively lower than in 2018, and most of the cases involved disseminating false and deceptive messages to the public. Nevertheless, civil society organizations still have concerns about the enforcement of relevant laws due to the ambiguity of certain words that may subject to interpretation and discretion of the authorities.

On issues related to civil and political rights, the NHRC has made recommendations to the government and relevant agencies, including the recommendations to adjust regulations or practices that obstruct access to the Justice Fund; to protect human rights defenders who carry out peaceful activities from threats, intimidation or attacks; to speed up the transfer of pending cases at the Military Court to the Court of Justice; and to accelerate the consideration of the Bill to Prevent and Suppress Torture and Enforced Disappearances B.E., taking into account the compliance with the Convention Against Torture (CAT), for immediate enforcement. The government should address the concerns of the public regarding ambiguous enforcement of laws with provisions restricting freedom of expression and peaceful assembly, such as the Computer-related Crimes Act B.E. 2550 (2007) and its amendments, the Broadcasting and Television Businesses Act B.E. 2551 (2008), and the Public Assembly Act B.E. 2558 (2015).

2. The situation of economic, social and cultural rights

Important issues include rights to employment and social security, rights to education, rights to health, and human rights related to business operations.

In 2019, the government adopted a policy to promote employment among population groups that may have relatively less access to job opportunities, such as informal workers. New laws have been enacted to protect workers in the fishery sector and to prohibit forced labor. However, international trade problems had led to the closure of many factories, resulting in the layoffs of workers. The adoption of artificial intelligence in the business sector may lead to more layoffs. And there were problems with the protection of labour rights of out-sourced workers or service contractors in the government sector. Improvement of labour relations law is underway.

In the area of social protection, improvements were made on the benefits of workers under the social security law. The government has also taken steps to allow informal workers to be able to enjoy social protection under Article 40 of the Social Security Act, or to apply for membership of the National Savings Fund on a voluntary basis. However, the number of informal workers who voluntarily enter the protection scheme is still relatively low. In addition, the government has a policy to help low-income people in slum communities to have secure housing and access to basic utilities.

In education, the government has made efforts to promote rights to access to quality education, as guaranteed by international treaties, the Constitution and relevant national laws, by providing supports to children from poor families and other vulnerable children to return to the education system or by preventing drop-out of school through the implementation of the Equitable Education Fund (EEF). Efforts have been made to improve the quality of education through teacher development and the use of technology by engaging the private sector. These initiatives have to be pursued continuously.

In terms of health, the state has taken steps to increase citizens' access to public health care services through the development of primary care systems. Efforts have been made to solve critical health problems, namely adolescent pregnancy, which has been successfully reduced to a certain extent. The health situation that should be monitored is increased contraction of sexually transmitted diseases among teenagers and youths, and increased people who have got injuries due to the use of substandard or improper marijuana products. The determinants of health, namely PM 2.5 pollution and the use of pesticides, remain problematic.

As for business and human rights issues, the government has announced the National Action Plan on Business and Human Rights, the first of its kind in Asia. The Action Plan prioritizes issues in 4 areas: i.e., labour rights; communities, land, natural resources and the environment; human rights defenders; and international investment. This is in line with the NHRC's recommendations to the government during the preparation of the Plan. The challenges now are on effective implementation of the Plan and on sensitizing business entrepreneurs to be more concerned about human rights while conducting their business.

Regarding issues of economic, social and cultural rights, the NHRC has made several recommendations to the government and relevant agencies, such as, to take care of laid-off workers to ensure they receive benefits as prescribed by law; to enhance labour capacities to accommodate future economic conditions; to solve the problems of service contractors in government agencies; to encourage more informal workers to enroll into the social protection systems; and to protect labour rights to organize and collective bargaining in line with international labour standards.

In education area, the NHRC has recommendations for supporting the implementation of the Equitable Education Fund (EEF) to help children outside the education system to receive education, particularly in the high school level which is part of basic education, as well as to accelerate the improvement of the quality of teaching and learning in every institution.

As for the rights to health, the NHRC has suggested to accelerate the development of primary care systems so that people, particularly those living in remote areas, can access public health and medical services more conveniently and thoroughly. The NHRC also recommends the state to eliminate barriers to access to public health services among stateless students whose identification number begins with the letter G and traditional people whose names are on the civil registration but without Thai citizenship; to adopt preventive measures to deal with adolescent pregnancy problems; to immediately implement short-term measures to reduce PM 2.5 pollution; and to consider the NHRC's recommendations on the resolution of agricultural chemical use as in the Human Rights Violation Investigation Report No. 31/2562.

On the issue of business and human rights, the government should focus on the process of turning the National Action Plan into action; the use of state enterprises as a model in applying the UN Guiding Principles on Business and Human Rights in their businesses; and encouraging people to participate in periodic monitoring of progress or obstacles in the implementation of the plan.

3. Human rights situations of specific groups

In this report, the NHRC presents human rights issues of 5 specific groups, namely children, the elderly, persons with disabilities, women (including issue of gender equality), and those with legal status and rights problems consisting of migrant workers of three nationalities, stateless people, and asylum seekers.

In 2019, the government and relevant agencies took steps to further promote and protect the rights of children according to the Convention on the Rights of the Child (CRC) and the Constitution of the Kingdom of Thailand B.E. 2560 (2017). Concrete results are found in the reduction of the mortality rate of children, early childhood development, and the suppression of sexual exploitation of children. As for the violence against children and sexual exploitation of children, relevant agencies have made efforts to solve the problems continually and progress has been made to a certain extent.

The government has prepared to support the increasing aging population by providing for a voluntary retirement savings scheme for groups of people who are not part of any formal welfare system and by taking measures to promote and protect the elderly population, including paying allowances, promoting employment, providing health services, and helping the elderly whose rights are violated. However, the implementation in some areas has some challenges, such as in working with the informal labour groups,

most of whom are not part of any welfare system; in providing health services that have not yet thoroughly responded to the illness of the elderly; and the lack of clear measures to prevent abuse, neglect or violation of the elderly.

Persons with disabilities have had obstacles in accessing a number of rights under the Promotion and Development of Quality of life of Persons with Disabilities Act, B.E. 2550 (2017) and the Convention on the Rights of Persons with Disabilities (CRPD), particularly in education, employment and access to public transport services. This is due to the lack of equipment and facilities necessary to access rights and enjoy livelihoods by being part of society as intended by the CRPD. However, in 2019, the government has shown its will to promote rights and improve the quality of life of persons with disabilities on many occasions. It also engaged persons with disabilities and the private sector in government implementation.

The government has made efforts continuously to promote and protect the rights of women. However, some efforts have yet to yield obvious results, such as in the issue of domestic violence, where the statistics of women who were abused still remained close to the same level as of the previous year. Furthermore, there has been no measure in place to solve the problems at the root cause. In the issue of elimination of discrimination on the basis of sex, a revision has been made to the curriculum regarding gender diversity and sexual wellbeing in order to create a better understanding of the issues among children and youths.

As for those with legal status and rights problems, the government's continuous efforts to regularize migrant workers of 3 nationalities have provided them with a regular status and rights protection under the labour laws. A new legislation has been enacted to provide protection for workers in the fishery sector. Still, problems have been found in practice regarding access to welfare. The government has expressed its intention in international forums to completely eliminate statelessness by 2024. It has tried to overcome obstacles to facilitate stateless people to access the citizenship process. However, there are more than 400,000 stateless people still waiting in line. As for asylum seekers, significant progress has been made in repatriating people who fled from fighting in Myanmar through cooperation with Myanmar government and UNHCR. In addition, the government has enacted the Prime Minister Office's Regulation on the screening of aliens who are in the Kingdom and cannot return home, 2019, to ensure that those fleeing from persecutions would not be repatriated to danger and could receive appropriate assistance. Relevant agencies have worked together to lay down practical guideline to stop detaining migrant children in detention centers. Efforts have also been made to develop a screening system for illegal immigrants in order to identify refugees and provide appropriate protection.

Regarding the situation of human rights of these various groups mentioned above, the NHRC's key recommendations include: to develop measures to support families to take care of children so that children are safe and have suitable development according to their age; to have measures to prevent

domestic violence against children; and to establish community-level mechanisms for monitoring child abuse, such as the use of violence against children, etc., by enlisting local administrative organizations' support in accordance with Section 250 (1) of the Constitution of the Kingdom of Thailand B.E. 2560 (2017), and engaging potential non-governmental organizations and the private sector to support the mission.

Regarding the rights of the elderly, the government should give priority to the preparation for informal workers to enter old age by, in particular, ensuring that such labour groups will have sufficient income for living according to an appropriate standard of living, and the development of medical personnel to have better knowledge about diseases and illnesses of the elderly. There should be measures to prevent the problem of the elderly being abandoned or abused by engaging local administrative organizations. As for the rights of persons with disabilities, there should be measures to push forward the work on the rights of persons with disabilities as proposed by the National Assembly of Networks of Persons with Disabilities, including improving the service centers for persons with disabilities, promoting the positive attitude of persons with disabilities towards themselves as well as that of families and society towards persons with disabilities, with the participation of persons with disabilities in the process. In addition, the government should hasten to solve the education problems of persons with disabilities by providing education that suits the needs of different category of persons with disabilities, developing teachers and supporting adequate and thorough educational equipment and facilities, and promoting the employment of persons with disabilities. In addition, public transportation service providers should be required to provide facilities and equipment for persons with disabilities in all future projects.

For issues relating to women's rights, there should be measures to solve domestic violence against women at the root cause and capacity development of personnel to acquire the knowledge and skills necessary to perform duties in accordance with the Promotion of Family Development and Protection Act B.E. 2562. Any measure to strengthen the family institution should not put women in danger or at risk of repeated violence. There should be protection of women exploited in prostitution and provision of assistance to women in prostitution to have alternatives of occupation. There should be education and awareness raising program to reduce prejudice that leads to sexual discrimination.

For those with legal status and rights problems, clarification should be made on the rights in social welfare for migrant workers of 3 nationalities, particularly the right to health care services. The nationality granting process should be expedited so that the statelessness can be eliminated by 2024 as has been announced by the government. In the process, there should be measures in place to ensure that every group of stateless persons, including stateless students whose identification number begins with the letter G, will at least have access to basic healthcare services. At the same time, relevant agencies should be prepared to implement the Prime Minister Office's Regulation on the screening of aliens who are in the Kingdom and cannot return home, 2019.