



Human Rights Council
Working Group on the Universal Periodic Review
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Compilation on Thailand

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies^{1, 2}

2. The United Nations country team recommended that Thailand ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention relating to the Status of Refugees and the 1967 Protocol thereto, the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.³ The Office of the United Nations High Commissioner for Refugees (UNHCR) also recommended that Thailand ratify the Convention relating to the Status of Refugees and the 1967 Protocol thereto,⁴ and that the State accede to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.⁵ The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that Thailand ratify the Convention against Discrimination in Education.⁶

3. The Human Rights Committee regretted that, as a result of the declaration of martial law in 2014, derogations from articles 12 (1), 14 (5), 19 and 21 did not seem to comply with the rationale and the scope of the provisions established by article 4 of the International Covenant on Civil and Political Rights, and expressed concern that those derogations had not been lifted and continued to be applied, partly by virtue of the emergency decree of 2005 (in the southern border provinces) and martial law (in 31 provinces).⁷

4. The United Nations country team noted that despite a standing invitation to all special procedure mandate holders made on 4 November 2011, there had been only one country visit since the 2016 universal periodic review cycle to Thailand, which was made by the Working



Group on the issue of human rights and transnational corporations and other business enterprises in March 2018.⁸

5. Thailand made annual financial contributions to the Office of the United Nations High Commissioner for Human Rights (OHCHR).⁹

III. National human rights framework¹⁰

6. The Human Rights Committee expressed concern about certain provisions of the interim Constitution of 2014, such as those in sections 44, 47 and 48, and about the order issued by the National Council for Peace and Order under section 44, which limited access to effective remedies and might lead to immunity of the National Council for Peace and Order for serious human rights violations.¹¹

7. The Committee on the Rights of Persons with Disabilities expressed concern that the new draft Constitution ad referendum appeared to weaken the overall legal protection of persons with disabilities when compared with the 2007 Constitution and omitted specific references to persons with disabilities.¹²

8. The United Nations country team highlighted that a draft act on the operations of not-for-profit organizations that was under consideration posed a serious risk to the preservation and protection of democratic space and the upholding of obligations pertaining to the rights to freedom of expression and association. It urged Thailand to revise the draft act in full accordance with international human rights standards.¹³

9. The Committee on the Elimination of Discrimination against Women noted with concern the lack of a clear, transparent and participatory process for selecting and appointing the members of the National Human Rights Commission of Thailand, which had led the accreditation committee of the Global Alliance of National Human Rights Institutions to downgrade it to “B” status in November 2015.¹⁴ The Human Rights Committee recommended that Thailand ensure that the National Human Rights Commission was able to carry out its mandate effectively and independently, and in full conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).¹⁵

10. The United Nations country team took note of the adoption of the national action plan on business and human rights on 29 October 2019.¹⁶

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination¹⁷

11. The Human Rights Committee noted with concern that section 17 of the Gender Equality Act (2015) allowed for exceptions to gender discrimination on grounds of religion and national security. The same Committee expressed concern about reports of discrimination and violence against lesbian, gay, bisexual, transgender and intersex persons, and against indigenous and stateless persons, and about reports of travel restrictions on migrants who had regularized their status.¹⁸ The Committee on the Elimination of Discrimination against Women expressed similar concerns.¹⁹

12. The Committee on the Rights of Persons with Disabilities expressed concern about discrimination and stigma against children with disabilities. It recommended that Thailand, in close consultation with representative organizations of children with disabilities, adopt a strategy to combat stereotypes against children with disabilities and prevent their abandonment; develop community-based services and assistance with a view to ending

institutionalization; and raise awareness of the rights of children with disabilities and strengthen the provision of assistance appropriate to their age and impairment.²⁰

2. Development, the environment, and business and human rights²¹

13. The Committee on the Elimination of Discrimination against Women expressed concern that women, in particular rural women, were excluded from participation in the elaboration and implementation of policies and action plans on climate change and disaster risk reduction, notwithstanding the fact that they were disproportionately affected by the effects of climate change and disasters.²² The Committee recommended that Thailand ensure the effective participation of women, not only as those disproportionately affected by the effects of climate change and disasters but as agents of change, in the formulation and implementation of policies and action plans on climate change and disaster response and risk reduction. It also recommended that Thailand ensure that such policies and plans explicitly included a gender perspective and took into account the particular needs of women, in particular rural women.²³

14. The Working Group on the issue of human rights and transnational corporations and other business enterprises noted that numerous challenges remained, including the negative impact of public orders imposed by the interim military Government under the National Council for Peace and Order, which had the result of placing unreasonable and unwarranted restrictions on the right of people affected by business and development activities carried out by business enterprises, including by State-owned enterprises, to raise legitimate concerns and protest peacefully. The Working Group recommended that Thailand step up its efforts to address business-related human rights abuses, including by developing a new holistic impact assessment framework that included a comprehensive social and human rights component in conformity with the Guiding Principles on Business and Human Rights when carrying out mega-projects, and also recommended that the State hold meaningful consultations with affected communities, including ethnic minorities affected by development projects, including those carried out by State-owned enterprises.²⁴

B. Civil and political rights

1. Right to life, liberty and security of person²⁵

15. The Human Rights Committee reiterated its concern that domestic law punished with the death penalty crimes relating to corruption, bribery and drugs, which did not meet the threshold of the “most serious crimes” within the meaning of article 6 (2) of the International Covenant on Civil and Political Rights. The Committee was also concerned about the large number of cases in which the death penalty had been imposed.²⁶ The United Nations country team noted that Thailand had not carried out the death penalty since 2010, except for on 18 June 2018, when an execution via lethal injection was carried out against a man convicted of murder.²⁷

16. The Human Rights Committee expressed concern about reports of torture and other ill-treatment, extrajudicial executions and enforced disappearances against, inter alia, human rights defenders. The Committee remained concerned about widespread impunity for those crimes and the slow progress in investigating such cases.²⁸ The Committee on the Rights of Persons with Disabilities expressed concern about reports of inhuman or degrading involuntary treatment of persons with disabilities, including the use of electroshock therapy, restraints, isolation and seclusion, on the basis of the perceived dangerousness to themselves or others on the basis of impairment.²⁹

17. The Human Rights Committee recommended that Thailand promptly set up an independent mechanism for the prevention and suppression of torture and enforced disappearances, and that it reinforce the training of law enforcement officials and military personnel on full respect for human rights, including on the appropriate use of force and on the eradication of torture and ill-treatment, ensuring that all training materials were in line with the International Covenant on Civil and Political Rights and the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.³⁰

18. The Committee against Torture sought clarification regarding any efforts under way to repeal domestic legislation that could result in immunity for acts of torture or ill-treatment, including with regard to provisions of the 2017 Constitution (sects. 265 and 279); orders Nos. 3/2558 (2015) and 13/2559 (2016) of the National Council for Peace and Order; the 1914 Martial Law Act; the 2005 Emergency Decree; the 2008 Internal Security Act; and article 30 of the amended Penitentiary Act.³¹

19. The Human Rights Committee remained concerned about the high levels of overcrowding and poor conditions in many places of detention, including poor sanitation and hygiene conditions, lack of access to health care, lack of adequate food and water and the stigmatization of certain detainees. It was also concerned about reports of excessive use of restraining devices, such as shackles, and of sexual harassment.³²

20. The same Committee was concerned about reports of the arbitrary detention of hundreds of individuals exercising their right to assembly and/or freedom of expression for “attitude adjustments” after the 2014 coup, and that such individuals were reportedly often detained without charge and held incommunicado at undisclosed places of detention for periods of up to seven days, with no judicial oversight or safeguards against ill-treatment and without access to a lawyer. The Committee was further concerned that upon release, detainees had reportedly been compelled to sign a written agreement not to travel abroad and refrain from expressing political views, and that failure to comply involved the risk of up to two years of imprisonment. The Committee was also concerned about the practice of detaining without charge and without habeas corpus criminal suspects for long periods of time, which could reach 30 days in cases before civilian courts and 84 days in cases before military courts.³³

2. Administration of justice, including impunity, and the rule of law³⁴

21. The Human Rights Committee expressed concern about reports of hundreds of ongoing cases and arrest warrants against civilians that remained to be adjudicated before the military jurisdiction, and civilians who were convicted by military courts and did not enjoy the right of appeal.³⁵

22. The Committee on the Rights of Persons with Disabilities was concerned about the lack of accessibility to the justice system, including physical access, legal aid, sign language interpreters in the courtroom, and procedural accommodation, particularly in rural areas.³⁶

23. The Committee on the Elimination of Discrimination against Women also expressed concern about the persistence of multiple barriers impeding women and girls from obtaining access to justice and effective remedies for violations of their rights, in particular for rural women, indigenous women, women belonging to ethnic and religious minority groups and women with disabilities.³⁷

3. Fundamental freedoms and the right to participate in public and political life³⁸

24. The Human Rights Committee expressed concern about reports of the severe and arbitrary restrictions imposed on the right to freedom of opinion and expression in the legislation of Thailand, including in the Criminal Code, the Computer Crimes Act (2007), Order 3/2015, and the restrictions imposed through section 44 of the interim Constitution. It also expressed concern about criminal proceedings, especially criminal defamation charges, brought against human rights defenders, activists, journalists and other individuals under the above-mentioned legislation, and about reports of the suppression of debate and campaigning, and criminal charges against individuals during the run-up to the Constitutional referendum in 2016.³⁹

25. The same Committee also expressed concern that criticism and dissent regarding the royal family was punishable with a sentence of 3 to 15 years’ imprisonment, about reports of a sharp increase in the number of people detained and prosecuted for the crime of *lèse-majesté* since the military coup and about extreme sentencing practices, which resulted in dozens of years of imprisonment in some cases.⁴⁰ The United Nations country team noted similar concerns.⁴¹ UNESCO recommended that Thailand lift restrictions on freedom of expression in the national legislation in line with international standards on human rights;

refrain from criminalizing dissenting voices during the imposition of a state of emergency until the decree was lifted; and decriminalize defamation and place it within a civil code.⁴²

26. The United Nations country team stated that in March 2020, strict measures were implemented under the Emergency Decree for Public Administration in Emergency Situations of 2005. The measures were introduced to prevent the spread of the coronavirus disease (COVID-19) outbreak, and gatherings of five or more persons were prohibited. Moreover, freedom of expression related to COVID-19 was tightly surveilled by an anti-fake news centre established under the Ministry of Digital Economy and Society.⁴³ The country team also expressed concern about arbitrary restrictions on freedom of movement related to the COVID-19 pandemic, when such restrictions were not applied equally to local and migrant residents.⁴⁴

27. The Human Rights Committee expressed concern about the excessive restrictions imposed on the freedom of peaceful assembly since the military coup of 2014, in particular the strict banning of any public gathering of more than five people and political gatherings of more than four people. It was also concerned about the provisions of the Public Assembly Act (2015) that established criminal penalties for failing to provide prior notification to authorities regarding the organization of peaceful assemblies. The Committee was particularly concerned about the arrest of hundreds of people for having organized or taken part in peaceful gatherings.⁴⁵

28. The United Nations country team also stated that under the Emergency Decree, a severe state of emergency had been declared in Bangkok from 15 to 22 October 2020 to impede the pro-democracy protests led by young people. In the period 1 October 2020 to 31 March 2021, the Royal Thai Police used force on several occasions against activists who were exercising their fundamental rights.⁴⁶

29. The Committee on the Rights of Persons with Disabilities expressed concern about restrictions on the right of persons with disabilities to vote and stand for election and the lack of measures to ensure the secrecy of their vote. It was also concerned about the lack of information on accessible formats of voting procedures.⁴⁷

4. Prohibition of all forms of slavery⁴⁸

30. While taking note of the significant efforts undertaken to address trafficking in persons and forced labour, the Human Rights Committee remained concerned that trafficking in persons and forced labour remained and that they gave rise to significant problems, particularly regarding sexual exploitation, fishing, agriculture and domestic work. It expressed concern about reports on child labour and the exploitation of vulnerable people, such as irregular migrants and indigenous peoples. It was further concerned about reports of victims of trafficking being deported without being effectively screened for an assessment of their protection needs, and about the premature collection of their testimonies in order to facilitate prompt deportation.⁴⁹

5. Right to privacy and family life⁵⁰

31. The Committee on the Rights of Persons with Disabilities expressed concern that family law (Commercial and Civil Code, book V) prevented some persons with disabilities from marrying and founding a family, and that parents of children with disabilities encountered obstacles to gaining access to specific support for exercising their parental responsibilities and preventing abandonment. It recommended that Thailand repeal section 1449 and related provisions of the family law that discriminated against certain persons with disabilities with respect to their right to marry and found a family, and that it increase the availability of early and comprehensive information, services and support to children with disabilities and their families.⁵¹

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work⁵²

32. The United Nations country team expressed concern that non-nationals of Thailand did not have the right to form trade unions, given the outsized role migrant workers played in higher risk sectors of the economy. It urged Thailand to extend the right to form trade unions to non-nationals.⁵³

33. The Committee on the Elimination of Discrimination against Women expressed concern about the high concentration of women in the informal employment sector, including as domestic workers, who continued to be excluded from labour and social security protections, such as minimum wage protection, overtime compensation and maternity leave. It was also concerned about the persistence of discrimination on the basis of gender in the workplace, including with regard to recruitment, promotion and retirement age, which, in many factories, was reportedly set at 55 years of age for women compared with 60 years of age for men. It was further concerned about the absence of legislation prohibiting sexual harassment in the workplace, notwithstanding reports that it was widespread in the country.⁵⁴

34. The Committee on the Rights of Persons with Disabilities expressed concern about the low employment rate among persons with disabilities, particularly among women, and about the prejudice against persons with disabilities. It was concerned about their lack of opportunities for training to gain access to employment, and employers' preference to pay a levy to the National Fund for the Empowerment of Persons with Disabilities rather than recruit persons with disabilities. The Committee further expressed concern that only a limited amount of the Fund's loans were concretely allocated to supporting the empowerment of persons with disabilities and that its effectiveness was constrained by public regulations.⁵⁵

2. Right to social security⁵⁶

35. The United Nations country team remained concerned about the inadequate access to social security, legal protections and public services by groups of migrant workers because of visa status and/or occupation, language barriers and limited availability of services where they lived.⁵⁷

3. Right to an adequate standard of living⁵⁸

36. The Committee on the Rights of Persons with Disabilities expressed concern about persons with disabilities in situations of poverty, particularly those belonging to ethnic minority groups, in single parent-headed households and in families where parents cared for a child with disabilities on a full-time basis. It also expressed concern about the low percentage of persons with disabilities entitled to receive a disability grant and the insufficiency of the grant to ensure an adequate standard of living.⁵⁹

4. Right to health⁶⁰

37. The Committee on the Elimination of Discrimination against Women commended the measures taken by Thailand to improve women's access to health-care services, such as the universal health coverage scheme, which had led to longer life expectancy, reduced rates of HIV infection and the elimination of mother-to-child transmission of HIV and syphilis. Nevertheless, it remained concerned about reports of high rates of maternal mortality in the southern border provinces and among ethnic minority groups, and reports of women with disabilities being subjected to forced sterilization and abortion.⁶¹ The United Nations country team recommended, among others, that universal health coverage ensure a response system to all forms of violence, especially gender-based violence, and that age and context-appropriate comprehensive sexuality education be provided to adolescents.⁶²

38. The Committee on the Rights of Persons with Disabilities expressed concern that mainstream health services and information on public health education were not accessible to persons with disabilities, particularly in rural areas, and was also concerned about the insufficiency of training for all health professionals on the rights of persons with disabilities.⁶³

Both the Committee on the Rights of Persons with Disabilities and the Committee on the Elimination of Discrimination against Women made recommendations in that regard.⁶⁴

39. The United Nations country team also expressed concern about the minimal availability of basic health-care services for migrants, refugees and asylum seekers in immigration detention centres.⁶⁵ Similar concerns were also expressed by UNHCR.⁶⁶

5. Right to education⁶⁷

40. UNESCO noted that there was an increase in dropout rates, mostly from the most vulnerable groups, which affected children in both primary and secondary levels, and was particularly prominent among poorer households, which deemed the cost too high.⁶⁸

41. The Committee on the Elimination of Discrimination against Women remained concerned about gender segregation in higher education, with low enrolment of women and girls in non-traditional fields of study, such as technology, engineering, mathematics and agriculture. It also remained concerned about the existence of gender bias in the school curriculum and textbooks, reinforcing traditional gender stereotypes.⁶⁹

42. The Committee on the Rights of Persons with Disabilities was concerned that the right to inclusive education remained unfulfilled for many persons with disabilities, and that some schools refused to admit students with disabilities. It was also concerned that staff and educational establishments, in particular in rural and remote areas, had limited capacity, skills and resources.⁷⁰

D. Rights of specific persons or groups

1. Women⁷¹

43. The Committee on the Elimination of Discrimination against Women expressed concern that the Department of Women's Affairs and Family Development had been tasked with additional operational duties, thus further reducing its capacity to function effectively as the national machinery for the advancement of women. It was also concerned with regard to the lack of clarity regarding the mandate and responsibilities of the Department in the light of the new committees established under the Gender Equality Act, such as the Gender Equality Promotion Committee.⁷²

44. The same Committee reiterated its previous concern regarding the persistence of strong stereotypical attitudes about the roles and responsibilities of women and men in the family and in society, which undermined women's social status and constituted a root cause of the disadvantaged position of women in many areas, including in the labour market and in political and public life.⁷³

45. The Committee remained concerned that there were still stricter conditions for Thai women to confer their nationality on foreign spouses, and that among ethnic minority and indigenous communities, men were reportedly given priority to register for nationality, leaving a disproportionate number of ethnic minority and indigenous women without nationality and with restricted freedom of movement and limited access to education, employment, health care and social protection.⁷⁴

46. The Committee also remained concerned about the high prevalence of gender-based violence against women and girls, in particular domestic violence and sexual violence, and about the fact that the Domestic Violence Victim Protection Act of 2007 provided for the settlement of a case through reconciliation and mediation at every stage of the legal proceeding. It further remained concerned about the inadequate provision of essential services and support to victims of gender-based violence, especially victims of trafficking for sexual exploitation or labour exploitation, and victims of domestic violence.⁷⁵

47. The Human Rights Committee recommended that Thailand redouble its efforts to prevent and address all forms of violence against women, including by: encouraging the reporting of such violence, establishing an effective complaints mechanism and ensuring that cases of violence against women were thoroughly investigated, perpetrators prosecuted and, if convicted, punished with appropriate sanctions; ensuring access to effective remedies and

means of protection to victims; continuing to carry out awareness-raising campaigns to raise awareness among the population about the unacceptability of violence against women; and increasing the training and capacity-building for police forces, prosecutors and judges.⁷⁶

48. The Committee on the Elimination of Discrimination against Women remained concerned that no temporary special measures had been adopted to date to increase the representation of women in political and public life. It also regretted the absence of women in the National Council for Peace and Order, which had been governing Thailand following the coup d'état of May 2014. It expressed further concerns about: the low representation of women in legislative bodies, ministerial posts and local government, as well as in the judiciary, the police force, the diplomatic service and academic institutions, in particular at decision-making levels; and the lack of representation of women from ethnic and religious minority groups and indigenous women in decision-making positions.⁷⁷ The Human Rights Committee made recommendations in that regard.⁷⁸

49. The Committee on the Elimination of Discrimination against Women expressed serious concern that women human rights defenders, in particular those advocating for land rights, protection of the environment and the rights of indigenous women, rural women, lesbian women, bisexual women, transgender women and Muslim women in the southern border provinces, had increasingly become targets of lawsuits, harassment, violence and intimidation by authorities and business enterprises.⁷⁹

50. The same Committee also expressed concern that rural women: continued to lack access to basic social services, such as education and health care, including sexual and reproductive health care, as well as access to justice; were not represented in decision-making bodies and structures at the national and local levels and were excluded from policymaking processes on issues that affected them; and faced restrictions to their right to land and natural resources, owing to land acquisition for development projects, use by the mining and other extractive industries and the zoning of national parks.⁸⁰

2. Children⁸¹

51. The Committee on the Elimination of Discrimination against Women remained concerned that despite the measures adopted by Thailand, a significant number of children had not had their births registered or lacked birth registration documents and were thus vulnerable to becoming stateless.⁸²

52. The United Nations country team stated that Thailand should provide adequate human and financial resources to fully implement its domestic child protection laws. It also noted that mechanisms at the community level needed to be strengthened through decentralization to ensure access to preventative and child protective services. Moreover, the country team noted that public awareness should be raised, and that social welfare and law enforcement practitioners should be trained on issues related to child online protection. A robust strategy for the safeguarding of children in all schools should also be developed.⁸³

53. The United Nations country team also noted that children had still been detained in immigration detention facilities in 2021, despite the memorandum of understanding on the determination of measures and approaches alternative to detention of children in immigration detention centre that was signed in 2019.⁸⁴

54. The Committee on the Elimination of Discrimination against Women noted that section 277 of the Criminal Code had been revised to ensure that perpetrators of rape of a child under 15 years of age were not exempt from punishment. However, it remained concerned that, under section 277 (5) of the Criminal Code, the court might use its discretion to reduce the sentence of the offender and that girls as young as 13 years of age who were sexually abused could still be legally married to the perpetrator. It expressed further concern that harmful practices such as child and/or forced marriages and polygamy continued to take place, in particular in rural and remote areas.⁸⁵

55. The United Nations country team recommended that Thailand explicitly prohibit in law any form of corporal punishment or other cruel or degrading punishment of children in all settings, and also recommended that the State educate the public on that legislation.⁸⁶

56. The United Nations country team also noted reports of inconsistencies in the application of the juvenile justice process for accused children, and reports of different threats against minors expressing their views publicly. The country team recommended that Thailand sensitize the police and other justice actors on child rights to prioritize the best interests of the child, and also recommended that the State ensure that children did not face threats and harassment, including attitude adjustment, for expressing their views.⁸⁷

3. Persons with disabilities⁸⁸

57. The Committee on the Rights of Persons with Disabilities was concerned that national laws were not fully harmonized with the Convention on the Rights of Persons with Disabilities, in particular with respect to the concept of disability in section 4 of the Persons with Disabilities Empowerment Act and the criteria for access to services and funds that relied heavily on a medical assessment.⁸⁹

58. The same Committee also expressed concern that the Department for the Empowerment of Persons with Disabilities lacked sufficient capacity and resources to fulfil its mandate. It was further concerned about the lack of a clear role for representative organizations of persons with disabilities.⁹⁰

59. The Committee recommended that Thailand amend legislation to prohibit discrimination against persons with disabilities without exceptions, and to include a definition of reasonable accommodation in conformity with the Convention. It also recommended that the State take all the measures necessary, including upgrading the Sub-Committee on Elimination of Discrimination against Persons with Disabilities to a Committee, to ensure that it could effectively and independently address cases of discrimination on the grounds of disability, including intersectional and multiple discrimination.⁹¹

60. The Committee on the Rights of Persons with Disabilities was concerned about the lack of legislation, policies or programmes designed to protect women and girls with disabilities from multiple and intersectional discrimination and violence, and about the limited opportunities for women with disabilities to be systematically involved in decisions that concerned them directly.⁹²

61. The same Committee also expressed concern about the lack of implementation of legislation on accessibility, especially in remote and rural areas, as well as about the lack of coherent standards on accessibility, effective enforceability and sanctions for non-compliance.⁹³

62. The Committee was further concerned about the lack of specific plans of prevention, protection and assistance for persons with disabilities in situations of risk and humanitarian emergencies, prepared in accordance with the Sendai Framework for Disaster Risk Reduction.⁹⁴

63. The Committee also expressed concern about the situation of persons with disabilities living in poverty, who were often at risk of exploitation and abuse, including begging and trafficking in persons for purposes of labour and sexual exploitation, as well as about violence against and abuse of persons with disabilities, particularly girls and women with disabilities. It regretted the absence of a disability perspective in policies for protection from violence, abuse and exploitation.⁹⁵

64. The Committee was further concerned that persons with disabilities, including women, girls and boys with disabilities, continued to be subjected to involuntary medical treatment, including forced sterilization and abortion.⁹⁶

65. The Committee recommended that Thailand develop and use accessible communication formats, such as Braille, tactile formats, sign language, Easy Read and others, for mass media and public information to ensure the accessibility of government websites, and that the State take concrete and effective measures to control and monitor accessibility and apply sanctions for non-compliance.⁹⁷

4. Indigenous peoples

66. The Human Rights Committee regretted the lack of protection for persons belonging to indigenous communities in the Constitution and remained concerned about the stereotypes and bias they suffered. It was also concerned by the discrimination they endured, including with regard to citizenship, access to basic services or land rights and, in particular, by the impact of decrees 64/2014 and 66/2014, which had reportedly resulted in the eviction of several communities from their lands. It was also concerned about the lack of consultation and participation in decisions affecting them.⁹⁸ The Committee on the Elimination of Racial Discrimination reiterated concerns regarding forced evictions of Karen indigenous peoples, continuing harassment against them and the failure to ensure adequate consultation with the aim of obtaining free, prior and informed consent.⁹⁹ The United Nations country team also noted that indigenous peoples' rights activists had faced intimidation, arrest, detention and legal prosecution, as well as the serious crimes of enforced disappearance and extrajudicial killing, as in the case of the Karen indigenous peoples.¹⁰⁰

5. Migrants, refugees and asylum seekers¹⁰¹

67. The United Nations country team welcomed measures taken to ensure that migrant workers could access legal and social protections through regular migration status, and it urged Thailand to continue responding to the increased risks of irregular migration owing to border closures.¹⁰²

68. The Human Rights Committee expressed concern about reports indicating that undocumented migrants, asylum seekers and refugees were detained for long periods and without contact with their embassies, counsel or civil society organizations. It was also concerned about reports of overcrowded cells, lack of adequate health services, poor sanitation facilities, inadequate food and water and incidents of violence in immigration detention centres. It further expressed concern about reports of children being detained and separated from their relatives without access to school and placed in cells with adult detainees.¹⁰³

69. The Committee on the Elimination of Discrimination against Women also expressed concern about the situation of women migrant workers who were vulnerable to abuse and exploitation, in particular those who were undocumented.¹⁰⁴

70. While welcoming the important efforts of Thailand to host refugees and its decision to establish a screening mechanism for asylum seekers, the Human Rights Committee expressed concern about reports of deportations and forcible returns without review or adequate assessment of the protection needs of refugees, asylum seekers and other people in need of international protection, including Uighur and Rohingya people, and insufficient guarantees against refoulement.¹⁰⁵

71. UNHCR recommended that Thailand consider law and policy reform that would allow refugees and asylum seekers to access the national health system through enrolment in the national insurance schemes. It also recommended that the State consider law and policy reform that would expand social welfare initiatives to refugees and asylum seekers and that would allow them the right to work.¹⁰⁶

6. Stateless persons

72. While acknowledging the progress made by the State since the adoption of the Civil Registration Act of 2008, its regulations on birth and late registration of children, and its commitments to eliminating statelessness by 2024, the Human Rights Committee was concerned about the high number of stateless people, in particular among indigenous peoples and ethnic minorities, which had a detrimental impact on access to basic services such as education for children and led to an increased vulnerability to becoming involved in criminal trafficking and prostitution networks.¹⁰⁷

E. Specific regions or territories

73. The United Nations country team noted that in 2005, security laws were imposed in the southern border provinces to control violence, with negative implications on the rule of law, including due process, restrictions of fundamental freedoms and an environment of impunity whereby security forces were not held accountable for human rights violations. Concerns remained about alleged incidents of extrajudicial killings, coercive DNA profiling of individuals belonging to the Malay ethnicity, and the alleged manipulation of public opinion through inauthentic social media accounts.¹⁰⁸ The Committee on the Elimination of Discrimination against Women remained concerned that Muslim women in the southern border provinces continued to face obstacles to the enjoyment of their rights on an equal footing with men, including with regard to access to education, employment, health care and social security, and that their situation was exacerbated by the ongoing conflict in the region.¹⁰⁹

Notes

- ¹ Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Thailand will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/THindex.aspx.
- ² For relevant recommendations, see A/HRC/33/16, paras. 158.1–158.10, 158.13–158.19, 158.21, 158.24–158.25, 158.59–158.61, 159.1–159.8, 159.10–159.11, 159.16, 159.19–159.20, 159.22, 159.28, 159.51 and 159.65.
- ³ United Nations country team submission for the universal periodic review of Thailand, p. 1.
- ⁴ Office of the United Nations High Commissioner for Refugees (UNHCR) submission for the universal periodic review of Thailand, p. 4.
- ⁵ *Ibid.*, p. 8.
- ⁶ United Nations Educational, Scientific and Cultural Organization (UNESCO) submission for the universal periodic review of Thailand, p. 5.
- ⁷ CCPR/C/THA/CO/2, para. 5.
- ⁸ United Nations country team submission, p. 1.
- ⁹ OHCHR, “Management and Funding”, in *OHCHR Report 2015*, pp. 61, 65, 70 and 116; in *OHCHR Report 2016*, pp. 79, 83, 88 and 136; and in *United Nations Human Rights Report 2017*, pp. 79, 83, 88, and 137; and OHCHR, “Funding”, in *United Nations Human Rights Report 2018*, pp. 77, 92 and 166; and in *United Nations Human Rights Report 2019* (forthcoming).
- ¹⁰ For relevant recommendations, see A/HRC/33/16, paras. 158.26–158.31, 158.38–158.48, 158.50–158.54, 158.63, 158.107, 158.113, 158.117, 159.12–159.15, 159.20, 159.31, 159.35–159.36 and 159.57.
- ¹¹ CCPR/C/THA/CO/2, para. 7. See also the United Nations country team submission, p. 2.
- ¹² CRPD/C/THA/CO/1, para. 7.
- ¹³ United Nations country team submission, p. 2.
- ¹⁴ CEDAW/C/THA/CO/6-7, para. 14.
- ¹⁵ CCPR/C/THA/CO/2, para. 10. See also CEDAW/C/THA/CO/6-7, para. 15; and the United Nations country team submission, p. 3.
- ¹⁶ United Nations country team submission, p. 3.
- ¹⁷ For the relevant recommendation, see A/HRC/33/16, para. 158.66.
- ¹⁸ CCPR/C/THA/CO/2, para. 11. See also the United Nations country team submission, p. 10.
- ¹⁹ CEDAW/C/THA/CO/6-7, para. 8.
- ²⁰ CRPD/C/THA/CO/1, paras. 17–18.
- ²¹ For relevant recommendations, see A/HRC/33/16, paras. 158.36–158.37, 158.49 and 158.181.
- ²² CEDAW/C/THA/CO/6-7, para. 46.
- ²³ *Ibid.*, para. 47 (a)–(b).
- ²⁴ A/HRC/41/43/Add.1, summary, pp. 1–2.
- ²⁵ For relevant recommendations, see A/HRC/33/16, paras. 158.11–158.12, 158.22, 158.32–158.35, 158.72–158.80, 158.119–158.123, 159.9, 159.17, 159.21, 159.23–159.27, 159.29–159.30, 159.32–159.33, 159.37, 159.58 and 159.66.
- ²⁶ CCPR/C/THA/CO/2, para. 17.
- ²⁷ United Nations country team submission, p. 2.
- ²⁸ CCPR/C/THA/CO/2, para. 21.
- ²⁹ CRPD/C/THA/CO/1, para. 31.
- ³⁰ CCPR/C/THA/CO/2, para. 22 (e)–(f).
- ³¹ CAT/C/THA/QPR/2, para. 3.

- ³² CCPR/C/THA/CO/2, para. 33.
- ³³ *Ibid.*, para. 25.
- ³⁴ For relevant recommendations, see A/HRC/33/16, paras. 158.124, 159.14, 159.34 and 159.38–159.47.
- ³⁵ CCPR/C/THA/CO/2, para. 31.
- ³⁶ CRPD/C/THA/CO/1, para. 27.
- ³⁷ CEDAW/C/THA/CO/6-7, para. 10.
- ³⁸ For relevant recommendations, see A/HRC/33/16, paras. 158.130–158.137, 158.139–158.142, 159.50, 159.52–159.56 and 159.59–159.63.
- ³⁹ CCPR/C/THA/CO/2, para. 35.
- ⁴⁰ *Ibid.*, paras. 37–38.
- ⁴¹ United Nations country team submission, p. 7.
- ⁴² UNESCO submission, p. 6.
- ⁴³ United Nations country team submission, p. 6. See also UNESCO submission, p. 3.
- ⁴⁴ United Nations country team submission, p. 6.
- ⁴⁵ CCPR/C/THA/CO/2, para. 39.
- ⁴⁶ United Nations country team submission, p. 6.
- ⁴⁷ CRPD/C/THA/CO/1, para. 59.
- ⁴⁸ For relevant recommendations, see A/HRC/33/16, paras. 158.23, 158.100–158.101, 158.108–158.109, 158.111–158.112, 158.114–158.116 and 158.118.
- ⁴⁹ CCPR/C/THA/CO/2, para. 23. See also CEDAW/C/THA/CO/6-7, para. 24.
- ⁵⁰ For the relevant recommendation, see A/HRC/33/16, para. 159.48.
- ⁵¹ CRPD/C/THA/CO/1, paras. 43–44.
- ⁵² For the relevant recommendation, see A/HRC/33/16, para. 158.110.
- ⁵³ United Nations country team submission, p. 7.
- ⁵⁴ CEDAW/C/THA/CO/6-7, para. 36 (a)–(c).
- ⁵⁵ CRPD/C/THA/CO/1, para. 53.
- ⁵⁶ For relevant recommendations, see A/HRC/33/16, paras. 158.145 and 158.170.
- ⁵⁷ United Nations country team submission, p. 8.
- ⁵⁸ For relevant recommendations, see A/HRC/33/16, paras. 158.55, 158.67, 158.144, 158.147–158.149 and 158.180.
- ⁵⁹ CRPD/C/THA/CO/1, paras. 55–56.
- ⁶⁰ For relevant recommendations, see A/HRC/33/16, paras. 158.146 and 158.150–157.
- ⁶¹ CEDAW/C/THA/CO/6-7, para. 38. See also the United Nations country team submission, p. 10.
- ⁶² United Nations country team submission, p. 4.
- ⁶³ CRPD/C/THA/CO/1, para. 47.
- ⁶⁴ *Ibid.*, para. 48; and CEDAW/C/THA/CO/6-7, para. 39.
- ⁶⁵ United Nations country team submission, p. 8.
- ⁶⁶ UNHCR submission, pp. 5–6.
- ⁶⁷ For relevant recommendations, see A/HRC/33/16, paras. 158.89, 158.102, 158.158–158.162 and 158.164–158.167.
- ⁶⁸ UNESCO submission, p. 4.
- ⁶⁹ CEDAW/C/THA/CO/6-7, para. 34.
- ⁷⁰ CRPD/C/THA/CO/1, para. 45. See also the United Nations country team submission, p. 9.
- ⁷¹ For relevant recommendations, see A/HRC/33/16, paras. 158.62, 158.64–158.65, 158.68–158.69, 158.71, 158.81–158.84 and 158.143.
- ⁷² CEDAW/C/THA/CO/6-7, para. 12.
- ⁷³ *Ibid.*, para. 18.
- ⁷⁴ *Ibid.*, para. 32.
- ⁷⁵ *Ibid.*, para. 20.
- ⁷⁶ CCPR/C/THA/CO/2, para. 14.
- ⁷⁷ CEDAW/C/THA/CO/6-7, para. 28.
- ⁷⁸ CCPR/C/THA/CO/2, para. 16.
- ⁷⁹ CEDAW/C/THA/CO/6-7, para. 30.
- ⁸⁰ *Ibid.*, para. 42 (a)–(c).
- ⁸¹ For relevant recommendations, see A/HRC/33/16, paras. 158.57–158.58, 158.85–158.99, 158.103–158.106, 158.125–158.129, 158.163 and 159.49.
- ⁸² CEDAW/C/THA/CO/6-7, para. 32.
- ⁸³ United Nations country team submission, p. 5.
- ⁸⁴ *Ibid.*
- ⁸⁵ CEDAW/C/THA/CO/6-7, para. 48.
- ⁸⁶ United Nations country team submission, p. 5.
- ⁸⁷ *Ibid.*, p. 7.
- ⁸⁸ For relevant recommendations, see A/HRC/33/16, paras. 158.168–158.174.

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- ⁸⁹ CRPD/C/THA/CO/1, para. 9.
- ⁹⁰ Ibid., para. 67.
- ⁹¹ Ibid., para. 14.
- ⁹² Ibid., para. 15.
- ⁹³ Ibid., para. 21.
- ⁹⁴ Ibid., para. 23.
- ⁹⁵ Ibid., para. 33.
- ⁹⁶ Ibid., para. 35.
- ⁹⁷ Ibid., para. 42.
- ⁹⁸ CCPR/C/THA/CO/2, para. 43. See also the United Nations country team submission, p. 9.
- ⁹⁹ Letters of the Committee on the Elimination of Racial Discrimination of 2016, 2017, 2019 and 2020 sent to Thailand under early warning measures and urgent procedures. They can be accessed at www.ohchr.org/EN/HRBodies/CERD/Pages/EarlyWarningProcedure.aspx.
- ¹⁰⁰ United Nations country team submission, p. 9.
- ¹⁰¹ For relevant recommendations, see A/HRC/33/16, paras. 158.175–158.179, 159.64 and 159.67–159.68.
- ¹⁰² United Nations country team submission, p. 10.
- ¹⁰³ CCPR/C/THA/CO/2, para. 29.
- ¹⁰⁴ CEDAW/C/THA/CO/6-7, para. 36 (d).
- ¹⁰⁵ CCPR/C/THA/CO/2, para. 27. See also the United Nations country team submission, p. 11.
- ¹⁰⁶ UNHCR submission, pp. 7–8.
- ¹⁰⁷ CCPR/C/THA/CO/2, paras. 41–42.
- ¹⁰⁸ United Nations country team submission, p. 12.
- ¹⁰⁹ CEDAW/C/THA/CO/6-7, para. 22.
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