

# Executive Summary

In 2023, there are significant developments in Thailand's human rights situation with regard to laws, policies, and measures undertaken by concerned agencies. However, there are still limitations and challenges which are summarized in four sections as follows:

## 1 Human Rights Situation Relating to Civil and Political Rights

### 1.1 Key Developments of State Actions

Overall, the government has demonstrated commitment with some key achievements in 2023, such as:

- The law on regulatory offence has been put into effect, resulting in the abolition of imprisonment or detention in lieu of fine. It has revoked the recording of criminal offences which would help reduce social inequality, especially for the poor.
- The number of people receiving financial assistance according to the Damages for the Injured Persons and Compensation and the Expenses for the Accused in Criminal Cases Act B.E. 2544 (2001) and Justice Fund Act B.E. 2558 (2015) has increased.

- The law on the prevention and suppression of torture and enforced disappearance has come into force, guaranteeing that no one will be subject to torture and enforced disappearance.
- There is an effort to bring to justice the persons who commit the crime of torture and enforced disappearance, including those committing a crime against human rights defenders.

### 1.2 Challenges and Obstacles

- There is delay in criminal proceedings. Despite the time limit set by the Police for inquiry officers to conclude a case, the NHRCT continues to receive complaints on such delay.
- Thailand has not yet ratified the CPED and the Optional Protocol to the CAT (OPCAT) which would upgrade the protection and prevention of torture on a par with the international standards.
- There are no guidelines for using medical opinions to consider torture cases. There continue to be complaints of torture and cruel treatment. In addition, there are no clear guidelines or measures for remedy, and there is no progress made in tracking enforced disappearance cases.
- Human rights defenders continue to face intimidation and strategic lawsuits against public participation (SLAPP). Government officials do not understand

the role of human rights defenders and there is no effective law to protect them.

- The law on public assembly still poses obstacles to the people in the exercise of their freedom to peaceful assembly. There are people prosecuted for participating in protests and expressing their views. Some media are intimidated while online media sometimes infringe on the rights of other people.

### 1.3 The NHRCT's Recommendations

- Supervising inquiry officers to expediting and following up on the case within the time limit prescribed in the law on the duration of work in the judicial process.
- Expediting the process of ratifying the CPED Convention and the Optional Protocol to the CAT (OPCAT).
- Clearly defining the scope of duties of human rights defenders under the principles of the Human Rights Defenders Declaration and publicizing it to promote understanding of the role of human rights defenders.
- Reviewing the Public Assembly Act, B.E. 2558 (2015) and guidelines relating to the supervision of assemblies in accordance with international principles.

## 2 Human Rights Situation Relating to Economic, Social and Cultural Rights

### 2.1 Key Developments of State Actions

- The labour protection law has been amended so that employees working outside the establishment can receive the same legal protection as those working in the workplace.
- An independent worker protection bill is being prepared to provide them with access to basic rights at work, safety, social security, including the right to organize and to freedom of association.
- The cabinet adopted a resolution approving registration of migrant workers and reducing registration fees, thus bringing them under the protection of the law.
- A bill on clean air has been prepared to establish a mechanism for managing and solving air pollution problems.
- People's access to the right to health is further facilitated by the telemedicine system and arrangement for prescription medicine to be picked up at nearby pharmacy, allowing people to access medical care faster and more conveniently. The conditions of the Student Loan Fund have been revised so that students can apply for loans without a guarantor, improving access to the right to education.
- The Learning Promotion Act, B.E. 2566 (2023) has been promulgated which emphasizes the importance of

encouraging learning for people of all ages through the participation of all sectors.

- An EIA report has been set as a requirement for the construction or expansion of structures such as seawalls, which was a case of complaint received by NHRCT some years ago.
- Allocation of arable land to the poor for utilization and living purpose has helped reduce inequality in land ownership.

## 2.2 Challenges and Obstacles

- Workers continue to face violation of their rights and discrimination in job applications due to HIV infection. Meanwhile, a large number of informal workers, including platform workers, still do not have social protection. Some groups of informal workers are protected under specific law such as domestic workers, but the enforcement is quite ineffective.
- Many migrant workers do not have health insurance and are unable to vote for the Social Security Committee.
- The success rate of suicide has been continuously on the rise. Children and youth are at higher risk of suicide than other age groups.
- The number of people seeking medical treatment due to cannabis use is increasing, and there are reports of impacts on the health of children and youth. This reflects the ineffectiveness of state mechanisms to control cannabis use.
- Further efforts are needed to track children who have dropped out of school

back into the education system. There is also no linkage of individual student information among educational agencies.

- The criteria for borrowing money from the Student Loan Fund, which is limited to certain fields of study considered necessary for national development, should be reviewed and expanded to other fields or courses to promote wider access to education and allow individuals to develop their full potential.
- The preparation of secondary laws on national parks, wildlife conservation, and community forests has not yet been completed. This has caused land conflict between the people previously living in the conservation areas proclaimed by the laws and the state, resulting in the prosecution in some cases.
- People do not have adequate participation in development projects of both the public and private sectors. This has caused opposition to the project implementation or led to calls for rehabilitation and remedy for the impacts that have occurred.
- Business operations and cross-border investments continue to impact human rights, including labour rights, the rights of human rights defenders, and the right to a healthy environment.

## 2.3 The NHRCT's Recommendations

- Expediting consideration and approval of the Bill on Elimination of Discrimination against Individuals B.E. ....
- Reviewing labour and related laws to provide protection to workers who do not have access to social protection.

- Amending the Labour Ministry Regulation to allow migrant workers to vote in the Social Security Committee and adopt measures to ensure that all migrant workers have access to health insurance.
- Disseminating information on channels for mental health counselling more widely.
- Enacting effective cannabis law to ensure safe use of cannabis and prevent its use among children and youth.
- Pushing for enactment of clean air law and establishing a warning system when the concentration of PM 2.5 exceeds the safety standard.
- Integrating and linking database systems to track students who have dropped out of the education system.
- Expediting the preparation of secondary laws on national parks, wildlife conservation, and community forests in accordance with the Constitution and community rights, paying special attention to public participation in the implementation of projects that may affect people's health and well-being and the environment.
- Implementing the NAP with emphasis on discrimination in the workplace, protection of human rights defenders, and community's participation in project implementation that may have an impact on the environment.

## 3 Human Rights Situation of Specific Groups

### 3.1 Key Developments of State Actions

- A ministerial regulation was promulgated to protect pregnant children and youth from dropping out of the education system.
- A complaint and referral mechanism has been developed at the local level to assist in the rehabilitation of children who have been subjected to violence.
- Efforts were made to push for legislation to ensure income security for the elderly, and online trainings on primary care to the elderly were provided to volunteers and the general public.
- The Civil Service Commission rule has been reviewed so as not to discriminate against persons with some types of mental illnesses from serving in the civil service. Measures have also been taken to promote access of people with disabilities to technology, improve their access to physical environment, financial transactions, and education through inclusive education.
- The law on preventing, solving, and reducing recidivism rates in sex offenses has entered into force.
- Action was taken to push for laws to protect and promote the rights for LGBTQIA+ people and ethnic groups.
- The announcement on Criteria, Procedures, and Requirements for Granting the Status of a Protected Person has come into effect. This makes it possible to separate

asylum seekers or aliens who enter the country but cannot return to their country of origin from other illegal immigrants for appropriate protection.

- Efforts were made to address housing issues for the low-income people affected by rail development with the participation of the affected communities.

## 3.2 Challenges and Obstacles

- Subsidy for new-born children under the Child Support Grant is not enough for nurturing the child with a good quality of life. Moreover, some children still do not have access to the subsidy.
- The elderly lack income security, and the employment rate has decreased from last year.
- Employment of people with disabilities in government agencies is low and does not comply with the law.
- There has not yet been an effective mechanism to help physically and sexually abused children and women.
- There is no law guaranteeing the rights of LGBTQIA+ people to live in married relationships in various areas, such as property management, decisions related to medical care, and marriage.
- There has not yet been any application for screening and protection against being returned to the country of origin where he or she is at risk of danger. Moreover, Thailand still preserves the reservation of CRC Article 22 regarding the protection of children who have requested refugee status or are considered to be refugees.
- Ethnic groups still struggle to access and use natural resources, arable land and residential areas, and public health services.

## 3.3 The NHRCT's Recommendations

- Reviewing the amount of grant to make it sufficient for raising young children and removing obstacles barring access to such right.
- Undertaking study and making preparation to advance the rights of the elderly and integrating them into the mainstream human rights.
- Promoting the employment of people with disabilities in both the public and private sectors.
- Making "Stop Domestic Violence" a national agenda and establishing an effective mechanism to provide relief to children who have been violated or subjected to violence.
- Expediting the enactment of laws to protect and promote the rights of LGBTQIA+ people and ethnic groups.
- Expediting the development of information databases on stateless children and youth so that they can access the right to education, the right to health, and other basic rights.
- Withdrawing the reservation to article 22 of CRC on the protection of children requesting refugee status or being considered as refugees.
- Disseminating information about the announcement on the granting of protected person status among foreigners who are unable to return to their country of origin due to the risk of danger to apply for screening and protection.

# 4 Human Rights Situation in the Southern Border Provinces

## 4.1 Key Developments of State Actions

- The number of districts where the Emergency Decree on Public Administration B.E. 2548 (2005) is in effect has been reduced.
- The peace dialogue process has resumed and a joint action plan to create holistic peace is developed to reduce violence in the area. Consultations with the people were also held in search of a political solution.
- Budgetary funds have been allocated to alleviate malnutrition among children in religious schools and to provide scholarships for youth groups in the area.

## 4.2 Challenges and Obstacles

- Statistics on unrest incidents and affected persons have increased. There was an incident where a negotiator was killed in an arrest operation.
- Enforcement of security laws that affect the exercise of people's rights and freedoms, and the DNA collection from people who are not accused continue despite the NHRCT's consistent recommendation that such practice be avoided.
- Tracking activities of the media and activists in the area which led to prosecution in some cases can create fear and may become condition for further conflict.

- Children who have become orphans as a result of the unrest situation but have not been certified by the tripartite committee have not received adequate assistance or care.
- Children in the area also suffer from malnutrition and have low levels of basic vaccination. The outbreak of whooping cough in three southern border provinces has led to the death of three children which could have been prevented by the vaccines.
- The implementation of public and private development projects in the area lacked the participation of the potentially affected people. As a result, people in the project area had not been aware of, nor had they any information about the project.

## 4.3 The NHRCT's Recommendations

- Conducting periodic review of the need for enforcement of security laws in the area according to the situation, and revoking them when no longer necessary.
- Ensuring that security officials have the knowledge to perform their duties in compliance with the Prevention and Suppression of Torture and Enforced Disappearance Act, B.E. 2565 (2022) and the CAT.
- Adopting appropriate measures to help those who are affected by the unrest situation but have not been approved by the tripartite committee.
- Allocating budgetary funds for lunch to children in compulsory and alternative education.



- Conducting survey of children who have not received all basic vaccination and working with religious organizations to impart knowledge and understanding about vaccines.
- Encouraging people to exercise their rights to participation and providing appropriate compensation to those affected by the implementation of government and private development projects.

The NHRCT will follow up on the implementation of recommendations contained in this report and its results so as to ensure that they are consistent with the people's rights guaranteed by the Constitution and international human rights obligations. The NHRCT will collaborate with network partners on significant issues, including the rights in the justice process, the right to a healthy environment, and the rights of the elderly, and will report progress in next year's report.

