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Universal Periodic Review

## Report of the Working Group on the Universal Periodic Review\*

### Thailand

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\* The annex to the present report is circulated as received.

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## Contents

	<i>Paragraphs</i>	<i>Page</i>
Introduction .....	1–4	3
I. Summary of the proceedings of the review process.....	5–87	3
A. Presentation by the State under review.....	5–10	3
B. Interactive dialogue and responses by the State under review .....	11–87	4
II. Conclusions and/or recommendations .....	88–90	13
III. Voluntary pledges and commitments.....	91–98	23
Annex		
Composition of the delegation .....		25

## Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its twelfth session from 3 to 14 October 2011. The review of Thailand was held at the 6th meeting on 5 October 2011. The delegation of Thailand was headed by Sihasak Phuangketkeow, Special Envoy of the Royal Thai Government. At its 10th meeting held on 7 October 2011, the Working Group adopted the report on Thailand.
2. On 20 June 2011, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Thailand: Cuba, Indonesia and Nigeria.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Thailand:
  - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/12/THA/1 and Corr.1);
  - (b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/12/THA/2);
  - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/12/THA/3).
4. A list of questions prepared in advance by the Czech Republic, Denmark, the Netherlands, Norway, Sweden, Switzerland and United Kingdom of Great Britain and Northern Ireland was transmitted to Thailand through the troika. These questions are available on the extranet of the UPR.

## I. Summary of the proceedings of the review process

### A. Presentation by the State under review

5. In its opening statement, the delegation stated that the UPR process had helped to promote dialogue and cooperation on human rights issues among all stakeholders. In particular, 14 consultations were held between Government agencies and civil society organizations, with a view to identifying human rights progress and challenges, and five public hearings on the draft national report were held in all regions. The review process provided an opportunity for self-assessment on the human rights situation and served as a catalyst for change in society, particularly in terms of human rights awareness-raising among all stakeholders.
6. Thailand was a party to a number of international human rights instruments, including seven core treaties, and had been considering becoming a party to other human rights treaties and withdrawing reservations made under some treaties.
7. The delegation provided information on the new Government's commitment to further promote democracy and prioritize human rights in its policies. Thailand indicated that it had achieved most of the Millennium Development Goals, including reducing the poverty rate. Fifteen years public education has been ensured to all children. The right to health has been guaranteed through improved health security and the Universal Healthcare Coverage Scheme. The delegation also provided information about the Government's efforts to protect marginalized groups, such as children, women, persons with disabilities, older persons, ethnic groups and migrants.

8. Thailand acknowledged that challenges remained in various areas, particularly with regard to the political situation in the country following the turmoil of May 2010, the situation in the Southern Border Provinces, and the issues of migration and human trafficking. In this regard, Thailand referred to the establishment of the Truth for Reconciliation Commission of Thailand (TRCT), which had recently submitted seven recommendations based on the principles of justice for all, accountability for all and reconciliation among all, which had been positively received by the Government.

9. Another challenge highlighted was the situation in the Southern Border Provinces, which is not an armed conflict, but which involved protracted violence and needed to be addressed at its root cause. This region, known for its unique Thai-Malay-Muslim cultural identity, had been threatened by perpetrators of violence using cultural differences to claim legitimacy for violent acts. Thailand stated that cultural differences could not be a justification for indiscriminate violence directed at the civilian population, which caused tremendous physical and psychological impact on the people. At the same time, the allegations of impunity of State officials would continue to be addressed through civil, disciplinary and criminal remedies. Thailand recognized that the situation required a multi-pronged approach.

10. Thailand also considered that migration and human trafficking were challenges which needed to be addressed at national, regional and international levels. Thailand provided information about the existing two million migrant workers and many thousands of displaced persons and asylum-seekers in the country. While recognizing migrant workers' contribution to the country and the need to promote and protect their rights, Thailand also saw a need to protect the integrity of its immigration and labour laws and borders. In particular, Thailand pointed out that since 2004, a registration process, now supplemented by the nationality verification process, had been implemented to allow for systematic regularization of migrant workers and their children.

## **B. Interactive dialogue and responses by the State under review**

11. During the interactive dialogue, 52 delegations made statements. Additional statements which could not be delivered during the interactive dialogue owing to time constraints are posted on the extranet of the Universal Periodic Review site when available.<sup>1</sup> Recommendations made during the dialogue are to be found in section II of the present report.

12. A number of delegations commended Thailand for the presentation of its report, which had been prepared in consultation with stakeholders and was comprehensive, informative and self-critical in providing an assessment of the challenges faced.

13. Thailand's contribution to the work of the Council and its leading role in the review of the Council was much appreciated by a number of delegations.

14. Viet Nam took note of the human rights-based approach that Thailand applies in the implementation of its policies. It commended Thailand's achievements in socio-economic development, especially in poverty eradication, education, health care and gender equality. It applauded Thailand's commitments to cooperate with the United Nations human rights mechanisms. It was pleased to note recent developments as a result of the general elections. It made recommendations.

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<sup>1</sup> These include statements from Portugal, Denmark, Maldives, Ecuador, the Netherlands, Romania, Chile, Iraq, Timor-Leste, Belgium, Kyrgyzstan, Afghanistan, Latvia, Mexico, Guatemala, Morocco, Costa Rica, Yemen and Nigeria.

15. Sri Lanka noted that Thailand is a party to the core human rights treaties and has ratified 14 ILO Conventions. It commended achievements in eradicating extreme poverty; the implementation of the 10th National Development Plan; the rights-based health policy; the Universal Healthcare Coverage system; the commitment to eradicate all forms of violence against women; the actions taken to protect children's rights; the implementation of the "education for all" policy and the commitment to combat human trafficking. It made recommendations.

16. Singapore noted Thailand's reforms undertaken to protect human rights and the progress made in health care, education, poverty reduction and rural development. It commended Thailand for achieving goal 1 of the Millennium Development Goals on eradicating extreme poverty. Singapore appreciated Thailand's commitment to ASEAN human rights mechanisms. It acknowledged Thailand's challenges in tackling human trafficking and welcomed the invitation to the Special Rapporteur on trafficking in persons to visit Thailand. Singapore made recommendations.

17. The Philippines particularly commended Thailand's achievement of Millennium Development Goal 1 on eradicating extreme poverty. It commended the efforts to address social inequalities; the realization of the right to education for all children, particularly children of migrant workers; the progress made in combating child labour and human trafficking and Thailand's engagement with ASEAN. It encouraged Thailand to address structural deficiencies and further build institutional capacity. The Philippines made recommendations.

18. Brunei Darussalam commended Thailand's commitment to protect human rights at national and regional levels; the endeavours to achieve social equality and justice through the National Economic and Social Development Plan; the programmes and policies to eradicate extreme poverty, which led to the achievement of Millennium Development Goal 1 and the efforts to protect the right to work, health and education. It made recommendations.

19. The Lao People's Democratic Republic commended the achievement of goal 1 of the Millennium Development Goal. It expressed the wish for Thailand to move forward on the path of reconciliation. It noted that Thailand was party to the major human rights treaties. It commended Thailand's National Plan of Action on Human Rights; its engagement with civil society; the efforts undertaken to withdraw reservations to human rights treaties as well as to ratify ILO Conventions and to implement recommendations of treaty bodies. It made recommendations.

20. Cambodia commended Thailand's efforts to advance democratic processes; enhance the rule of law and implement policies to improve human rights. Cambodia commended Thailand's commitment to promote inclusive and equitable development. It noted progress achieved in making education and health care accessible for all and in addressing human trafficking. Cambodia commended the achievement of Millennium Development Goal 1 on eradicating extreme poverty. Cambodia made recommendations.

21. Malaysia congratulated Thailand on its recent peaceful elections and accession to the United Nations Convention against Corruption. It noted with satisfaction Thailand's progress in achieving Millennium Development Goal 1 and the focus in addressing socio-economic inequalities, particularly between rural and urban areas. Malaysia requested information on areas in which multidisciplinary teams arising from public-public partnership operate in promoting human rights. Malaysia made recommendations.

22. Cuba noted with satisfaction Thailand's achievements in the eradication of poverty in line with Millennium Development Goal 1; the positive results in the promotion and protection of the right to education; the literacy rate of 98 per cent; the inclusive and equitable education system; the Universal Healthcare Coverage system as well as the

promotion and protection of the rights of children, women, persons with disabilities and older persons. Cuba made recommendations.

23. China welcomed Thailand's formulation of its Second National Human Rights Action Plan. China appreciated Thailand's realisation of Millennium Development Goal 1; the considerable attention given to health, education, protection of the rights of children, women, the elderly and migrant workers and efforts to combat human trafficking. China noted that Thailand still faced challenges and hoped that the international community would assist Thailand in its capacity building.

24. Myanmar acknowledged Thailand's efforts to put in place a human rights complaints mechanism to strengthen the effectiveness of its monitoring systems. It commended Thailand for the steps taken to ensure the promotion and protection of the rights of migrant workers, including the Nationality Verification Process. Myanmar made a recommendation.

25. Indonesia commended Thailand's development agenda which mainly ensures justice for the poor and underprivileged, and reduces the inequality gap as recommended by the National Reform Committee and Assembly. Indonesia applauded Thailand's human rights commitment and progress in the elaboration of human rights legislation. It noted the role of civil society, entrepreneurs and media in promoting and protecting human rights. Indonesia made recommendations.

26. The United Kingdom of Great Britain and Northern Ireland, while expressing its appreciation for the smooth government transition, urged Thailand to ensure that legal and institutional frameworks were effective to protect human rights. It was particularly concerned about the use of law to control the right to freedom of expression. It expressed its strong support for the Truth and Reconciliation Commission and hoped that the situation in Southern Thailand would improve. It made recommendations.

27. Algeria congratulated Thailand for the successful election held recently and encouraged it to move along the path of reconciliation. Algeria noted that Thailand was committed to the right to development and underscored the importance paid to the advancement of the role of women in public life. Algeria made recommendations.

28. France indicated that the laws of lese-majesty and computer crimes were applied in an excessive manner that limited the freedom of expression and information. It noted with concern that the decrees of exception were still in force and were the cause of numerous human rights violations. It regretted that Thailand had maintained the death penalty. France underlined that the situation of Rohingyas was particularly alarming. It made recommendations.

29. Slovenia commended Thailand's commitment to promote and protect human rights, mentioning human rights education and training. It welcomed Thailand's engagement regarding the rights of children, noting the withdrawal of the reservation to article 7 of the Convention on the Rights of the Child. Slovenia acknowledged the need to improve many areas of human rights protection and Thailand's plan to address them. Slovenia made recommendations.

30. Japan expressed appreciation for Thailand's excellent leadership in terms of human rights during its ASEAN presidency. Japan welcomed the countermeasures being taken to address the issue of human trafficking and the recognition of the remaining law enforcement challenges. Japan commended Thailand for the protection and promotion of human rights of displaced persons and expected that it would continue to take measures to foster the self-reliance of displaced persons. Japan made recommendations.

31. Austria welcomed Thailand's reforms of the administration of justice, access to justice and torture prohibition. Austria expressed concerns about impunity for the acts of

violence by the security forces; harassment and disappearances of human rights defenders; deaths in custody and prison conditions. Austria enquired about measures to improve the judicial system and the prisons and to reduce the number of women and children in prisons. Austria made recommendations.

32. Bhutan welcomed the priority accorded to the promotion and protection of human rights, especially the rights of women and children, the right to development, gender equality and the fight against human trafficking. It appreciated the setting up of the One-Stop Crisis Centres to assist victims and the promulgation of the Bangkok Rules to eliminate discrimination against women prisoners. Bhutan made recommendations.

33. Nicaragua acknowledged the National Human Rights Plan of Action (2009-2013) aimed at strengthening human rights throughout the country. Nicaragua noted the 25-per cent reduction of the poverty rate over 10 years; universal health coverage and the provision of basic education. It acknowledged Thailand's efforts and results in the last decades. Nicaragua made recommendations.

34. Nepal commended Thailand's legislative, policy and institutional measures on human rights and its commitment to institutionalize democracy, rule of law and the reconciliation process. Nepal praised the initiatives in health, education and empowerment of women and Thailand's commitments to the right to work, the rights of children, persons with disabilities, the elderly and marginalized groups. Nepal congratulated Thailand on its socio-economic progress. Nepal made recommendations.

35. The United States of America commended Thailand for its recent elections and encouraged the Government to move forward on the reconciliation process. It welcomed the commitment of the new Government to increase official support for the Truth and Reconciliation Commission to continue its on-going inquiry and fully complete its goals. It made recommendations.

36. Australia was concerned by the casualties of last year's protests and hoped that the Truth and Reconciliation Commission had access to resources and information. Australia noted Thailand's commitment to combat human trafficking and encouraged it to ratify relevant international treaties. It suggested that the committee advising on lese-majesty cases consider the right to freedom of expression. Regarding the Southern Thailand conflict, Australia encouraged dialogue and impartial investigations of human rights abuses. Australia made recommendations.

37. Canada noted the significant progress made by Thailand in strengthening human rights, reducing poverty and attaining the Millennium Development Goals. It remained concerned about the inconsistency of special security laws with international standards, including instances of impunity, some restrictions to freedom of expression and the media, *refoulement* of asylum-seekers and use of the death penalty. Canada made recommendations.

38. Finland commended Thailand's recognition of existing violence against women, low representation of women in politics and the high rate of HIV/AIDS among women, especially sex workers. Finland enquired about measures to guarantee human rights to sex workers, particularly the right to health. Finland noted the visit requests by several Special Rapporteurs and enquired whether the country will allow such visits. Finland made recommendations.

39. New Zealand commended Thailand for the elections and peaceful transition. It underlined concerns such as the impact of security measures on arbitrary detention, freedom of expression and an alleged significant number of extra-judicial deaths over the past decade. It welcomed Thailand's efforts to combat abuses against migrants. It made recommendations.

40. Regarding concerns about the political situation, particularly the allegations of excessive use of force during the events of May 2010, Thailand recalled that, as a general principle, the international seven steps for crowd control had been applied to all incidents, and that alleged excessive use of force by security officers are being investigated. Furthermore, pursuant to recommendations made by the TRCT concerning the detention of protestors, legal and financial assistance had been provided for those detainees who had sought bail. As a result, seven core leaders and 25 protesters had been released on bail. In total, the Government has also provided, so far, approximately US\$3.5 million in assistance, including statutory compensation for dead and injured.

41. As to the concerns regarding the restrictions imposed on the freedom of expression, in particular through the use of the lese-majesty law, Thailand stated that measures had been taken to avoid potential issues arising from the application of the law, including the setting up of a Committee in the Royal Thai Police headquarters to screen the legal merits of charges against individuals on the basis of the law, as well as an advisory committee for law enforcement agencies, that functions as an additional review mechanism.

42. Regarding the Computer Crimes Act, Thailand explained that a court approval was required before authorities could suspend access to websites, and that the Act was undergoing amendment, including through the collection of views from Internet service providers and web hosting service providers, so as to ensure that it would be in compliance with international standards.

43. Regarding the death penalty, Thailand again emphasized that it had abolished the death penalty for persons under eighteen and was no longer applying capital punishment to pregnant women and persons suffering from mental disorders.

44. With respect to prison conditions, Thailand indicated that all alleged offenders could apply for provisional release, and that funding was provided by the Ministry of Justice for those unable to afford bail. Furthermore, the criminal procedure code had been amended to allow for alternatives to imprisonment.

45. Regarding questions about the judiciary, Thailand stated that the independence of the judiciary was guaranteed by the Constitution, and that it was committed to ensuring an effective, transparent and timely administration of justice.

46. With regard to the Emergency Decree in the Southern Border Provinces, Thailand considered that the violence had substantiated the need for special security laws. However, the Emergency Decree did not provide for impunity of government officials, nor arbitrary arrest or detention of suspects for indefinite periods of time without trial. In this regard, Thailand pointed out that representatives of the International Committee of the Red Cross, the National Human Rights Commission, United Nations agencies and the diplomatic corps had been granted access to interviewing centres. Furthermore, the Emergency Decree was being reviewed by the Cabinet every three months, with a view to gradually discontinuing special security laws.

47. The delegation informed that steps had been taken to protect human rights defenders and their families, including through the enactment of the Witness Protection Act.

48. On issues relating to displaced persons and asylum-seekers, the delegation recalled that while it was not a party to the 1951 Refugee Convention, it had long observed humanitarian principles, including that of *non-refoulement*.

49. Regarding detention of illegal migrants, the delegation stated that it had provided illegal migrants with the necessary humanitarian assistance, and grants conditional release on a case-by-case basis.

50. On the issue of torture, the delegation indicated that torture was prohibited under the Constitution and that the Government had been working to include a definition of torture in domestic law.

51. Thailand has been also considering withdrawing reservations made under article 7 of the Convention on the Rights of the Child, article 16 of the Convention on the Elimination of All Forms of Discrimination against Women and articles 6 and 9 of the International Covenant on Civil and Political Rights.

52. India noted Thailand's normative and institutional framework to protect human rights, particularly the rights of children, women, the elderly, disabled persons, ethnic groups and migrants. India commended Thailand's acceptance of refugees and displaced persons, the assistance provided to migrant workers and its commitment to combating human trafficking, child prostitution and violence against children. It asked about Thailand's experience in implementing policies and strategies for early-childhood development.

53. Qatar welcomed measures taken to protect vulnerable groups and to address child labour, including through the creation of a national committee to end the worst forms of child labour, headed by the Prime Minister, and the enactment of laws to protect the rights of persons with special needs. Qatar asked whether the implementation of the policy of education for all comprised Muslim women in the South. Qatar made recommendations.

54. Lebanon noted the commitment shown by Thailand to uphold values of democracy through the organization of elections and by speeding up the reconciliation process. It noted positively the efforts undertaken to improve the women- and child-friendliness of the criminal justice system. Lebanon made recommendations.

55. Egypt recognized the steps taken to ensure political stability and justice for all and noted the attention paid to the establishment of a robust human rights infrastructure. It requested further information on the efforts made to ensure gender equality, empowerment of women and to combat child labour and exploitation. It requested updates on the steps taken to address social and economic inequalities. Egypt made recommendations.

56. Oman noted that Thailand had been among the first 48 nations to adopt the Universal Declaration of Human Rights in 1948, was party to many fundamental human rights treaties, and worked towards the protection of human rights at the regional and international level. Oman made recommendations.

57. Norway appreciated Thailand's cooperation with human rights mechanisms. It acknowledged Thailand's need to strike a balance between protecting the constitutional monarchy and the right of individuals to express their views. Norway stood ready to share its experience in that regard. It was concerned about the dramatic increase of lese-majesty charges and convictions in recent years. It welcomed the Truth for Reconciliation Commission. Norway made recommendations.

58. Pakistan highlighted Thailand's commitment to human rights, including through its serious engagement with the human rights system and its hosting of an OHCHR regional office. Pakistan recognized the significant decrease in the poverty rate over the past two decades and took good note of the Government's efforts to combat human trafficking. Pakistan made a recommendation.

59. The Republic of Moldova commended Thailand for developing mechanisms for the protection of human rights, including a National Committee on Human Rights Policy, and applauded the Government for the implementation of the Second National Human Rights Plan of Action. It acknowledged the efforts taken to achieve equality between men and women and combat human trafficking. It made recommendations.

60. Brazil noted the measures taken to combat violence against women, and that the issue remained a challenge. Brazil acknowledged Thailand's socio-economic achievements, while noting growing inequalities. Brazil commended Thailand's universal health-care scheme and enquired about health-care access for foreigners. Brazil remained concerned about restrictions to freedom of opinion and expression through the Emergency Decree, the lese-majesty law and Computer Crimes Act. Brazil made recommendations.

61. Germany asked whether the Government would revise the lese-majesty law. It enquired about Thailand's intentions to ratify the Convention relating to the Status of Refugees, the 1967 Protocol, and the Convention relating to the Status of Stateless Persons as well as about the steps it would take to achieve the birth registration of refugee children. Germany asked how Thailand would improve the human rights and rule of law situation in the South.

62. Honduras acknowledged Thailand's efforts to protect human rights, including its education programmes for children and the Human Rights Action Plan. Honduras noted the challenges of violence against children and children's participation in armed groups. Honduras enquired about Thailand's intention to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and to invite the Special Rapporteur, as well as about guarantees of access to justice for migrant workers. Honduras made recommendations.

63. Uruguay recognized Thailand's structural reforms to guarantee social justice for the poorest in the country. Uruguay highlighted the reduction in the poverty rate and the achievement of Millennium Development Goal 1. Uruguay noted Thailand's priority with regard to the rights of women and encouraged continued measures on such issues. It noted the establishment of mechanisms to implement the Convention on the Rights of the Child. Uruguay made recommendations.

64. Slovakia acknowledged Thailand's engagement in the work of the Human Rights Council and commended it for ensuring children's rights notably in the area of combating sexual abuse and sex trafficking. It noted with appreciation Thailand's support to the OHCHR office in Bangkok. Slovakia made recommendations.

65. Republic of Korea noted Thailand's commitment to protect and promote human rights, particularly of vulnerable groups and women prisoners. It welcomed the services provided to victims of violence and noted the education initiatives in Southern Thailand to reduce violence against children. It was concerned about stereotypes regarding women. It encouraged the eradication of child labour and the development of a surveillance system. It made recommendations.

66. South Africa supported Thailand's efforts to withdraw reservations. It requested information on progress made to overcome the challenge of violence against children. It urged Thailand to request assistance for human rights education and training as well as capacity-building to enforce human rights policies. It made recommendations.

67. The Bolivarian Republic of Venezuela valued Thailand's efforts to achieve universal and equitable socio-economic development through the reduction in the poverty rate and the eradication of hunger. It acknowledged the policies and programmes on social participation and assistance to vulnerable people, such as the equitable land and resources distribution and the universal health coverage. It made a recommendation.

68. Saudi Arabia noted Thailand's achievements, which had furthered the promotion and protection of human rights at both the legal and institutional levels. Saudi Arabia highlighted the human rights-related advances, particularly in education and in spreading a human rights culture among the different segments of Thai society. It expressed hope for the continuation of these efforts and made recommendations.

69. Bangladesh highlighted Thailand's human rights commitments and was encouraged by its achievements in poverty alleviation, education, health and social protection, noting the policies and plans adopted in those areas. Bangladesh acknowledged Thailand's movement towards political stability and the empowerment of women. It referred to the challenges of social inequalities, trafficking, and protection of the rights of children, women and migrants. Bangladesh made recommendations.

70. Regarding the issue of human trafficking, the Government has started the process to ratify the United Nations Convention against Transnational Organized Crime and the Palermo Protocol against trafficking. Furthermore, the 2008 Anti-Trafficking Act contains most of the articles of the Protocol, as well as many articles from the OHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking.

71. Thailand has also developed guidelines and procedures for the identification of victims of trafficking, including the provision of medical services, psychosocial counselling, legal aid, education and vocational training. Additionally, the victims are not prosecuted for violation of immigration laws and may stay and work temporarily in Thailand during the prosecution of perpetrators.

72. The delegation explained that Thailand has started the process of making child pornography a specific crime under national law. Thailand has prepared guidelines on the coordination of law enforcement agencies to protect children who are victims of sexual abuse, and regulations have been put in place by the police and the judiciary to protect the privacy of children victims and avoid their re-victimization. Corporal punishment in schools is prohibited by law and all children are entitled to be registered at birth.

73. Thailand is promoting gender equality through various measures, including the criminalization of marital rape. Thailand is also working towards changing societal, cultural and traditional attitudes in order to promote greater participation by women in political and public life. In this regard, the assumption of office of the first woman Prime Minister demonstrates Thailand's commitment and acceptance by the society to enhance the role of women in politics. A draft Gender Equality Bill is under consideration by the Government and steps are being taken to ensure a more effective enforcement of the 2007 Protection of Victims of Domestic Violence Act.

74. The delegation recalled that child malnutrition as well as under-five mortality has been reduced in the past two decades, however, the problem still exists in some remote areas.

75. Discrimination against persons with disabilities is prohibited by the Constitution and persons with disabilities are able to file complaints with the Sub-Committee on the Elimination of Discrimination against Persons with Disabilities.

76. Turkey commended Thailand for its commitment to realising the right to education for all children, its progress in alleviating poverty and for addressing several aspects of the problem of human trafficking. Turkey made recommendations.

77. Switzerland expressed concern about the increased use of laws and decrees by the Thai authorities and about the problem of impunity. While recognizing the Thai tradition of hosting people seeking protection, Switzerland remained concerned that Thailand did not provide these persons with refugee status. Switzerland made recommendations.

78. Argentina welcomed Thailand's efforts to continue working on dialogue with the civil society, with the aim of encouraging its political participation as a measure to strengthen human rights and democracy. Argentina made recommendations.

79. The Syrian Arab Republic noted that despite the challenges it faced, Thailand had made serious efforts to improve the living conditions of its people. Syria referred to efforts

to strengthen the protection of fundamental freedoms and democracy, including through the plan for the administration of justice and the development efforts which have reduced poverty in the country. Syria highlighted the steps taken in the areas of health and education and to protect children from exploitation. It encouraged the continuation of these efforts.

80. Hungary, while welcoming the National Human Rights Action Plan, noted the lack of advancement in abolishing the death penalty. Hungary enquired about the findings of the committee that was studying the issue of ratifying the Rome Statute. Hungary encouraged efforts to balance protection of the monarchy and the right of individuals to express their views. Hungary suggested that equal attention be given to the work of international, as well as national and community, human rights mechanisms. It made recommendations.

81. Sweden, while noting that Thailand had a vibrant media, referred to international perceptions that it had dropped to being among the countries least respectful of the right to freedom of expression. Sweden expressed concern about investigations and accountability following complaints made against members of the police or armed forces. Sweden made recommendations.

82. Chad noted that Thailand was endeavouring to guarantee access to social security to all the population and that it was moving forward on the process of reconciliation. It welcomed Thailand's commitment to guarantee social justice, reduce socio-economic disparities and improve the well-being of the population. Chad made a recommendation.

83. Spain highlighted the improvements achieved through the implementation of the National Human Rights Plan and the effectiveness of its follow-up mechanisms. Spain highlighted Thailand's dialogue with civil society as well as its cooperation with the treaty bodies. Spain made recommendations.

84. The delegation informed that the Prime Minister's Order of June 2010 to suppress, arrest and prosecute foreign workers working underground had been overridden by an amnesty, and a new round of migrant workers registration has been opened and the registration process has been facilitated. Campaigns to disseminate information on the rights of migrant workers have been implemented and several mechanisms has been made available to migrant workers facing mistreatment, including through the National Human Rights Commission.

85. Regarding questions on child labour, the delegation indicated that the employment of children under the age of 15 was strictly prohibited and that the rate of employment among children had declined, including as a result of the labour inspection system.

86. On issues relating to freedom of association and labour unions, the delegation stated that it intended to become party to ILO Conventions Nos. 87 and 98.

87. In conclusion, the delegation reiterated the commitment of the Government of Thailand to the principles of the rule of law, justice and respect for all human rights. The delegation welcomed the constructive spirit in which the recommendations were given and promised to give serious consideration to each one of them. Many of the recommendations are in fact in the pipeline or are already being implemented. It indicated that the Government had approved the signing of the Convention for the Protection of All Persons from Enforced Disappearance and that it was ready to extend an open invitation to all special procedures. Thailand plans to organize a series of follow-up workshops to raise awareness of the UPR recommendations and to form an alliance with the public and civil society so as to translate the recommendations into action. It also plans to integrate the UPR recommendations into its National Human Rights Plan of Action and set up a monitoring mechanism to ensure progress. Thailand intends to work with the OHCHR, treaty bodies and special procedures of the Human Rights Council in the implementation process.

## II. Conclusions and/or recommendations\*\*

88. The recommendations formulated during the interactive dialogue and listed below enjoy the support of Thailand:

88.1. Ratify the United Nations Convention against Transnational Organised Crime and its Protocols to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and Against the Smuggling of Migrants by Land, Sea and Air (Australia);

88.2. Accede to the Palermo Protocol and continue improving its implementation of policy and legal framework related to human trafficking (Norway);

88.3. Include a definition of torture into the Criminal Code, in line with article 1 of the Convention against Torture (CAT) (Austria);

88.4. Enact legislation criminalizing torture and amend all relevant laws to fully comply with the obligations under CAT (Canada);

88.5. Review the Gender Equality Bill and remove exceptions therein which would allow for discrimination against women, consistent with CEDAW (Canada);

88.6. Expedite the drafting and the adoption of the gender equality bill (Brazil);

88.7. Continue to work to strengthen national human rights and democratic institutions (Nepal);

88.8. Consolidate and strengthen its national human rights infrastructure (Egypt);

88.9. Continue to develop the capacities of institutions working with persons with disabilities, including educational and health institutions (Saudi Arabia);

88.10. Call on the international community to support Thailand's request to benefit from technical assistance and the sharing of best practices, in order to enhance the capacity of Government agencies to effectively enforce laws relating to human rights and to improve the structure of law enforcement agencies to be conducive to a rights-based working culture (Oman);

88.11. Enhance the implementation of the existing laws, policies and mechanisms relating to human rights, enshrined in the second National Human Rights Plan of Action for the period 2009-2013 (Viet Nam);

88.12. Strengthen the implementation of the second National Human Rights Plan of Action by all relevant Government agencies (Philippines);

88.13. Strengthen the implementation of the second National Plan of Action by relevant Government agencies (Cambodia);

88.14. Continue to promote human rights education, training and capacity building (Philippines);

88.15. Develop and implement plans and strategies to raise awareness about human rights, including at the local and community levels, and provide human

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\*\* Conclusions and recommendations have not been edited.

rights training and education for Government officials in particular law enforcement officials (Egypt);

88.16. Call on the international community for technical assistance to improve human rights awareness and understanding throughout the population (Chad);

88.17. Issue a standing invitation to all special procedures (Finland);

88.18. Issue a standing invitation to all special procedures' mandate holders (New Zealand);

88.19. Issue a standing invitation to all mandate holders of the Council (Hungary);

88.20. Continue cooperating with the United Nations and other international organizations to develop its legal and institutional framework with respect to the promotion and protection of human rights in Thailand (Lao People's Democratic Republic);

88.21. Continue to work closely with ASEAN to build on the mechanisms of the ASEAN Intergovernmental Commission on Human Rights (AICHR) and the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) to promote and protect the rights of the peoples of ASEAN (Singapore);

88.22. Continue to address the inequality and social injustice that has been a factor in fostering social conflict and political unrest over the past 2-3 years, including in the South (Indonesia);

88.23. Strengthen the implementation of policies and measures to protect vulnerable social groups like women, children, poor people, ethnic minorities, migrants (Viet Nam);

88.24. Continue its efforts in promoting and protecting the human rights of its people, in particular those of vulnerable groups (Brunei Darussalam);

88.25. Continue to strengthen the general concept recognizing social and ethnic diversity in Thai society and protect fundamental rights (Oman);

88.26. Combat discriminatory practices against children and adolescents belonging to minorities or in a situation of special vulnerability (Uruguay);

88.27. Redouble its efforts to place greater attention on establishing a legal framework to ensure equal access to women's participation in the decision-making process. Indeed, more consideration should be given to women, persons with disabilities and other minorities (Republic of Korea);

88.28. Adopt and implement temporary special measures in order to accelerate the realization of women's de facto equality with men in all areas, particularly with regard to women's participation in decision-making and access to economic opportunities (Republic of Moldova);

88.29. Adopt all necessary measures to eradicate and eliminate practices and customs which discriminate against women, including stereotypes which undermine their social and legal condition and hinder, at the same time, the implementation of commitments to the CEDAW (Uruguay);

88.30. Bring about a change in attitudes with a view to eliminating persistent stereotypical attitudes about the roles and responsibilities of women and men in the family and in society (Republic of Moldova);

- 88.31. Take measures towards modifying those social, cultural and traditional attitudes that are permissive of violence against women (Slovenia);
- 88.32. Take steps towards modifying those social, cultural and traditional attitudes that were permissive of violence against women (Republic of Moldova);
- 88.33. Pursue efforts to ensure gender equality and combat violence against women and children (Egypt);
- 88.34. Continue to promote and protect the rights of women and children (Bangladesh);
- 88.35. Review the legislation and national public policies regarding the rights of the child in the light of the Convention on the Rights of the Child and its Optional Protocols (Uruguay);
- 88.36. Enhance policy for the protection of children's rights and strengthen mechanisms currently in place and promote and protect the rights of children (South Africa);
- 88.37. Address, as a matter of priority, the conditions in Thai prisons and detention centres, including the expansion of the necessary infrastructure, prison personnel, as well as the improvement of inmates' access to medical care and legal counsel (Slovakia);
- 88.38. Take effective measures to improve access by all prisoners to legal advice, health and education services (Austria);
- 88.39. Continue intensifying the efforts to prevent, punish and eradicate all forms of violence against women (Argentina);
- 88.40. Pursue measures aiming at protecting women and addressing the issue of violence against them (Algeria);
- 88.41. Strengthen the systems of legal assistance and psycho-social protection so that they are adapted to the particular needs of minors and prevent them from becoming again victims of domestic violence (Honduras);
- 88.42. Increase its efforts to address the human rights challenges faced by all sex workers (Finland);
- 88.43. Implement more rigorously the existing mechanisms to protect and assist children living and/or working on the streets (Republic of Korea);
- 88.44. Continue with its on-going efforts to address its human trafficking situation which has implications beyond Thailand's borders (Singapore);
- 88.45. Continue cooperating closely with neighbouring countries in combating and suppressing trafficking in persons, particularly women and girls and in addressing the situation of irregular migrants, refugees and asylum-seekers (Malaysia);
- 88.46. Step up the fight against trafficking to which some foreign populations have fallen victim and ensure that no measures which are contrary to human rights are taken against them (France);
- 88.47. Continue to strengthen its efforts to combat trafficking and abuses of labour rights, particularly against vulnerable migrants (New Zealand);
- 88.48. Continue its efforts in combating trafficking as well as in the rehabilitation of victims of trafficking (Pakistan);

- 88.49. Take capacity-building measures to strengthen the response of law enforcement authorities on human trafficking, including, inter alia, through the increase of budget and the appropriate training of personnel (Japan);
- 88.50. Consolidate the enforcement of the law concerning human trafficking, particularly in cases of sexual and labour exploitation, which are two very sensitive issues in the country (Nicaragua);
- 88.51. Increase efforts to effectively prevent trafficking in human beings for purposes of sexual exploitation and forced labour, including child prostitution (Republic of Moldova);
- 88.52. Adopt all necessary measures to tackle the root causes of the problems of child prostitution, sexual tourism, use of children in pornography and trafficking in women, stepping up its efforts to improve the economic situation (Uruguay);
- 88.53. Seriously address the issues of child pornography and human trafficking in girls and boys for sexual purposes, including by encouraging police and border forces to strengthen efforts at fighting these phenomena as well as seeking accountability where lack of state efforts at prosecution could amount to human rights violations (Sweden);
- 88.54. Continue to accelerate efforts to resolve the situation in the Southern Border Provinces and ensure the reconciliation remains a priority (South Africa);
- 88.55. Strengthen efforts to find a solution to the unrest in the southern border areas and ensure that justice is achieved for all sides (Qatar);
- 88.56. Build on reconciliation among different sectors in the society, based on the principles of democracy, rule of law and tolerance, in order to facilitate the political and social stability and economic development (Viet Nam);
- 88.57. Strengthen its efforts to build reconciliation among the social strata in the society, based on the principles of democracy and the rule of law (Lao People's Democratic Republic);
- 88.58. Continue pursuing efforts aimed at national reconciliation, including through the implementation of the recommendations of the Truth and Reconciliation Commission of Thailand (Malaysia);
- 88.59. Continue its efforts to build reconciliation among different sectors in the society, based on the principles of democracy and the rule of law (Bhutan);
- 88.60. Maintain its prioritisation of the reconciliation processes required to support positive human rights outcomes in the areas of personal liberty, including freedom of expression and freedom from reprisal and extra judicial punishment (New Zealand);
- 88.61. Pursue the process of reconciliation (Lebanon);
- 88.62. Continue to develop the judicial system in order to ensure respect for, and protection of citizens' rights (Oman);
- 88.63. Further accelerate the reform of the justice system to ensure equal treatment for all citizens while continuing to pay specific attention to women and children (Lebanon);

- 88.64. Accelerate the reform of the judicial system in order to ensure good governance and equality of treatment of people from different social classes (Qatar);
- 88.65. Continue monitoring and assessing closely the implementation of the Master Plan for the Administration of Justice, and the Strategic Plan for Development of Justice Process in the Southern Border Provinces of Thailand (Malaysia);
- 88.66. Continue to take measures to ensure that alleged human rights violations by the police and security services are properly investigated and prosecuted (Austria);
- 88.67. Investigate allegations of human rights abuses by all parties in the southern border provinces of Thailand (Australia);
- 88.68. Promptly investigate all allegations of human rights violations, including in the three southernmost provinces, and bring perpetrators to justice (Canada);
- 88.69. Address the issue of impunity in certain cases and for certain parts of Thai society, not least by strengthening the independence of the Office of Prosecutor and the independence of the judiciary (Sweden);
- 88.70. Increase efforts to tackle corruption and impunity of State officials (Slovenia);
- 88.71. Ensure the rights of victims and families to justice and an effective remedy in law and ensure that the Truth and Reconciliation Commission be granted sufficient powers to complete its job effectively (United Kingdom);
- 88.72. Fully fund the TRCT's budget and staffing and to ensure it has sufficient powers and access to information to undertake its mandate (Australia);
- 88.73. Provide the TRCT with necessary power, sufficient resources, and the continued independence it requires to be effective (United States);
- 88.74. Ensure full cooperation with the TCRT by all branches of the Government (United States);
- 88.75. Permit the TCRT full access to assistance from the United Nations Office of the High Commissioner for Human Rights, other United Nations agencies, foreign governments and human rights organizations (United States);
- 88.76. Consider developing a system of alternative sentencing to effectively reduce the number of women and children held in prison (Austria);
- 88.77. Review its penitentiary policy to become more gender-sensitive and child-friendly, taking on board the interests of mother-prisoners and their minor children (Slovakia);
- 88.78. Consider raising (from 7 years old) the minimum age of criminal responsibility (Brazil);
- 88.79. Ensure separation of juvenile offenders from adult inmates (Slovakia);
- 88.80. Address further the fundamental structural problem of social inequality and unequal access to opportunities and services of the poor and marginalized to enable the people to enjoy their rights as indicated in the reform programme and policies (Cambodia);

- 88.81. Continue applying the strategies and socio-economic development plans of the country, particularly for reducing poverty (Cuba);
- 88.82. Pursue National Economic and Social Development Plans aiming at supporting the poor and the disadvantaged to ensure adequate living standards for all the population (Algeria);
- 88.83. Continue increasing and consolidating the successful social programmes developed to date, essential in the fight to reduce poverty and social exclusion, on the basis of a fair distribution of wealth that will enable the realization of the highest possible welfare for its people (Venezuela (Bolivarian Republic of));
- 88.84. Continue with its efforts to promote and protect the right to work, the right to health and the right to education of its people in order to maintain an adequate standard of living for all (Brunei Darussalam);
- 88.85. Continue its on-going positive efforts for the promotion and protection of economic, social and cultural rights, and especially the priority given to health and education (Cuba);
- 88.86. Ensure equal access to education, social security, health care and economic opportunities for women, including Muslim women and women entering early marriages (Slovenia);<sup>2</sup>
- 88.87. Continue to address remaining social inequalities and unequal access to opportunities and services by the poor and the marginalized (Bhutan);
- 88.88. Continue improving the health security system to further minimize discrepancies and to provide equitable access (Sri Lanka);
- 88.89. Continue to develop the health system so as to strengthen the enjoyment of the right to health in all segments of society (Saudi Arabia);
- 88.90. Address the problems of maternal mortality and child malnutrition in remote areas of the country (Slovenia);
- 88.91. Continue enhancing the quality of the access to education, including equal access to education for all children (Sri Lanka);
- 88.92. Continue efforts to strengthen the right of education for all, focusing on poor populations in rural and distant areas (Saudi Arabia);
- 88.93. Take measures with a view to preventing and combating of arbitrary arrest, violence, abuse and exploitation of migrants (Brazil);
- 88.94. Strengthen law enforcement in order to provide adequate protection, guarantee the minimum wage and work safety, and to ensure equal access to health services and justice for migrant workers (Indonesia);
- 88.95. Continue to focus its efforts on ensuring full protection of the human rights for all migrant and foreign workers, particularly to enhance their safety and welfare (Myanmar);
- 88.96. Continue its efforts to promote and protect rights of migrants (Bangladesh);

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<sup>2</sup> The recommendation as read during the interactive dialogue: “Ensure equal access to education, social security, health care and economic opportunities for all, including Muslim women and women entering early marriages (Slovenia);”

- 88.97. Continue efforts in protecting the interests of migrant workers, including through appropriate legislative measures (Nepal);
- 88.98. Continue to strengthen cooperation with the High Commissioner for Refugees as well as donors and non-governmental organizations in order to provide necessary humanitarian aid and fundamental rights' protection to the displaced people hosted by the Kingdom of Thailand (Qatar);
- 88.99. Enable the participation of civil society and NGOs also in the follow-up process to this review (Austria);
- 88.100. Translate into Thai and make public the recommendations received during its UPR and broadly engage civil society in the process of follow-up and implementation of accepted recommendations (Canada).
89. The following recommendations will be examined by Thailand, which will provide responses in due time, but no later than the nineteenth session of the Human Rights Council in March 2012:
- 89.1. Study the possibility of ratifying the International Convention on the Protection of All Persons from Enforced Disappearance (CED); the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR-OP2); the Optional Protocol to the Convention against Torture (OP-CAT); the Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR-OP1); the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR); the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW); and the Optional Protocol to the Convention on the Rights of Persons with Disabilities (OP-CRPD) (Argentina);
- 89.2. Ratify or accede as appropriate to the Rome Statute of the International Criminal Court; CED, OP-CAT and ICCPR-OP1 and ICCPR-OP2 (Uruguay);
- 89.3. Sign and ratify CED, ICCPR-OP1, ICCPR-OP2, OP-ICESCR and OP-CAT (Spain);
- 89.4. Ratify CED and the Optional Protocols to ICCPR and CAT (Austria);
- 89.5. Consider ratifying the conventions on refugees and on stateless persons, OP-CAT and the Rome Statute (Brazil);
- 89.6. Consider acceding to the two Optional Protocols to the ICCPR (Hungary);
- 89.7. Ratify the ICCPR-OP2 (Switzerland);
- 89.8. Consider becoming a party to the ICRMW (Turkey);
- 89.9. Consider future accession to the ICRMW (Philippines);
- 89.10. Examine the possibility of ratifying the ICRMW (Algeria);
- 89.11. Ratify the CED and investigate all allegations of forced disappearances (France);
- 89.12. Sign and ratify promptly the CED (Nicaragua);
- 89.13. Sign and ratify both CED and the Rome Statute of the International Criminal Court at an early stage (Japan);

- 89.14. Ratify the Rome Statute of the International Criminal Court and the Convention on the Prevention and Punishment of the Crime of Genocide (Austria);
- 89.15. Accede to the United Nations Convention on the Status of Refugees and the 1967 Protocol as well as to the 1954 Convention on the Status of Stateless Persons (France);
- 89.16. Ratify the Convention on the Status of Refugees and its Optional Protocol (Switzerland);
- 89.17. Ratify the Rome Statute (Hungary);
- 89.18. Consider withdrawing its reservations to various human rights instruments (South Africa);
- 89.19. Repeal section 17 of the Emergency Decree (Switzerland);
- 89.20. Abolish provisions in the Martial Law Act and section 17 of the Emergency Decree which grant immunity for criminal and civil prosecution to State officials (Canada);
- 89.21. Consider reviewing security laws to ensure their conformity with international human rights standards (Brazil);
- 89.22. Issue a standing invitation to all Special Procedures, and establish a calendar (Spain);
- 89.23. Consider favourably the request for visits also by other mandate holders, including the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (Norway);
- 89.24. Extend an invitation to the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (Switzerland);
- 89.25. Invite the Special Rapporteur on freedom of expression, which could also promote the harmonization of the provisions of the Computer Crimes Act and their implementation in line with international human rights standards (Hungary);
- 89.26. Remove non-violent offenses from the categories subject to capital punishment (Hungary);
- 89.27. Enact legislation abolishing the death penalty as foreseen in the national human rights action plan and in any case review its imposition for offences related to drug trafficking (Turkey);
- 89.28. Commute death sentences and establish as soon as possible a moratorium on executions with a view to the definitive abolition of the death penalty (France);
- 89.29. Impose an immediate moratorium on the death penalty with a view of a complete abolition of capital punishment as outlined in the National Human Rights Action Plan (Slovakia);
- 89.30. Revert to the de facto moratorium of the death penalty, and foster the necessary public debate on this issue, as a previous step for the definitive abolishment of the death penalty (Spain);
- 89.31. Establish a moratorium on all the executions and, eventually, abolish death penalty (Switzerland);

- 89.32. **Review the imposition of the death penalty (Slovenia);**
- 89.33. **Consider abolishing the death penalty (Brazil);**
- 89.34. **Consider the abolition of the death penalty (Argentina);**
- 89.35. **Abolish totally the death penalty even in cases of serious offenses (Nicaragua);**
- 89.36. **Adopt all necessary measures to eradicate the abuse and sexual exploitation of children, corporal punishment, the recruitment of children by armed groups and to combat the worst forms of child labour (Uruguay);**
- 89.37. **End the recruitment of children and their participation in armed groups (Honduras);**
- 89.38. **Prohibit corporal punishment of children in all settings (Slovenia);**
- 89.39. **Take immediate steps to improve the situation in Southern Thailand so the special security laws can be lifted (United Kingdom);**
- 89.40. **Ensure all allegations of extra-judicial killings by security personnel over the past ten years are fully investigated and the perpetrators brought to justice (New Zealand);**
- 89.41. **Take measures to request, without delay, the Armed Forces, security forces and other governmental bodies to cooperate fully with official investigations on human rights abuses in any part of the national territory, as an integral part of the necessary establishment of a culture of responsibility on human rights among public authorities and state agents (Spain);**
- 89.42. **Repeal “Decrees of exception” and take all the necessary measures to fight against impunity for the perpetrators of human rights violations (France);**
- 89.43. **Implement all the legal measures that can reveal the truth, punish those who are guilty and grant compensation to the victims in order to put an end to impunity (Switzerland);**
- 89.44. **Strengthen the independence, effectiveness and resources of the Truth for Reconciliation Commission and give it powers to subpoena and to protect witnesses to ensure that the whole truth is established (Norway);**
- 89.45. **Pass a decree that recognizes to the Truth for Reconciliation Commission of Thailand the power to gather information from any public or private entity as well as to call all kinds of witnesses, providing it with all the material resources to ensure its independence and effectiveness (Spain);**
- 89.46. **Repeal all relevant legal provisions with a view to eliminate excessive, unjustified detention without raising credible criminal charges and bringing a detainee before a judge in compliance with international fair trial standards (Slovakia);**
- 89.47. **Raise the minimum age of criminal responsibility to at least 12 years, as recommended by the CRC, and enforce compulsory segregation of juveniles from adults in detention (Slovenia);**
- 89.48. **Raise the minimum age of criminal responsibility to at least 12 years, in line with the recommendations by the Committee on the Rights of the Child (Austria);**

- 89.49. Review security laws to ensure their conformity with the international human rights standards and in particular with regard to juvenile (alleged) offenders (Slovenia);
- 89.50. Consider repealing criminal laws in favour of appropriate civil laws regarding freedom of expression, in accordance with relevant international human rights standards (Brazil);
- 89.51. Work with the Special Rapporteur on Freedom of Expression on reviewing the *lèse-majesté* and Computer Crimes laws to ensure that they cannot be exploited (United Kingdom);
- 89.52. Reconsider the *lèse-majesté* and Computer Crime laws in the framework of a public debate open to everyone and transparent, in order to bring them into line with the provisions of the International Covenant on Civil and Political Rights (France);
- 89.53. Reconsider criminal convictions handed down on the basis of *lèse-majesté* and the Computer Crimes laws when the conditions of a fair and equitable trial as defined by the international human rights law have not been met (France);
- 89.54. Ensure that its legislation is consistent with international human rights law pertaining to freedom of expression (New Zealand);
- 89.55. Ensure public and transparent proceedings in cases concerning violations of the *lèse-majesté* legislation and the 2007 Computer Crimes Act (Norway);
- 89.56. Strengthen efforts to ensure adequate legal counselling for all persons charged for violations of the *lèse-majesté* legislation and the 2007 Computer Crimes Act (Norway);
- 89.57. Undertake a thorough review of the relevant laws to safeguard the basic rights to freedom of opinion and expression (Norway);
- 89.58. Consider repealing the *lèse-majesté* law so as to expand the freedom of opinion and expression to include full freedom of expression in relation to the monarchy (Slovenia);
- 89.59. Address the issue of possible infringements of the right to freedom of expression, not least by evaluating the current legislation and its consequences in the form of high rates of convictions (Sweden);
- 89.60. Lift all restrictions on the media which violate the constitutionally recognized right to the freedom of expression and establish a calendar for the revision of norms such as the Emergency Decree of the Public Administration in Emergency Situations, the 2007 Computer Crimes Act and article 112 of the Penal Code which defines the crime of *lèse-majesté* tied to the concept of national security (Spain);
- 89.61. Continue to carry out comprehensive reviews and studies of the relevant laws in order to ensure the fulfilment of the right to freedom of opinion and expression and the right to peaceful assembly, in accordance with the relevant international human rights instruments to which Thailand is a party (Indonesia);
- 89.62. Reconsider decrees and laws in force which limit freedoms of expression and assembly (such as Article 112 of the Penal Code and the Computer Crimes Act (2007) (Switzerland);

- 89.63. Engage in a review of special security laws, with a view to amending legislation and regulations which restrict or deny freedoms of expression, association and peaceful assembly that are inconsistent with obligations under international law, including the Internal Security Act, the Computer Crimes Act, the Emergency Decree, the Official Information Act, and *lèse-majesté* provisions (Canada);
- 89.64. Ensure, through legislative reforms, that protection and promotion of laws of freedom of expression as well as of peaceful assembly and association are guaranteed for all inhabitants of the country (Switzerland);
- 89.65. Apply a comprehensive sexual and reproductive health and rights approach to guarantee access of all sex workers, as well as their clients and clients' spouses and partners, to adequate health services and sexual education (Finland);
- 89.66. Strengthen the legal rights framework and enforcement of these rights for migrants, asylum seekers and victims of trafficking (Canada);
- 89.67. Establish a long term policy for addressing migrant workers (United Kingdom);
- 89.68. Ensure migrants found at sea are afforded the full measures of protection they are entitled to under international law (New Zealand);
- 89.69. Reverse current practices regarding the rights of refugees, asylum seekers and migrant workers (Slovakia);
- 89.70. Become a party to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol; ensure respect for the principle of *non-refoulement* with respect to asylum seekers and refugees; avoid a premature move to close camps on the Western border while conditions for voluntary, safe and dignified return do not exist; and meet the protection needs of vulnerable peoples, such as the Rohingya, in accordance with international law (Canada);
- 89.71. Refrain from the *refoulement* of asylum-seekers (Brazil);
- 89.72. Facilitate the access to asylum procedures as well as to UNHCR in order to guarantee an international protection to asylum seekers (Switzerland).
90. All conclusions and recommendations contained in the present report reflect the position of the submitting States and the State under review. They should not be construed as endorsed by the Working Group as a whole.

### III. Voluntary pledges and commitments

91. Thailand will become a party to the Convention for the Protection of All Persons from Enforced Disappearance, ILO Conventions No. 87 on Freedom of Association and Protection of the Right to Organise and No. 98 on the Right to Organise and Collective Bargaining.
92. Thailand will withdraw its reservation to article 16 of the Convention on the Elimination of All Forms of Discrimination against Women. It will also withdraw the interpretative declarations to articles 6 and 9 of the International Covenant on Civil and Political Rights and article 18 of the Convention on the Rights of Persons with Disabilities.
93. Thailand will amend its laws to be more in alignment with international human rights instruments, which includes ensuring that criminal laws are aligned with the

Convention against Torture and the Convention for the Protection of All Persons from Enforced Disappearance and improving the laws to better protect women and children.

94. Thailand will issue a standing invitation to all the special procedures of the Human Rights Council.

95. Thailand will accelerate efforts to reform the justice system and strengthen law enforcement.

96. Thailand will enhance human rights protection for migrant workers and will redouble its efforts to prevent human trafficking, especially through enhancing the labour inspection system.

97. Thailand will promote the right to education for disadvantaged and marginalized children so that these children are able to access education for all on an equal basis with others.

98. Thailand will strengthen the implementation of the National Human Rights Action Plan.

## Annex

### Composition of the delegation

The delegation of Thailand was headed by H.E. Mr. Sihasak **Phuangketkeow**, Special Envoy of the Royal Thai Government, and composed of the following members:

- Mr. Vijavat **Isarabhakdi**, Director-General, Department of International Organizations, Ministry of Foreign Affairs;
- Mr. Sek Wannamethee, Ambassador and Deputy Permanent Representative, Permanent Mission of Thailand to the UN Office in Geneva;
- Mr. Nadvathna **Krishnamra**, Director of Social Division, Department of International Organizations, Ministry of Foreign Affairs;
- Ms. Eksiri **Pintaruchi**, Minister Counsellor, Permanent Mission of Thailand to the UN Office in Geneva;
- Ms. Sirilak **Niyom**, Counsellor, Social Division, Department of International Organizations, Ministry of Foreign Affairs;
- Ms. Cataleya **Phatoomros**, First Secretary, Social Division, Department of International Organizations, Ministry of Foreign Affairs;
- Mr. Netithorn **Praditsarn**, First Secretary, Permanent Mission of Thailand to the UN Office in Geneva;
- Ms. Kanita **Sapphaisal**, First Secretary, Permanent Mission of Thailand to the UN Office in Geneva;
- Mr. Pavikkorn **Phuangketkeow**, Attaché, Permanent Mission of Thailand to the UN Office in Geneva;
- Ms. Rarinthip **Sirorat**, Inspector General, Ministry of Social Development and Human Security;
- Dr. Saisuree **Chutikul**, Specialist on Women and Child Rights, Ministry of Social Development and Human Security;
- Ms. Pornsom **Paopramot**, Specialist on Women Affairs, Ministry of Social Development and Human Security;
- Ms. Saowanee **Khomepatr**, Director, Bureau of Anti-Trafficking in Women and Children, Ministry of Social Development and Human Security;
- Ms. Sunee **Srisangatrakullert**, Social Development Officer, Ministry of Social Development and Human Security;
- Ms. Thientong **Prasanpanich**, Social Development Officer, Ministry of Social Development and Human Security;
- Mr. Rathawoot **Nanthaikuakool**, International Affairs Officer, Ministry of Social Development and Human Security;
- Mr. Pasit **Asawawattanaporn**, Legal Advisor, Ministry of Justice;
- Mr. Phiset **Saardyen**, Foreign Affairs Officer (Senior Professional level), Ministry of Justice;
- Ms. Sommanat **Juaseekul**, Legal Officer, Ministry of Justice;

- Ms. Sudarak **Suvannanonda**, Foreign Affairs Officer, Ministry of Justice;
- Ms. Pitikan **Sithidej**, Director, Office of Compensation for Injured Persons and Accused in Criminal Cases, Department of Rights and Liberties Protection, Ministry of Justice;
- Ms. Aimon **Siangyai**, Director, Rights and Liberties Promotion Division, Department of Rights and Liberties Protection, Ministry of Justice;
- Ms. Nareeluc **Pairchaiyapoom**, Justice Officer (Professional level), Department of Rights and Liberties Protection, Ministry of Justice;
- Mr. Pakorn **Amornchewin**, Deputy Director-General, Department of Labour Protection and Welfare, Ministry of Labour;
- Mr. Anuruk **Tossarat**, Director, Office of Foreign Workers Administration Department Of Employment, Ministry of Labour;
- Mr. Atitaya **Nualsri**, Minister Counsellor (Labour), Permanent Mission of Thailand to the UN Office in Geneva;
- Mrs. Piengpaph **Withyachumnarnkul**, Foreign Relations Officer, Senior Professional Level Department of Employment, Ministry of Labour;
- Mr. Kittana **Srisuriya**, Foreign Relations Officer, Professional Level Office of Permanent Secretary, Ministry of Labour;
- Lt. Gen. Visnu **Sriyabhandha**, Chief, Department of Border Affairs, Royal Thai Armed Forces;
- Mr. Singha **Sukhavachana**, Senior Foreign Relations Officer, Ministry of Interior;
- Mr. Dhammakoop **Sungworn**, Senior Foreign Relations Officer, Ministry of Interior;
- Police Lieutenant General Chatchawan **Suksomjit**, Assistant Commissioner General for Crime Suppression, Royal Thai Police;
- Police Lieutenant Colonel Chalermchart **Thawornsiri**, Deputy Superintendent of Case Inspection Sub-Division 3, Criminal Affairs Division, Royal Thai Police;
- Mr. Patranun **Limudomporn**, Faculty of Political Science, Chulalongkorn University;
- Ms. Tidarat **Yingcharoen**, Faculty of Political Science, Chulalongkorn University;
- Mr. Chakrit **Senkhao**, Faculty of Political Science, Chulalongkorn University;
- Ms. Maneeya **Saributh**, Faculty of Political Science, Chulalongkorn University;
- Ms. Pattama **Pongsawad**, Faculty of Political Science, Chulalongkorn University.