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I. Introduction¹

A. Location, geographical conditions and history

1. Location and geographical conditions

1. Thailand is situated on the mainland of South East Asia, between the latitude of 5° 30' N and 21°N, and between the longitude of 97° 30' E and 105° 37' E. The total area is 513,115 square kilometers. It shares borders with Lao People's Democratic Republic (Lao PDR) and Myanmar to the North; Lao PDR, Cambodia and the Gulf of Thailand to the East; Myanmar and the Indian Ocean to the West; and Malaysia to the South. It stretches 2,500 kilometers from the northernmost point to the southernmost point, and has a width of 1,250 kilometers from East to West, with a 1,840 kilometers long coastline in the East (the Gulf of Thailand) and 856 kilometers long coastline in the West (the Indian Ocean/Andaman Sea). In general, Thailand has a tropical climate -- hot with high humidity. The rainy season lasts six months, with one to two months of cooler weather towards the end and the beginning of the year. The average temperature varies between 23.7 to 37.5 degrees Celsius. Thailand is divided into four main geographical regions based on natural features: high mountains in the North; highland plateau in the Northeast; lowland area in the Central plain, which joins with the South with its long mountain range and narrow plain stretching into the sea. The capital city of Thailand is Bangkok Metropolis.

2. History

2. Earlier theory argued that the Thai people migrated from Szechuan, a province in Southern China 4,500 years ago. However, the discovery of archaeological artifacts in Baan Chiang, Udon Thani Province, aged over 3,500 years, gave rise to a new theory that Thai people have inhabited this area since the Bronze Age and scattered across South East Asia, including China. Traditionally, Thai people called their country "Siam". The name was changed to "Thailand" in 1939. The word "Thai" is commonly thought to derive from the word "Tai", meaning "freedom" in the Thai language. Thailand, therefore, means "Land of the Free".

3. Recorded history of Thailand began with the establishment of city-states during the 13th Century. Sukhothai was established as a sovereign kingdom in 1238. The Ayutthaya Kingdom emerged in 1350 following the decline of Sukhothai and expanded its influence over the Chao Phraya basin. The rise of Ayutthaya coincided with the domination of the northern state of Lanna in Chiang Mai, whose unique cultural heritage retains influence up to the present time. The Ayutthaya Kingdom prospered for 417 years before the city was destroyed by the invading Burmese in 1767. Following the invasion of the Burmese, the capital was moved to Thonburi, and finally to Bangkok in 1782, marking the beginning of the Chakri dynasty. In 1932, the absolute monarchy system of administration was replaced by constitutional monarchy. King Bhumibhol Adulyadej is the present King of Thailand and is the ninth monarch under the Chakri dynasty.

B. Population and demographic structure

4. As of 2010, Thailand had a total population of 63.87 million of almost equal proportion between women and men (men 31.45 million and women 32.42 million). The

¹ The Document was prepared during 2007-2011.

Thai population is scattered across the four regions and Bangkok Metropolis. The Northeastern region has the highest share of the population at 33.77 percent (21.57 million), followed by the Central region at 24.92 percent (15.92 million), the Northern region at 18.45 percent (11.78 million), the Southern region at 13.92 percent (8.89 million) and Bangkok Metropolis at 8.92 percent (5.70 million).²

5. Thailand's demographic structure, according to the estimation in mid-2011³, shows the following share of each population group out of the total population: 20.36 percent (13.01 million) are children under 15 years of age; 67.44 percent (43.09 million) are in the working-age, aged between 15-59 years; and 12.19 percent (7.79 million) are senior citizens aged over 60; 23.77 percent (15.19 million) are in the school-age (6-21 years old); and, 27.72 percent (17.71 million) are women in reproductive age (15-49 years). The same estimation suggested that 79.6 percent of women in reproductive age use some form of contraception; the average number of children per family is 1.5; natural population growth is 0.6 percent; average birth rate per 1,000 total population is 12.4 percent; the mortality rate has declined to 6.9 percent; infant and child mortality rates (per 1,000 live births) have declined to 12.3 and 14.3 percent respectively and the decline is projected to continue into the next four to five years. It is projected that the average life expectancy for females will increase to 76.3 years and for males to 69.5 years (Table 1⁴).

C. Economic, social, cultural and political contexts

6. The country's development is guided primarily by a series of five-year National Economic and Social Development Plans. First developed in 1961, the first three Plans (1961-1976) focused mainly on economic development, laying down foundations for economic development and promoting private investment. It was not until the 4th Plan (1977-1982) that the social aspect of development received some form of attention. It was realized that economic progress had resulted in income disparities and social problems. From then on, social development has been integrated into the development plans, paying more attention to the quality of life of the Thai people, mainly in education and health. The 5th to 7th Plans led to the expansion of basic industries and large-scale export industry through foreign investment. This gave rise to the need to have qualified human resources and hence the adoption of a balanced, human-centered development as the main development paradigm in the 8th and 9th Plans (1997-2006). The 8th and 9th Plans put a strong focus on human and social development, envisioning a strong and balanced society and developing national resiliency needed for competing in an ever more globalized world and weathering the economic crisis of 1996-1997, in accordance with His Majesty the King's "Sufficiency Economy" philosophy.

1. Economic context

7. Thailand is currently implementing the 10th National Economic and Social Development Plan (2007-2011) which places strong emphasis on the participation of development partners, including government, private sector, entrepreneurs, the public, media, non-governmental organizations (NGOs) and local communities, in the implementation of the Plan, based on the "people-centered" principle. The 10th Plan envisions a Green and Happy society with emphasis on good governance and the

² Mahidol University, Institute of Population and Social Research, Journal of Population Study, no. 19, January 2010

³ Mahidol University, Institute of Population and Social Research, Journal of Population Study, no. 19, January 2010

⁴ Tables are contained in the annex, which can be consulted in the files of the secretariat.

“Sufficiency Economy” philosophy, following five main strategies, namely: developing knowledge and integrity of the people; community development; reforming the economy to achieve fairness and equity; conserving biodiversity and natural resources; and improving good governance in the national administration. The aim of the plan is to build up resiliency of the people and society to keep up with an ever more globalized world.

8. Thailand is currently in the process of preparing the 11th National Economic and Social Development Plan (2012-2016). The 11th Plan will continue to attach importance to national development based on the Sufficiency Economy philosophy, focusing on the people as the centre of development, giving emphasis to participation of development partners in all sectors of the society, aiming at holistic national development towards equilibrium in all perspectives through integrated means, providing every Thai citizen with extensive and quality social security, establishing a strong, balanced and self-reliant economic structure, enhancing the strength of communities, managing natural resources, reducing disparities and creating a fair income distribution, along with promoting good governance and a moral society.

9. Based on the country’s economic status, Thailand is a middle-income developing country. Some core economic indicators of Thailand⁵ are as follows:

- GDP: 10,103.0 billion Baht, Average GDP per capita: 150,089.7 Baht
- Growth rate of GDP: 11.7%, GNP: 9,667.0 billion Baht, Average GNP per capita: 143,612.5 Baht
- National Income (NI): 6,513.1 billion Baht, Average NI per capita 97,350.9 Baht
- Gross Fixed Capital Formation and Saving: 2,181.8 billion Baht, 591.9 billion Baht of the public sector and 1,589.9 billion Baht of the private sector;
- Domestic consumption: 2,817.6 billion Baht, Domestic investment: 955.4 billion Baht
- Export value: 7,203.3 billion Baht, Import of products and services value: 6,452.8 billion Baht, External debts: 89,944 million US Dollars
- Export revenue: 229,464 million US Dollars, Debt service ratio: 4.6 %
- Current account balance: 463.5 billion Baht, Balance of payments: 986.3 billion Baht, International reserves: 5,189.7 billion Baht
- Consumer price index: 97.1, Inflation rate: -1.0 %, Number of foreign tourists: 15.8417 million persons, Tourism revenue: 586.0 billion Baht
- Tourism revenue as ratio of GDP: 5.8 %
- National budgets of 2008, 2009, 2010 and 2011: 1.66, 1.835, 1.7 and 2.07 trillion Baht respectively
- Currency exchange rate in 2010: 31.7 Baht/1 USD (average)

10. In 2009, average household income per month was 20,903 Baht and average household expenditure per month was 16,205 Baht. Average family debt per year was 134,699 Baht. The poverty line stood at 1,586 Baht per month per person. The number of people living in poverty was 5.3 million or 8.1 percent (Table 2).

⁵ Ministry of Information and Communication Technology and National Statistical Office, *Core Economic Indicators of Thailand*, 2008, Text and Publication Co. Ltd., Bangkok 2008

11. Thailand's labour force is employed in both the agricultural and non-agricultural sectors.

12. Thailand's main agricultural products include forest and fishery products, permanent and perennial plants, vegetables, rice, herbs, ornamental and foliage plants, fruit, rubber, pastoral and fish farms, among others.

13. Non-agricultural industries include mining and quarrying, public utilities (gas, water, electricity), construction, retail trade, vehicle and machinery repair, hotel, restaurant, logistics and transport, warehousing, household and social services.

14. Thailand's main industrial products include food and beverages, tobacco, textiles, timber products, metallic and non-metallic minerals, rubber, plastics, furniture, petroleum, building materials, automobiles and automotive parts, electrical appliances and components, etc.

2. Social and cultural contexts

15. Thai society is a multi-cultural society comprising more than 60 ethnic groups across five language families. More than 85 percent of the population is ethnic Thai of various tribes. The core population includes the central Thai (including Bangkok Metropolis), the northeastern Thai, the northern Thai and the southern Thai. The dialect of the central Thai population is the administrative and official language of the country. Local dialects and languages are spoken in different regions in daily life. Nine distinct hill tribes living mainly in the mountains of the northern and upper central regions of Thailand include the Karen, Hmong, Mien, Akha, Lahu, Lisu, Lua, Khmu and Mlabri. Amongst the numerous ethnic groups in the Northeast are the Yoy, Phuan, Saek, Kaleung, Khmer, Kuy, Bru, and So. Southern ethnic groups include Malay, Sakai (inhabitants on the southern highlands) and some water or sea people, such as Mogen and Urak Lawoi. Some ethnic groups, such as the Chinese, Mon and Vietnamese, have been assimilated with Thais to the extent that it becomes difficult to make a true distinction between them.

16. Approximately 95 percent of Thais are Buddhists of the Theravada tradition. Muslims are the second largest religious group in Thailand at approximately 4 percent and dominantly reside in the southernmost provinces. Christians, Hindus, Sikhs and others represent around 1 percent of the total population. Religion has a large influence on culture and history. Religious diversity renders Thailand an even more diverse society with different cultures and identities. For example, the southern population, who are mainly Malay Muslims, speak the local Yawi language and hence have a distinct culture and language compared to people in the other regions who profess Buddhism, Christianity, Hinduism, etc.

17. Family is a fundamental institution of Thai society. As of 2009, there are 18.3 million households in Thailand. According to the data of the National Statistical Office in the year 2010⁶, due to internal and external factors, the family structure in Thailand has changed in many ways, notably as follows:

- The extended families of traditional society have increasingly been replaced by nuclear families of modern society. In 2010, nuclear families comprised 52.3 percent, extended families comprised 34.5 percent of the total. Single member households made up 12.6 percent and households in which members are not related made up 0.6 percent. Of the nuclear families, only 29.7 percent were families with

⁶ Ministry of Information and Communication Technology and National Statistical Office, *Core Economic Indicators of Thailand*, 2008, Text and Publication Co. Ltd., Bangkok 2008

husbands, wives and children; 15.0 percent were families with only husbands and wives; and 7.6 percent were families with only one parent living with the children (Table 3).

18. Thai families nowadays encounter both social and economic problems. Being aware of this situation, the government formulated the Policy and Strategy for Family Development, 2004-2013, focusing on four main strategies: holistic approach for the development of the family institution; social security for families; development of administrative mechanisms for family strengthening; and, capacity building of social networks for family development.

19. The education system in Thailand consists of nine years of compulsory education, including six years of primary education and three years of lower secondary education; while the 12-year basic education includes six years of primary schooling (Prathom 1-6) followed by three years of lower secondary schooling (Matthayom 1 to 3) and three years of upper secondary schooling, in either general (Matthayom 4 to 6) or vocational fields (Years 1-3). The state now provides 15 years of free education, from Kindergarten Level 1 up to higher secondary schooling (Matthayom 6 or Year 3 of the vocational field equivalent) (Table 4).

20. The percentage of student enrollment in the formal school system against the total number of school age population during 2007-2009 was 74.5%, 74.8% and 74.2%, respectively. Enrollment statistics in the formal school system can be categorized into different levels of education in academic years 2007-2009 as follows:

- Pre-Elementary Education (students aged 3-5 years) 87.2%, 91.9%, 94.4%;
- Elementary Education (students aged 6-11 years) 96.9%, 93.8%, 89.2%;
- Lower Secondary (students aged 12-14 years) 88.7%, 91.0%, 92.8%;
- Upper Secondary (students aged 15-17 years) 61.1%, 61.9%, 62.9%; and
- Higher Education (students aged 18-21 years) 34.6%, 34.5%, 34.7%.

21. Despite the extensive educational opportunities offered by the state and private sectors, the above statistics show that a number of students who have reached working age tend to opt out of school to enter the workforce. This is, to a large extent, due to the high cost of living and other economic conditions. However, they can further their studies in the non-formal education sector (Table 5).

22. Thailand's situation on health and public health is regarded as good. Every Thai citizen is entitled to receive health care services in Thailand, made possible by health care security. Life expectancy is growing and the most common cause of death among the elderly is old age (37 percent). Of the total number of people with disabilities (2 percent of the population), 97 percent were able to receive health care services. Thailand has made remarkable progress in reducing HIV infections over the past ten years (Table 6). The National Health Security Act, underpinned by the Universal Health Coverage Scheme, aims to provide equal access to quality health care service for all Thais. Under this Act, the National Health Security Fund was established and implemented in coordination with Local Administrative Organizations with the aim of ensuring health security for all, including persons with status problems. These efforts have resulted in a huge increase in the financial burden for the government. With this issue in mind, a pro-active approach to public health has been adopted, focusing on preventive and self care. The National Health Act B.E. 2550 (2007) provides for the establishment of a national health assembly to allow people's participation in shaping health policies that are conducive to local needs and wisdom.

3. Political situation

23. The latest general election was held in Thailand on 3 July 2011, leading to the formation of a new government to administer the country. The transfer of power from the old to the new government was properly and smoothly handled in accordance with the democratic rules and procedures. Thailand now has the first woman Prime Minister heading this government. The government announced its policy statement to the Parliament on 23 August 2011, highlighting the following as its priorities:

(a) Leading Thailand towards a balanced economic structure and stronger domestic economy, as the key foundation for enhancing the quality of life and sustainable growth. The ability to develop the quality and health of Thai people of all ages will be a determining factor for the survival and competitiveness of the Thai economy;

(b) Leading Thailand towards becoming a society of reconciliation and harmony, on the basis of the rule of law, anchored in universal standards, with the principle of equality being applicable to every Thai person;

(c) Leading Thailand to fully become member of an ASEAN Community by 2015, by enhancing the country's preparedness and strength in all aspects, namely economic, social, cultural, political and security.

D. Political and administrative structures, Constitution and laws, politics and administration

24. Thailand's political system is a constitutional monarchy, with His Majesty the King as the Head of State. The Constitution is the highest law in the land. The system of governance consists of the Legislative branch, the Executive branch and the Judicial branch. The Legislative branch is the Parliament, comprising the Senate and the House of Representatives, responsible for law making. The Executive branch is the Cabinet, responsible for the administration of the state's affairs and implementation of the laws. The Judicial branch is the Court in charge of conducting trials according to the law. There is also a system of local government to manage local affairs for the benefit of the local people and the nation, and at least four independent mechanisms serving as checks and balances.

25. The administrative structure of the country is divided into three levels: central administration, regional administration and local administration:

- The central administration consists of 20 ministries, responsible for discharging duties according to the Government Restructuring Act B.E. 2545 (2002) in providing public services. The head of the Cabinet is the Prime Minister, who is responsible for all ministries. Under the Constitution, the Prime Minister must be a Member of Parliament and come from election. Each ministry has a Minister as the political head responsible for policies and a Permanent Secretary as the civil service head responsible for the administration of its departments or equivalent bodies, run by Directors-General or the equivalent.
- Regional administration -- The country is administratively divided into 77 provinces, 877 districts, 7,255 sub-districts and 74,944 villages. A village is the most basic form of administration, headed by a village headman in charge of keeping law and order. A sub-district is a collection of villages, headed by the Sub-district Chief (Kamnan). Village headmen and sub-district chiefs are government representatives but are elected by the local people and report directly to District Chiefs who fall under the direct responsibility of a provincial Governor. District Chiefs and provincial Governors are civil servants, centrally appointed by the Ministry of Interior.

- Local administration -- The Bangkok Metropolitan Administration is a special provincial-level form of local government headed by the Bangkok Governor, and the City of Pattaya is regarded a special administrative zone headed by the Mayor of Pattaya City. Both are directly elected by popular vote. Local administration is divided into 76 Provincial Administrative Organizations, 2,010 Municipalities and 5,765 Sub-District Administrative Organizations, headed by executive chiefs elected by popular vote.

26. Government administration is carried out under the centralized budgetary system, with the annual budget allocation scrutinized and approved by the Parliament. The fiscal year starts on 1 October and ends on 30 September of the following year. The total national budget was planned at 1.7 trillion Baht in 2010 and 2.07 trillion Baht in 2011.

1. The Constitution

27. Thailand's present Constitution (2007 – present) largely retains the substance of the 1997 Constitution, but with clearer provisions and wider perspectives with regard to safeguarding rights and liberties of the people, and with more emphasis on the process of direct participation by the people. There are four substantial innovative features in the 2007 Constitution that are worth noting. These are:

- (a) Enhanced protection and promotion of human rights and liberties of the people;
- (b) Restrictions imposed on the executive branch of the Government to minimize malfeasance and abuse of power;
- (c) Emphasis on transparency, moral and ethical standards of the country's administration; and,
- (d) Provisions aimed at strengthening the power of various independent organs to exercise systems of checks and balances.

28. The substance and structure of the 2007 Constitution which guarantees the rights and liberties of the Thai people in accordance with human rights principles is as follows.

2. Principles/Guidelines

29. Basic principles concerning human rights guaranteed under the 2007 Constitution include:

- Under the General Provisions (Sections 4 and 5), the human dignity, rights, freedom and equality of the people shall be protected; and the Thai people, irrespective of their origin, sex or religion, shall enjoy equal protection under this Constitution;
- In exercising powers of all State authorities (Sections 26 – 69), due consideration shall be given to human dignity, rights and liberties in accordance with the provisions of this Constitution;
- A person whose rights and liberties recognized by this Constitution are violated, may invoke the provisions of this Constitution to file a lawsuit or to defend himself in the Courts;
- The restriction of such rights and liberties as recognized by the Constitution shall not be imposed on a person;
- Men and women shall enjoy equal rights;
- Unjust discrimination against a person on the grounds of differences in origin, race, language, sex, age, disability, physical or health condition, personal status, economic

or social standing, religious belief, education or constitutionally-held political view, shall not be permitted;

- A person shall enjoy the rights and liberties of his life and body;
- An act of torture, a brutal act or punishment by cruel or inhumane means shall not be made;
- The unwarranted arrest, detention and search of a person shall not be made;
- The right of a violated person to receive rehabilitation is protected;
- The right to safe shelter;
- The right to freedom of movement and the liberty to choose his/her residence within the Kingdom;
- A person's family rights, dignity, reputation and the right to privacy shall be protected;
- A person shall enjoy the liberty of communication by lawful means;
- A person shall enjoy full liberty to profess a religion;
- No person shall be punished for an act unless the act was a crime under a law at the time of commission (*Nullum crimen, Nulla poena sine lege*);
- The suspect or the accused in a criminal case shall be presumed innocent until proven guilty;
- The right to easy access to the judicial process;
- Every child, youth, woman, older person or disabled person shall have the right to appropriate protection in the judicial process;

30. Other rights guaranteed under this Constitution concern property rights; the right of succession; fair compensation in regards to the expropriation of immovable property; rights and liberties in occupation and right to labour protection and welfare; freedom of expression of the individual and the press; prohibition against the closure of a newspaper or media business, intervention with the media and the granting of money or other properties by the State as subsidies to private newspapers or other mass media; rights and liberties to education; rights to public health services and welfare; rights to information and petition; freedom of assembly, association and to form a political party; community rights; and the right to safeguard the Constitution.

31. Under the Directive Principles of Fundamental State Policies (Sections 75-87), the State through the Cabinet shall enact laws, set policies, and clearly state to Parliament the intended activities, specify the implementation periods intended for the administration of State affairs, and shall prepare and submit to the National Assembly an annual report on the result of the implementation. Fundamental state policies concern such areas as national security; state administration; religions, social, public health, education and culture policies; law and justice; foreign policy; economic policy; land use, natural resources and environment; science, intellectual property and energy; and public participation in the formation of public policy, political decision making, examining the exercise of State power, organizing public activities and educating the public with the aim of development of the political and administrative system under the Constitution.

32. Organizations under the Constitution (Sections 229-258) include the Election Commission, Ombudspersons, the National Counter Corruption Commission, the State Audit Commission, the Office of the Attorney General, the National Human Rights Commission and the National Economic and Social Advisory Council. Furthermore, there

are provisions in the Constitution regarding the monitoring of the State power (Sections 259-278), which mentions the examination of assets and acts regarded as conflicts of interest, removal from office, and criminal proceedings against persons holding political office, as well as stipulations on the code of professional ethics for persons holding political office. (Sections 279-280) (See details in Appendix.)

3. Mechanisms/Organisations

33. The Parliament consists of the House of Representative and the Senate. Of the 500 members of the House of Representatives, 375 come from elections held under constituency basis and 125 from election held under proportional representation basis. The Senate consists of 150 members with one member elected from each of the 77 provinces, and the remaining 73 selected.

34. The Cabinet consists of not more than 36 members.

35. The Court consists of the Constitutional Court, the Courts of Justice, the Administrative Court and the Military Court.

- The Constitutional Court is responsible for deliberating on whether the provisions of the law are contrary to or inconsistent with the Constitution.
- The Courts of Justice have the power to try and adjudicate all cases except those specified by this Constitution or the law to be within the jurisdiction of other Courts.
- The Administrative Court, having the power to try and adjudicate on cases of dispute between a government agency, State officials and private individual/s, or among State officials themselves. There shall be a Supreme Administrative Court and Administrative Courts of First Instance, and there may also be an Appellate Administrative Court.
- The Military Courts have the power to try and adjudicate cases in which offenders are subjected to the jurisdiction of the Military Courts when committing the offences.

36. Local Administrative Organizations are the main organs for taking care of and providing public services for the benefit of the people in the localities which have a capacity to self-govern their own affairs. They have the independence to make their own administrative, financial and fiscal policies and carry out their specific power and duties, but with due consideration to the provincial and national development policies. The Government will provide only necessary supervision as provided by the law, in order to continuously enhance the decentralization process.

37. Independent Organisations under the Constitution include:

- The Election Commission, responsible for controlling and holding elections or selecting members of the House of Representatives, senators, members of a local assembly and local administrators, as the case may be; setting duties for the interim Cabinet, and overseeing the voting in a referendum, to ensure that it proceeds in an honest and fair manner;
- Ombudspersons, responsible for considering and inquiring into the complaint/s for fact-finding in the following cases: (a) failure to perform in compliance with the law or performance beyond the powers and duties as provided by the law of a Government official, an official or employee of a Government agency, a State agency, a State enterprise or a local government organisation; (b) performance of or omission to perform duties of a Government official, an official or employee of a Government agency, a State agency, a State enterprise or a local government organisation, which unjustly causes damage to the complainant or the public; taking

action in connection with ethics of holders of political positions and State officials; monitoring, evaluating and preparing recommendations on the compliance with the Constitution; and conducting inquiries in cases where such act threatens to cause harm to the public at large or there is a need to safeguard public interests;

- The National Anti-Corruption Commission, responsible for inquiring into facts and preparing opinions on the removal from office of holders of political office and high ranking officials to be submitted to the Senate or the Supreme Court of Justice's Criminal Division for Persons Holding Political Office; inspecting assets and liabilities of persons holding political office; and controlling moral and ethics of persons holding political office; and,
- The State Audit Commission, responsible for inspection, prescribing standards and rules for state audit and advising and recommending remedial measures on state audit in an independent and neutral manner.

38. Other statutory organizations include:

- The Office of the Attorney-General, with Public Prosecutors having the power and independence to decide whether to prosecute or not to prosecute a case and perform their functions under the Constitution in a just manner;
- The National Human Rights Commission, responsible for examining and reporting on acts which violate human rights or which are not in compliance with Thailand's obligations under international human rights instruments, and submitting opinions to the organizations concerned, including the Parliament, the Cabinet, the Constitutional Court and the Administrative Court, proposing remedial measures, including revision of laws, regulations and administrative orders which affect human rights; submitting a case to the Courts of Justice or the Constitutional Court on behalf of the aggrieved person in order to correct the problem of human rights violation in general; disseminating knowledge on human rights and enhancing cooperation with various sectors to promote wider observance of human rights; and,
- The National Economic and Social Advisory Council, responsible for advising and making recommendations to the Cabinet on economic and social issues and related laws.

4. Laws and justice system

39. Thailand's justice system is a combination of Thai customary law and Western law. Written laws are enacted for the conduct of court proceedings, law enforcement and protection of justice. In addition to the Constitution, which sets fundamental guidelines for the protection of rights and liberties of the people, there exists the Thai Penal Code and the Civil and Commercial Code, promulgated in 1908 and 1923 respectively, which have been updated by amendments. There are also the Civil Procedure Code and the Criminal Procedure Code, promulgated in 1936, which form the main basis for the court proceedings. The Penal Code covers criminal offences against life and body, property and physical well-being of persons, whereby the use of capital punishment on a person below 18 years of age is prohibited. The Civil and Commercial Code sets forth general principles and rules for issues affecting social well-being, property and general living. These two codes of law form the basis of legislation for the protection of rights of persons.

40. The criminal justice process starts with the competent Inquiry Officer under the Criminal Procedure Code receiving a complaint and making an arrest for a violation or crime committed. After an investigation is conducted, and if the Inquiry Officer is of the opinion that the case be brought to court, he/she will send the accused and the investigation files to the Public Prosecutor; if not, he/she will send only the investigation files (with the

exception of files under the Criminal Procedure Code Section 20). The Public Prosecutor acts as the State's attorney and has the power to decide whether to prosecute or not to prosecute, after having considered the files and related evidence. In the case where an offended person directly files his/her case in court, the judge will consider the case. If the judge finds that the defendant did not commit the offence as charged or that his/her act was not a criminal offence by law, the judge will dismiss the case and acquit the defendant. The accused is presumed to be innocent until proven guilty, and has the right to defend the case to the fullest to prove his/her innocence, and the right to an attorney. If the crime committed carries a punishment of imprisonment or capital punishment, or if the accused is under 18 years of age at the date that he/she is informed of the charge, it is the duty of the State to find him/her an attorney. The human rights of the accused are fully protected as provided for by the Constitution.

41. There is increasing recognition of the useful role of alternative dispute resolution and growing acceptance of restorative justice as an alternative to a more punitive approach to criminal justice. In civil cases, arbitration, mediation and compromise have been used to solve disputes. Family and community group conferencing have been conducted in juvenile and family cases. In criminal cases, dispute resolution practice has been introduced to settle damage compensation between the defendant and the damaged, according to the Criminal Procedure Code Section 44/1, etc.

42. Based on the Act Promulgating Law on Organisation of the Court of Justice, B.E. 2543 (2000), there are three levels of courts of justice in Thailand: the Court of the First Instance, the Court of Appeal and the Supreme Court. There are special courts based on the nature of cases, such as the Juvenile and Family Court, the Labour Court, the Central Tax Court, the Central Intellectual Property and International Trade Court, and the Central Bankruptcy Court, among others. Each court has specific procedures and target groups, but all of them share the common principle of protecting justice.

II. Human rights protection and promotion framework

A. Acceptance of international standards

43. Thailand is currently a party to seven core United Nations (UN) human rights treaties out of nine, as shown in Table 7, as follows:

- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on 8 September 1985 but entered seven reservations, including: Article 7 concerning equality in political and public positions; Article 9 concerning nationality of the child; Article 10 concerning equal right to education; Article 11 concerning employment; Article 15 concerning contracts; Article 16 concerning the right and equality in marriage and family life; and Article 29 concerning disputes between states parties. Five out of seven reservations have been withdrawn. The remaining two reservations are Articles 16 and 29. (Thailand is currently in the process of considering withdrawal of its reservation to Article 16.)
- Convention on the Rights of the Child (CRC) on 26 April 1992, entering three reservations: Article 7 concerning the right to acquire nationality and birth registration; Article 22 concerning a child's request for refugee status; and Article 29 concerning education. Reservations to Article 29 and Article 7 have been withdrawn; only one reservation on Article 22 remains.
- International Covenant on Civil and Political Rights (ICCPR) on 30 January 1997. Thailand did not enter any reservations, but made interpretative declarations on four

articles: Article 1 concerning the right to self-determination; Article 6 concerning capital punishment for child offenders under 18 years of age; Article 9 about bringing the detainee to court without delay; and Article 20 concerning the prohibition of propaganda for war. The Government is considering withdrawal of its interpretative declarations on Articles 6 and 9 since the related laws have already been amended.

- International Covenant on Economic, Social and Cultural Rights (ICESCR) on 5 December 1999, with interpretative declaration on the meaning of self-determination, which still remains.
- International Convention on the Elimination of All Forms of Racial Discrimination (CERD) on 27 February 2003 with general interpretative declaration that Thailand does not interpret and apply the provisions of this Convention as imposing upon Thailand any obligation beyond the confines of the Constitution and the laws of Thailand. Thailand also entered reservations to Article 4 concerning immediate and positive measures to eradicate such discrimination and Article 22 concerning the settlement of disputes between States Parties by the International Court of Justice.
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) on 1 November 2007, with interpretative declarations on three articles, namely Article 1 concerning the definition of “torture”; Article 4 concerning the requirement for States Parties to make an act of torture, including an attempt to commit such act on complicity in committing such act of criminal offences punishable by law; and Article 5 concerning measures to establish jurisdiction over the offences referred to in Article 4. Thailand’s declarations are based on the Penal Code in effect, while its reservation made on Article 30 concerning the settlement of disputes by the International Court of Justice is based on the ground that Thailand does not accept the competence of the International Court of Justice in setting disputes between states.
- Convention on the Rights of Persons with Disabilities (CRPD) signed on 30 March 2007, the first day opened for signing, and ratified on 29 July 2008. The Convention entered into force for Thailand on 28 August 2008, with an interpretative declaration on Article 18 regarding the right to migration and to acquire nationality, that compliance with the obligation under this Article has to be in line with Thailand’s legal provisions, regulations and directive principles.

44. Thailand signed the International Convention for the Protection of All Persons from Enforced Disappearance (CED) on 9 January 2012.

45. Thailand also became a State Party to many other treaties related to human rights, including:

- Optional Protocol to the CRC on the sale of children, child prostitution and child pornography on 11 January 2006;
- Optional Protocol to the CRC on the involvement of children in armed conflict on 27 February 2006;
- Optional Protocol to the CEDAW on 14 June 2000;
- The Hague Convention on the Civil Aspects of International Child Abduction on 1 November 2002;
- The Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption on 1 August 2004;

- ILO Conventions No. 14, 19, 29, 80, 88, 100, 104, 105, 116, 122, 123, 127, 138, 182 and 159. Most recently Thailand ratified ILO Convention No. 159 concerning Vocational Rehabilitation and Employment (Disabled Persons) on 10 October 2010.

46. Moreover, the Ministry of Labour is considering to ratify ILO Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise and ILO Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively.

47. In becoming a State Party to the above-mentioned instruments, Thailand is legally bound by the provisions in those instruments to: ensure the enjoyment of the rights as provided in the instruments; take measures to guarantee the realization and protection of the rights as provided in the instruments in practice; widely disseminate principles and substance of those rights; and, prepare reports on the implementation of the instruments.

48. Thailand has made serious efforts to fulfil the obligations under the instruments to which it is a party. The human rights protection framework in Thailand has improved markedly after Thailand became State Party to the various international human rights instruments. Human rights principles have been incorporated into the Constitution. Independent human rights bodies have been established to monitor and protect human rights. Efforts have been made to review, amend and enact laws with a view to improving human rights protection, and to formulate strategies to remedy the situation. As a result of these efforts, a number of reservations placed on human rights instruments upon ratification have been withdrawn, including Articles 7 and 29 of the CRC and Articles 7, 9, 10, 11 and 15 of the CEDAW. Efforts have been made to disseminate the instruments to the widest possible audience through diverse means.

49. Thailand has taken its reporting obligations seriously. Each instrument has its specific reporting requirement and time-frame. These reports are important monitoring mechanisms for the United Nations, as well as for States Parties themselves as self-evaluation mechanisms. Thailand's progress in the implementation of these instruments will be described in detail in the reports under each instrument.

50. Besides, Thailand has played a major role in establishing the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders or the Bangkok Rules, which originated from the concept of Thailand's Enhancing Lives of Female Inmates or ELFI Project initiated by HRH Princess Bajrakitiyabha. The project aims at raising awareness about the problems of female inmates in the correction system, and enhancing cooperation in further improving the standards of treatment towards them. The Bangkok Rules were endorsed at the sixty-fifth session of the United Nations General Assembly on 21 December 2010, to serve as guidelines on the treatment of female inmates for prisons across nations, in consideration of gender differences and the specific needs of women.⁷

⁷ The key substance of the Bangkok Rules consists of:

Part 1: Rules of General Application – regarding general administration and management of prisons, which are applicable to all female offenders under detention of all types, including those detained under security or corrective measures.

Part 2: Rules Applicable to Special Categories, which are about categorization and treatment of female inmates under special circumstances or those with distinctive features, e.g. female inmates who were victims of abuse and violence, pregnant inmates, and inmates who belong to ethnic groups or tribes.

Part 3: Non-custodial Sanctions and Measures, aimed to be enforced on female offenders whose legal offences are not serious and whose physical conditions do not condone to imprisonment, e.g. female youth or pregnant offenders.

51. Thailand is currently in the process of establishing the Thailand Institute of Justice to promote the implementation of the Bangkok Rules in Thailand and other countries worldwide.

B. National legislative framework

52. The Constitution, Civil and Commercial Code, and the Penal Code are the foundation for the protection of human rights in Thailand, supported by constitution-mandated legislation, such as acts regulating the National Human Rights Commission, Ombudspersons, Administrative Court, National Election Commission, and decentralization plan and procedures for the Local Administrative Organizations, which will become useful tools for the protection and promotion of human rights of people in the local areas. Between the period 2005-2009, a number of pieces of legislation concerning human rights, both codes and specific laws, were amended and enacted, particularly those concerning the protection and promotion of rights and liberties of the people, and of special groups of population, namely children, youth, women, persons with disabilities, etc., as outlined below.

1. Laws relating to a person's status

53. Such laws include:

- The Nationality Act (No. 4) B.E. 2551 (2008) contains significant amendments to the earlier versions of the Act, aimed primarily at addressing the issue with regard to guidelines on granting status to persons, with due consideration to the combined interests of national security and human rights. This includes the recovery of Thai nationality of some persons whose Thai nationality had been revoked on grounds that are not suited to the current situation; the principle of gender equality as provided in the Constitution shall be applied.
- Civil Registration Act (No. 2) B.E. 2551 (2008). The amendments ensure the right to birth registration for every child born in Thailand regardless of his/her race. In addition, the said law aims to make civil registration procedures fairer and more convenient for the public. Some of the significant amendments include: the notification of birth to a Registrar in other localities; birth notification and registration; issuance of birth certificates and birth record; issuance of records to street children, children without guardians or abandoned children; registration of persons without Thai nationality according to the Nationality Act for record keeping purposes.

2. Laws concerning the protection and development of vulnerable groups, including children, youth, women, persons with disabilities, older persons, and victims of offences

54. Such laws include:

- Penal Code Amendment Acts (No. 19) and (No. 20) B.E. 2550 (2007), covering offences of rape committed on both men and women, rape offences committed by

Part 4: Research, Planning, Evaluation and Awareness Raising are rules that support research on relevant behaviour and traits which are attributes to women's wrongdoings, including studies on the impact of imprisonment on female inmates and their children.

family members, and increasing the penalty of rape offences on children aged below 13-15 years.

- Penal Code Amendment Act (No. 21) B.E. 2551 (2008) -- Under this Act, the minimum age of criminal responsibility has been increased from seven to ten years; juvenile offenders aged 10-15 are exempted from punishment, but may be reprimanded or sent to training centers as deemed appropriate by the Judge; and punishment imposed on juvenile offenders aged 15-18 shall be reduced by half, or the judge may order the same punitive measures as for children; and punishment imposed on offenders aged 18-20 years shall be reduced by one third.
- The Criminal Procedure Code Amendment Act (No.25) B.E. 2550 (2007) amends provisions concerning detention of the accused or defendant during investigation or trial in a place other than a police station; in cases of convicted persons who have served more than one third of the sentences ordered by the judges' final verdicts, their detention shall be in places other than prisons; and the case of a pregnant woman sentenced to execution shall be reduced to life imprisonment, with provisions for letting the woman take care of her child in an appropriate place and manner in the prison.
- Criminal Procedure Code Amendment Act (No. 26) B.E. 2550 (2007) amends provisions concerning interrogation and investigation of children under 18 years of age, and the Code (No. 28) B.E. 2552 (2008) about arrangement for an interpreter for the accused, defendant, damaged persons or witnesses, which includes interpreters for a language, dialect or sign language. This Amendment Act (No. 28) also concerns the interrogation of women in sex-related cases, specifying that it shall be conducted by a female officer, including the physical examination. In the investigation of female witnesses in such cases, interrogation about the women's sexual behaviour with other persons is prohibited, unless approved by the Court. The use of forensic science in examining pieces of evidence taken from human bodies requires consent from the persons concerned.
- Civil and Commercial Code Amendment Act (No. 19) B.E. 2551 (2008) aims to provide better protection for children and women in the family and amends provisions concerning the legitimacy of a child and custodial rights.
- Act relating to the National Child and Youth Development Promotion B.E. 2550 (2007) provides guidelines for better promotion of child and youth development that are appropriate to the reality of the present society. It promotes the roles of private or community organizations on child and youth development based on the principle of the best interests of the child. The Act provides for the rights to birth registration, health care services, education, protection and development and participation. There are special measures targeting children with disabilities. It aims to promote comprehensive development of children.
- Child Protection Act B.E.2546 (2003) -- Based on the principles enshrined in the CRC regarding the best interests of the child and non-discrimination, the Act is intended to provide protection for children from all forms of abuses, exploitation, violence and gross negligence by clearly stipulating that any child below the age of 18 is protected by the State. Protection mechanisms, notably the Child Protection Committee and multi-disciplinary child protection teams, have been introduced to provide appropriate protection for children. The Child Protection Fund was also established to provide resources for child development and protection efforts.
- Domestic Violence Victim Protection Act, B.E. 2550 (2007) -- Under this Act, measures and procedures in dealing with domestic violence have been laid out, providing protection and opportunity for rehabilitation for both the abused and

abusers with a view to facilitating reconciliation and resumption of the family relationship.

- Anti-Trafficking in Persons Act B.E. 2551 (2008) - The Act aims to provide protection for every person, especially children and women, from sexual exploitation, slavery, coercion to become a beggar, forced labour or service, coerced removal of organ/s for the purpose of trade, or any other similar practices resulting in forced extortion. As human trafficking has become more complex and taken the form of transnational organized crime, the Act draws upon the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children in imposing punitive measures upon offenders and providing appropriate assistance and protection to victims.
- Name Act (No. 3) B.E. 2548 (2006) -- Pursuant to the intention of the Constitution in promoting gender equality, this Act grants the right to both married partners to use a family name of his/her choice, either the surname of the husband or the wife, or to retain the original surname of each, as may be agreed upon.
- The Female Title Act B.E. 2552 (2008), addresses the issue of unjust discrimination against persons on the ground of gender difference, by allowing a married or divorced woman to choose titles of Miss or Mrs., in pursuance to the non-discrimination principle, the spirit of the Constitution and the Name Act.
- The Act on Promotion and Development of Quality of Life of People with Disabilities B.E. 2550 (2007), which entered into force on 27 September 2007, contains provisions regarding benefits and protection of persons with disabilities from unfair discrimination for reasons of physical or health conditions, while also providing for public facilities and state welfare and assistance to persons with disabilities for their better quality of life.
- The Older Persons Act B.E. 2546 (2003), in compliance with the Madrid International Action Plan on Older Persons of 2002, ensures the rights of the older persons in various aspects, including the setting up of the Older Persons' Fund which provides interest free loans to interested older persons who wish to embark on income-generating investments after retirement.
- The Juvenile and Family Court and Procedures Act B.E. 2553 (2010), contains amendments aimed at improving the protection of the rights, safety and treatment towards children, youth, women or any other family members who are victims of violence in the family, according to the Domestic Violence Victim Protection Act; also improving the Juvenile and Family Court procedures in relation to protecting the rights of children and youth in conflict with the law, as accused, to ensure proper and appropriate protection for them throughout the procedures, in compliance with the Constitution, the Convention on the Rights of the Child (CRC), and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).
- Consumers' Cases Procedure Act B.E. 2551 (2008) is a law which facilitates consumers to exercise their right to file complaints, and which ensures that the affected consumers receive prompt, effective and fair treatment, remedy and compensation.

3. Laws concerning the protection of victims, defendants and witnesses in criminal cases

55. Such laws include:

- The Damages for the Injured Person and Compensation and Expense for the Accused in Criminal Case Act B.E. 2544 (2001) intends to provide injury compensation to victims in criminal cases. Under this Act, restitution is provided for victims whose rights and dignity have been violated and who suffer mental or physical injury or death as a result of a criminal act or negligence, including being wrongfully accused or detained in connection with criminal cases.
- The Witness Protection Act, B.E. 2546 (2003) intends to provide protection for witnesses in criminal cases. It sets out general provisions applicable to all criminal cases, while containing specific provisions concerning protection of witnesses in certain cases which require the use of special measures, as necessary and appropriate, such as sexual offences, drugs, organized crimes, etc.

4. Laws on Labour Protection

56. Such laws include:

- Labour Protection Act (No. 2) B.E. 2551 (2008) -- This Act is an amendment to the Labour Protection Act B.E. 2541 (1998), aimed at providing additional protection to employees in terms of conditions of employment;
- The Alien Workers Act B.E. 2551 (2008) regulates alien persons who enter Thailand to work. In issuing work permits to these persons, due consideration should be made to national security, work opportunities for Thai people, and how the need for migrant workers can impact national development.
- The Employment and Job Seekers Protection Act B.E. 2528 (1985), Second Revision of B.E. 2537 (1994) and Third Revision of B.E. 2554 (2011) govern the businesses of employment agencies which carry out job placement for workers both in Thailand and abroad, and provide protection for Thai workers overseas.

57. The Department of Labour Protection and Welfare has already set up two Task Forces to draft and revise the two laws on labour relations, namely the Labour Relations Act, B.E. 2518 (1975) and the State Enterprise Labour Relations Act B.E. 2543 (2000) to be in line with the principles of the ILO Conventions No. 87 and No. 98.

58. Furthermore, the Department of Labour Protection and Welfare provides protection not only to Thai workers, but also to alien or migrant workers in Thailand, as follows:

(a) Setting policy for the enforcement of the Labour Protection Law without discrimination i.e. Thai or alien/migrant workers will receive the same treatment and equal protection;

(b) Implementing measures in compliance with ILO Convention No. 182 in order to eliminate the worst forms of child labour; and,

(c) Working in conjunction with the main responsible agency on anti-human trafficking, which is the Ministry of Social Development and Human Security.

59. A number of new legislations have been introduced to protect and promote human rights, civil rights and the people's right to participation, to promote peace and uphold the decent moral fibre of society, e.g. laws on local administration, education, public health and medicine. Among these is the National Health Act, B.E. 2550 (2007), a protection oriented law that aims at mobilizing all stakeholders to collaborate with each other in redesigning a new mind set for the Thai health system through the process of public policy development and the establishment of a National Health Assembly to draft the National Health By-Laws and locally specific by-laws which correspond with the situation and needs of each locality. The Persons with Disabilities' Quality of Life Promotion Act B.E. 2542 (2007) defines the rights and entitlements of persons with disabilities and aims to enhance their quality of life

development. Further legislative revisions have been made in connection with community rights in order to protect the rights of local people from the impact of large development projects, to enable them to exercise their right to participate in the decision-making regarding those projects.

C. Internal fundamental directive frameworks

60. There are several internal directive frameworks that form the basis for setting the direction and goals for Thailand in the promotion and protection of human rights in the country. The more significant ones are the following.

Fundamental State Policy Direction on Human Rights Protection

61. The present government's social policy as announced to the Parliament places emphasis on human security, particularly security of life by providing a guarantee on the security of human dignity by eliminating discrimination and human rights violations in all forms; educational development and creating just and equal opportunities in education for all; increasing benefits and social security for labour workers; promoting people's rights to health throughout their life cycle, from pregnancy to old age; promoting family development, eradicating human trafficking, enhancing consumer rights protection, eliminating child and youth rights violation in all forms; promoting women's status and equal role in national development, and protecting women from abuse and domestic violence; improving the quality of life of older persons, persons with disabilities and disadvantaged persons; creating justice and reducing discrepancies in the utilization of land and natural resources; executing economic policy that supports fair income distribution; promoting cultural rights; protecting local wisdom to create jobs and occupation locally; promoting democratic processes, human rights, humanitarian causes, the environment and sustainable development on the international stage, as well as rendering cooperation in resolving transnational issues which may impact human security.

62. Plans on human rights protection:

- The 10th National Economic and Social Development Plan (2007-2011) emphasizes human and societal development towards attaining security of life on the basis of social justice. It also aims at tightening law enforcement as well as instilling values concerning good citizenship and respect for human rights and human dignity.
- The National Security Policy 2007-2011 attaches importance to the balance between human rights principles and national security, emphasizing non-discrimination and promotion of good understanding among peoples of different ethnic and cultural backgrounds.
- The Second National Human Rights Plan follows on from the first plan and focuses on 11 areas: 1) education; 2) culture; 3) occupation; 4) public health; 5) natural resources; 6) accommodation; 7) freedom of association; 8) access to government information; 9) freedom of the media; 10) government and politics; and 11) religion. The plan identifies 20 groups, including children, women, older persons, persons with disabilities; patients; HIV-infected people; ethnic minorities; aliens; displaced people; stateless persons; the poor; wage labourers; farmers; consumers; human rights defenders; prisoners; released prisoners; victims of criminal cases; the community and people living on state welfare.
- The Five-Year Strategic Plan of the National Human Rights Commission (NHRC) (2002-2007) defines a vision for the NHRC to be an independent organization in promoting culture and a way of life that respects human rights and values human dignity. During the five-year duration of the Plan, the NHRC will focus on

promoting and protecting five aspects of human rights and one geographical focal area, namely: (1) human rights in the justice process; (2) community rights and fair allocation of natural resources; (3) human rights in high-risk groups of people who are prone to be abused or treated unjustly; (4) human rights and the private sector's role; and, (5) human rights and the use of tolerance as principle in managing or resolving differences in thoughts and opinions. The one geographical area of focus is the Southern Border Provinces. Key strategies laid down for implementation include: strengthening surveillance and checks; promoting people's access to their rights; driving policies and setting social norms in regard to human rights; strengthening networks of alliances; placing importance on communication to instill human rights values in society; and, improving the NHRC's working mechanisms and processes for better efficiency and effectiveness.

- Decentralization Action Plan of 2000 – In pursuance of the Act Prescribing Plan and Process for Decentralization, B.E. 2542 (1999), the Action Plan outlines procedures for the decentralization of power to local governments, and is divided into three phases. The first phase (2001-2004) involved the transfer of duties according to the Decentralization Act. The second phase (2005-2010) involved the restructuring of the central, regional and local administrations, and the people's sector to facilitate shared learning and interaction, as well as legislative reform. The third phase (from 2011 onwards) envisions better quality of life for the local people, with better access to basic services, as well as their active and full participation in decision making, monitoring and supporting the activities of the local administrative organizations.
- The National Master Plan on Justice Administration of 2009-2012⁸, approved by the Cabinet on 17 March 2009, was prepared as a follow up to the National Justice

⁸ The National Master Plan on Justice Administration (2009-2012) laid down five operational strategies, as follows:

Strategy 1: Strengthen protection from crimes, and reduce disputes

Objective: To build capacity of the people in society to have knowledge, understanding and awareness about justice, fairness and harmony; to protect, guard and solve problems of crimes; to have basic skills in resolving disputes and conflicts by peaceful means.

Strategy 2: Promote compromise in disputes and restorative justice

Objective: To enable the people to access and acquire justice from various channels in an appropriate manner, to cut down the number of cases into court or justice process, which will save time and expenses both on the part of the state and the people. This will also help resolve conflicts and bring peace and harmony to society.

Strategy 3: Enhance participation and role of various development allies

Objective: To encourage and support various development partners, namely the civil society sector, local administrative organizations, the private sector, NGOs, educational institutions and the mass media to take part or play a proper role in the justice process and facilitation at all levels.

Strategy 4: Coordinate cooperation and develop justice system

Objective: To enhance inter-agency cooperation in the justice process, as well as cooperation between agencies and other organizations concerned; to develop an effective administrative and management system which is up to date and can respond to the needs of the people swiftly and effectively.

Strategy 5: Enhance effectiveness of services and promote ethics and Governance

Objective: To enable the people to access justice services quickly, conveniently, cheaply and to their satisfaction; to enhance development of human resource to have professional ethics and good conscience, and adhere to the principles of good governance, along with development of their knowledge and skills according to the set standards.

In order to drive the implementation according to the laid down strategies under the National Master Plan on Justice Administration (2009-2012), the following steps were to be taken:

1. Publicise, ensure knowledge and understanding about the content and substance of the Master Plan among all parties concerned.

Administration Act, B.E. 2549 (2006). It provides guidelines for cooperation in justice administration between government agencies and other related organizations, with a view to promoting cohesion and effectiveness in facilitating justice for the people, as well as maximizing cost-effectiveness in the utilization of resources.

- The Master Plan's preparation process has followed several steps and undergone various processes, from data gathering on the different situations and circumstances to brainstorming of ideas and opinions from all concerned parties in all sectors nationwide. This Master Plan has set the following vision:

“A justice facilitation system which is modern, accurate, transparent, fair, has universal quality and runs smoothly and effectively. People can access justice services easily, quickly, conveniently, cheaply and equally, resulting in a safe, calm, orderly and harmonious society.”

63. Specific plans and guidelines for special population groups have also been introduced. These include: National Strategic Plan and Policy on Child Development; “A World Fit for Children” document (2007-2016); Women Development Plan in the 10th National Economic and Social Development Plan (2007-2011); Quality of Life Development Plan for Persons with Disabilities (2007-2011); and National Older Persons Plan No. 2 in a 20 years' period (2002-2022). Each of these plans has a National Committee to oversee their implementation towards concrete results.

D. Report preparation

64. The preparation of obligatory reports on the implementation of human rights instruments to which Thailand is party has been done with active participation from all stakeholders. A national committee or working group has been established as the core mechanism for report preparation, comprising relevant agencies from the public, private and academic sectors and stakeholders or target groups for which the instruments aim to provide protection. For example, children representatives have participated in the preparation of the CRC report as Committee members. Likewise, the committee for the preparation of the CEDAW report comprises representatives from women's organizations in every field and the Committee for CERD held meetings with ethnic groups across the country. The format, substance and guidelines for report preparation follow the requirements and guidelines of the UN Committees responsible for such instruments. A report is drafted in Thai, with contributions from various working groups, comprising representatives from both the public and private sectors, responsible for specific topics. The draft report is then put to public hearings, both at the regional and national levels, to gather feedback and recommendations. The amended report is then submitted to the responsible agencies for approval and then translated into English. The final report is submitted to the Cabinet for approval and to the Ministry of Foreign Affairs for formal submission to the UN.

65. Procedures for preparing a report involve:

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2. Develop mechanisms for cooperation in implementing the Plan by establishing a coordinating body to coordinate among agencies involved in the justice process, as well as with development partners and allies at every level, from national level to regional, provincial and local level.
 3. Integrate plans and projects in correspondence with the strategies under the Master Plan.
 4. Conduct regular public hearing surveys and meetings once a year to assess the needs and expectations of the people towards agencies responsible for justice process and facilitation. This will also reflect on the progress in implementing the Master Plan.

- Defining outlines, issues and substance of the report and delegating responsibilities by the Committee;
 - Preparing a draft report by a working group;
 - Reviewing the report by the Committee;
 - Discussing the report and making recommendations by relevant groups from the public and private sectors at the regional and national levels;
 - Revising the report, incorporating comments and recommendations by the working group;
 - Editing by the Committee;
 - Requesting additional information and approval from the agencies from which data and information have been gathered;
 - Translating the report into English and editing by a language specialist and the Ministry of Foreign Affairs;
 - Submitting the report to the Cabinet by the responsible agency; and,
 - Submitting the report to the UN Secretary-General by the Ministry of Foreign Affairs.
66. Some of the reports that have already been prepared and submitted to the UN include:
- The first, second and third (combined), and fourth and fifth (combined) CEDAW reports submitted in 1987, 1997 and 2003, respectively;
 - The first and second CRC reports, submitted in 1996 and 2004, respectively. The third and fourth combined report was submitted in 2011;
 - The first ICCPR report was submitted in 2003; and,
 - The first and second CERD combined report was submitted in 2011.
67. The reports that are in the drafting process include:
- The first ICESCR report;
 - The first CAT report;
 - The first CRPD report;
 - The sixth–seventh combined CEDAW report; and,
 - The second ICCPR report.

E. Other human rights information

Human rights promotion at international fora

68. Thailand has always attached importance to the promotion and protection of human rights, both at the national and international levels. It has played an active role in addressing specific human rights issues together with the international community. At the same time, Thailand has continuously made efforts to embrace international human rights standards in order to improve the protection of human rights in the country, both in terms of legal and policy frameworks. Some major frameworks, arising as a result of Thailand's international engagement in the field of human rights, include:

- The National Action Plan against the Commercial Sexual Exploitation of Children of 1996, which resulted from the Fourth World Conference on Women in 1995;
- The National Policy and Plan on the Prevention, Suppression and Resolution of Domestic and Cross-border Trafficking in Children and Women (2003-2008), later developed into the Human Trafficking Prevention and Suppression Act B.E. 2551 (2008), as a follow-up to Thailand's signing of the United Nations Convention against Transnational Organized Crime (an outcome of the meeting on the Convention in Palermo, Italy in 2000). Thailand subsequently established mechanisms at both the national and regional levels to address the human trafficking issue, including the memorandum of understanding (MOU) on common operational guidelines between state agencies and NGOs, which later led to bilateral MOUs on human trafficking in the Mekong sub-region with Cambodia, Lao PDR and Viet Nam, then to multilateral regional cooperation under the framework of ASEAN, namely the Bali Concord II Meeting, and more permanently, the ASEAN Ministerial Meetings and ASEAN Committee on Women. Furthermore, Thailand has also established cooperation within the wider region, such as with Australia to combat illegal immigrants in 2001, which later expanded into multilateral cooperation under the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime.
- Declaration for Children (Thai) of 1991 and National Strategy and Plan of Action for A World Fit for Children of 2006, as a result of the World Summit for Children in 1990, the latter of which is under implementation until the present day.
- Thailand's adoption of the Durban Declaration announced at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban, South Africa in 2001, which subsequently paved the way for Thailand's ratification of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) in 2003.

69. Thailand was elected as a member of the Human Rights Council (HRC) from 2010-2013. The country came in second among all 14 candidates receiving 182 votes of support, as a result of Thailand's serious efforts to abide by the obligations under the international human rights instruments to which it is State Party, especially in protecting the rights of different groups of people. As a member of the HRC, Thailand has offered itself as a bridge builder amongst different groups to enable the HRC to address urgent human rights situations in a timely and effective manner, based on constructive dialogue and engagement. Thailand also contributes to strengthening the rights of vulnerable groups including the rights of children, women and persons with disabilities at the HRC. In addition, Thailand has played an active role in enhancing the ability of states in the prevention of human rights abuses through the introduction of a resolution on technical

cooperation at the eighteenth session of the HRC in September 2011, which received unanimous support from the Council.

70. Furthermore, Thailand was elected as President of the HRC for the term from June 2010 to June 2011. In this capacity, Thailand was committed to reaching out, hearing out and respecting the views of all sides. Thailand also led the crucial exercise of reviewing the Council's work with a view to raising the credibility and effectiveness of the HRC, particularly in addressing serious human rights violations. To facilitate frank and in-depth discussions on ways to enhance the efficiency of the Council based on the spirit of cooperation, Thailand hosted the Bangkok Retreat on Human Rights Council Review in Bangkok on 8-10 December 2010. The outcome resolution of the HRC Review was adopted at the UN General Assembly in June 2011. One of the important outcomes of the review was the strengthening of the second cycle of the universal periodic review which focuses on implementation of the recommendations received during the first cycle.

III. Observance and compliance with fundamental human rights principles

71. The 1997 and 2007 Constitutions of Thailand contain clear provisions guaranteeing the protection of human dignity, rights, freedoms and equality of the people and set forth obligations of the State to take measures for the realization of those rights. Relevant laws have been introduced, as well as guidelines and strategic plans laid down for the enforcement of these laws. Thailand has also adopted a number of international human rights instruments in addition to efforts taken at the national level to uphold the international human rights principles.

A. Non-discrimination and equality principle

72. Thailand has made efforts to eliminate discrimination against vulnerable groups, namely children, women, persons with disabilities and older persons, by amending relevant laws to enable them to access and exercise their rights on equal terms with others, as described earlier.

73. Moreover, in its attempt to eliminate discrimination against persons with legal status problems, Thailand undertook to develop a national strategy to address the problem of status and rights of persons in 2005 and introduced amendments to the Nationality Act in 2008. The amendments aim to address the status problem for certain groups of people, e.g. 'unsurveyed' people; immigrants who have fled to Thailand, have been residing in Thailand for a long time, and could not return to their countries of origin; including stateless and 'rootless' persons, to enable them to acquire appropriate status, receive protection by law and access essential basic services, such as health care and education on an equal footing with the rest of the population, to lead a normal life in society and to take part in developing the country to their fullest potential. On education, by a Cabinet Resolution of 2005, all children shall receive 15 years of basic education without discrimination, regardless of nationality or ability to present any official document, according to the Education for All policy. The state shall subsidize per head expenditure to the educational institutes concerned in facilitating such action.

74. Concerning victims of human trafficking, most of whom are women and children from Thailand and neighboring countries, efforts have been made to provide assistance and protection to them without discrimination. They are equally considered victims who are in need of treatment, rehabilitation and compensation, regardless of ethnicity, language or tribal affiliation. If the victims are not from Thailand, efforts will be made to guarantee

their safe repatriation to the countries of origin. They are granted the right to reside in Thailand for the duration of the hearing of their cases and assistance will be given towards tracing their families in their countries of origin. Mechanisms are in place to facilitate the effectiveness of operations in this regard, including MOUs on common operational guidelines, cooperation and coordination between State to State, State and private sector, and private sector to private sector, both domestically and internationally.

75. Regarding the criminal justice system, if a case is filed, the court will hear the case fairly and without discrimination, regardless of the status of the defendant and plaintiff and whether they are stateless or have unclear legal status. There are a number of Thai NGOs and international organizations ready to provide assistance during the trial by working closely and independently with the victims, free from any intervention and obstruction from the State.

76. Thailand has strong and free NGOs and media sectors. They are able to act as mechanisms for checks and balances and monitoring of human rights violations, or other acts of injustice or discrimination, conducted by the State, non-governmental sector or individuals. They have complete freedom to voice grievances and defend those whose rights have been violated, making it more important for the State to uphold human rights principles, both in policy and implementation. In other words, they act as watchdogs for society in regard to human rights violations.

B. Promotion of human rights principles

77. Prior to the establishment of independent human rights organs as required by the 1997 Constitution and the National Human Rights Commission Act, B.E. 2542 (1999), human rights promotion efforts took the form of special measures for specific target groups, implemented by government agencies responsible for the implementation of obligations under specific conventions or by NGO networks working on such issues as the rights of women, children, persons with disabilities, ethnic minorities, etc. Efforts have been made to widely disseminate knowledge and understanding of human rights principles under such instruments.

78. With the establishment of the National Human Rights Commission in 2001, there exists a central body directly responsible for the dissemination of human rights principles. A human rights education plan has been developed with clear scope on human rights education in both the formal and non-formal settings. For the non-formal system, informal learning has been organized for special target groups and in public and private institutions, as well as local administrative organizations. Efforts have been made to build a body of knowledge by promoting research and training for professionals and volunteers and public education through all forms of media. Furthermore, the promotion of human rights principles is the specific responsibility of dedicated government agencies, as follows: the Ministry of Education in developing and integrating the human rights curriculum into formal education at all levels, from kindergarten to tertiary level; the Ministry of Social Development and Human Security for the promotion of child rights, women's rights and rights of persons with disabilities by the Office of Welfare Promotion, Protection and Empowerment of Vulnerable Groups, the Office of Women's Affairs and Family Development and the Office for the Promotion and Development of Quality of Life of Persons with Disabilities, respectively; the Office of the Attorney-General, for the promotion of economic, social and cultural rights; and the Department of Rights and Liberties Protection under the Ministry of Justice, for knowledge dissemination regarding civil rights, political rights, ethnic rights and rights to protection from torture, in accordance with the international instruments to which Thailand is a State Party.

79. Efforts to disseminate human rights principles have been done both directly and through the media. Direct dissemination is carried out by both the legislative and executive branches, government agencies, educational institutions and non-governmental organizations. These include the National Human Rights Commission and the Department of Rights and Liberties Protection under the Ministry of Justice. Public education has been organized through formal and non-formal learning, training and seminars. A teaching and learning curriculum has been developed to sensitize teachers and educational personnel, local administrative organization officials and human rights volunteers. Meetings and workshops have been organized to facilitate the sharing of experiences among all professionals involved in the justice system, including the police, public prosecutors, judges, Corrections Department personnel, Juvenile and Youth Observation and Protection Center personnel and provincial child protection committees nation-wide.

80. Dissemination through the media involves various forms of publications, such as books, pamphlets and journals; human rights research, such as on prisoners and children in the justice system, child rights, violence and children, etc; monitoring and evaluation of human rights curriculum in educational institutes lower than tertiary level; research and development on teaching and learning and training curriculum; public education campaigns through audio-visual media, such as radio, television and video presentation, and electronic media, such as the Internet and e-mails.

C. General situation summary and guidelines for implementation

1. General situation

81. On the situation of vulnerable groups, such as children, youth, women, persons with disabilities, disadvantaged people and ethnic minorities, among others, Thailand recognizes the need to provide assistance to these groups of population, in accordance with its obligations under the human rights instruments to which it is a party. In general, the situation of vulnerable groups has largely improved. Children and youth receive better care and enjoy improved quality of life in all aspects, such as health care, education and social protection. Children in difficult circumstances (abused children, exploited children, children with disabilities, orphans, children affected by HIV/AIDS, children with social problems and children in conflict with the law) have received greater attention from the state and society in general. Efforts have been made to improve the situation of children without legal status by improving access to birth registration, health care services and education. The women's situation has improved at home and in society in general, in terms of better opportunity in education and professional pursuit, freedom and independence, equality before the law and participation in society and politics. There has been an increase in the number of women holding executive positions in businesses and in the public sector. Nevertheless, due to their vulnerable conditions, rights violations still persist among these groups of population, notably sexual and labour exploitation, human trafficking and the inability to access basic services. The State thus has to implement counter measures to protect these vulnerable groups of people and to enable them to access their rights more equally, as well as to tighten law enforcement to punish the rights violation offenders.

82. On progress in the legal and justice system, a number of laws have been amended and introduced to reflect human rights principles, notably the Domestic Violence Victim Protection Act B.E. 2550 (2007) and Penal Code Amendment Acts and Civil and Commercial Code Amendment Acts concerning equality in family matters. Efforts have also been made to reform the management of justice by separating the judiciary from the Ministry of Justice; establishing special courts; sensitization of personnel in all levels of the justice system on human rights principles; and adopting a systematic approach to protection and restitution of victims. However, despite the progress described, challenges remain. A

number of laws and certain procedures in the justice system have become outdated due to the constantly changing situation, and are therefore, in need of improvement for increased effectiveness in rights protection, notably in terms of enforcement, efficiency and ethics of justice personnel, from investigation to prosecution, witness protection, trial and adjudication, care of the prisoners and expediency of restitution.

83. Regarding the social, community and environmental situation, the Ministry of Social Development and Human Security has been established to be in charge of social development, justice and equality and promoting security in the family and community. The Ministry of Natural Resources and Environment has been established to be responsible for the restoration and sustainable use of natural resources, the environment and local wisdom as social capital; and systematic management and development of natural resources. However, protection of people's rights in rural communities is still a challenge. The state needs to pay more attention to improving the participation process to involve all stakeholders, especially the local people in the decision making of large development projects which may have an impact on their lives, natural resources, the environment and the ecological system. Stricter laws should be imposed to protect the local people from rights violations by public development projects and private sector investment. Attention should also be placed on strengthening communities in the decentralization process to empower them to exercise their rights more efficiently.

84. Thailand still has social discrepancies and inequality in terms of access to rights, opportunities and basic services. It is the state's duty to bring justice to society, reduce economic and social disparities and to raise the quality of life of all Thai people. These can be achieved through major reforms in various aspects in order to uphold equality and justice and provide equal opportunity for all people, as pledged by the government's policy statement announced to Parliament.

2. Implementation guidelines

85. Thailand has a full range of mechanisms for the protection of people's rights. Its Constitution ensures the rights and liberties of the people according to human rights principles. The principles enshrined in the Constitution have been translated into State policies, legislation and strategic plans aimed at ensuring the realization of these principles in practice. Several National Committees have been set up to oversee human rights protection in various aspects, and such work and responsibility has also been decentralized to the local administrative organizations, resulting in better coordination and more integrated work from the national, regional, down to the local level. This helps set a clear direction and guidelines for further projects and activities in pursuit of enhancing human rights protection in Thailand, with wide participation from all sectors.

86. State agencies and non-governmental organizations are the core mechanisms for translating policies into practice in terms of monitoring the human rights situation, finding solutions and providing protection to victims in an appropriate, prompt and fair manner. The State has to further strengthen these existing mechanisms, ensure implementation of the plans, tighten law enforcement, widen participation from all sectors, enhance the decentralization process and build capacity of the local administrative organizations to ensure protection of the local people's rights.

87. A notable initiative in the improvement of human rights protection involves justice reform and effective law enforcement. The judiciary has been separated from the Ministry of Justice, giving the power of trial and adjudication to the courts and management of justice to the Ministry of Justice. This initiative has made it possible for the reform and introduction of laws to strengthen human rights protection. Nevertheless, enforcement remains a challenge as it involves developing the right attitude and understanding, and necessary skills among practitioners. Further efforts are needed in terms of assessment and

follow-up of new legislation to determine obstacles in enforcement and adjustments needed. This responsibility is shared by many parties. Efforts have been made to improve knowledge and understanding among practitioners in conjunction with monitoring and evaluation of actual enforcement, with a view to ensuring full and effective implementation of the laws.

88. One of the main responsibilities of the core human rights agencies, such as the National Human Rights Commission, Ministry of Justice and other state agencies, is to encourage active participation of all sectors of society in human rights promotion and protection. NGOs and the media play important roles in ensuring full and effective implementation of these instruments and keeping the public well-informed of the situation. There are various networks dedicated to human rights issues, such as joint government and NGO networks, NGOs networks, civil society networks and media networks. The government has been sincere in its effort to strengthen the capacity of these networks, as well as community organizations and volunteers active in various human rights issues, including human trafficking in the North, children's and women's rights, ethnic minorities and tribal assemblies. These networks are a testament to the strong and active participation from the people and community sectors in human rights promotion and protection.
