



**International Covenant on
Civil and Political Rights**

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**Consideration of reports submitted by States parties
under article 40 of the Covenant**

**List of issues in relation to the second periodic report of
Thailand**

Addendum

Replies of Thailand to the list of issues*

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* The present document is being issued without formal editing.

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Question 1

1. As a dualist country, international legal instruments are not directly applicable in the internal legal system. However, it has been the practice in Thailand that the Government and Parliament always have to consider whether existing laws are sufficient and in compliance with the obligations under the international treaty before becoming party to it. If not, an implementing legislation would be put in place prior to the process of treaty ratification.
2. The principles of ICCPR are enshrined in various legal instruments in Thailand. Section 4 of the 2014 Interim Constitution guarantees all human dignity, rights, liberties and equality of the people as provided under previous constitutions. It also embraces human rights protection under international instruments to which Thailand is party. Similar principle still remains in the current draft Constitution.
3. Despite the fact that it is not customary practice for the judicial system in Thailand to directly invoke any international covenant before the court, the underlying human rights principles of ICCPR are upheld and taken into consideration by the court. For instance, Constitutional Court (Decision 4/2013) directly invoked Article 14 (paragraph 3) of the Covenant to interpret Article 41 of the Act on Mutual Assistance in Criminal Matters, which forces the defendant to accept the evidence obtained from the plaintiff's witness examination abroad without the defendant's ability to cross-examine such evidence. The Court found this Article 41 unconstitutional as it violates the defendant's right to be tried in his presence, to defend himself in person or through legal assistance of his own choosing, to examine the witnesses against him, and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him.
4. In addition, the Constitutional Court (Decision 12/2012) also decided that Section 54 of the Direct Sales and Direct Marketing Act, which states that the company's managing director is instantly deemed liable if the company is found guilty, is against the Constitution, which specifies that everyone charged with a criminal offence shall have the right to be presumed innocent until proven guilty in line with the principle of "presumption of innocence" underlined in ICCPR Article 14 (paragraph 2).
5. Both the Government and National Human Rights Commission (NHRC) have worked to promote understanding and raise awareness of the Covenant. Information about the Covenant is available in the form of booklet, board game, mobile exhibition, e-learning, and mobile application.

Question 2

6. The possibility of withdrawing interpretative declarations on Article 1 (paragraph 1), and Article 20 has been discussed among relevant government agencies. In 2014, Ministry of Justice (MOJ) commissioned an academic team to carry out a study and convened consultations with relevant agencies to consider whether Thailand can, and is ready to comply with obligations set forth in the above-mentioned Articles within the existing domestic laws, regulations, and political context. From such consultations, the Government decided to keep these two remaining declarations for the time being. Prior to presenting the second report to the Committee in March 2017, relevant agencies will revisit and debate this issue.
7. Regarding to Article 2 (paragraph 1), Thailand has never made any interpretative declaration nor reservation on this article. Thailand recognizes and complies with the principle of 'non-discrimination' as core principle of human rights.

Question 3

8. On budget allocation to NHRC and its Office by the Government, please refer to paragraphs 23-24 of Thailand's Second UPR report 2016.

9. The draft new Constitution lays down new provisions relating to NHRC's qualifications and mandates to be more consistent with the Paris Principles; for example, the selection of Commissioners must take into account the candidate's ample knowledge and experiences on human rights.

10. The draft Constitution also stipulates that the Cabinet must take appropriate action after receiving recommendations from NHRC. In fact, the Cabinet usually due attention to NHRC inquiries and consistently instruct agencies concern to investigate, report and provide recommendations in a definite time frame. In March 2016, MOJ set up Coordination Committee as a mechanism for following up implementations of NHRC recommendations by relevant agencies. The Committee is also expected to enhance coordination between these agencies and to jointly push forward necessary human rights related policies and infrastructure, as well as review process.

11. Currently, the Constitution Drafting Committee (CDC) is drafting the new Organic Law on NHRC, in consultation with relevant government agencies, academicians, and civil society. The Organic Law, once adopted, will further enhance the efficiency of NHRC as it intends to address remaining concerns such as having a selection process of members that involves consultation with all stakeholders and establishing regional offices to increase efficiency of work on the ground.

Question 4

12. Thailand does not allow impunity. If a state official, or someone acting on their behalf, commits a crime, that person shall be held accountable and subject to a disciplinary action and/or legal punishment. All cases, without discrimination, are investigated and prosecuted under due judicial procedures, in accordance with relevant laws, such as the Criminal Code, Criminal Procedure Code, and Act on Liability for Wrongful Act of Officials, 1996.

13. Cases involving unlawful exercise of administrative power by state officials are prosecuted by Administrative Court. The Court has the power to order officials to stop or refrain from an act, as well as recompense the damage. The responsibility does not limit to officials committing unlawful acts, but also extends to state agency to which those officials are affiliated.

14. Two recent examples are:

- In October 2016, an army officer was stripped off his second lieutenant rank and dismissed from the army for his misconduct in the beating to death of Private Songtham Moodmud, a newly recruited army, in a military camp in Yala Province;
- In October 2016, Supreme Administrative Court of Songkhla Province ordered the Prime Minister's Office (as a superior authority of Internal Security Operations Command — ISOC) to pay approximately 10,000 USD as a compensation for a victim of torture incidents that took place during his detention under the Emergency Decree in a military camp in Narathiwat Province in March 2008.

15. On 4 October 2016, Criminal Court for Corruption and Malfeasance Cases was established to handle cases, including act of committing malfeasance in office or irregularities by state officials, in a more effective and timely manner. The Act on the Establishment of Criminal Court for Corruption and Malfeasance Cases, effective since

September 2016, also provides the court with a more active role through the adoption of inquisitorial system.

16. The National Council for Peace and Order (NCPO) Order 3/2015 and Section 48 of the Interim Constitution do not establish a de facto impunity for government personnel. Order 3/2015 and Section 48 clearly stipulate that the immunity is granted only to officials who perform their duty in good faith, and without bias or undue severity. Hence, if official commits an unlawful act, abuses or overuses his power, including when performing duty under NCPO Orders, he shall be liable for his action and subject to punishment. NCPO Order 3/2015 is intended for the military personnel to work with and provide support to the police. It also guarantees the right to seek compensation from the government for damage in accordance with the laws governing liability for wrongful acts of officials.

Question 5

17. Migrant workers who enter the Kingdom of Thailand via legal channels will be entitled to the same set of rights and receive protection in the same manner as Thai workers under the laws, which include Labour Protection Act of 1998, Social Security Act of 2015, and Workmen's Compensation Act of 1994. The Government has stepped up the protection of migrant workers through nationwide labour registration scheme and Memorandum of Understanding (MoU) with 4 neighbouring countries. Around 1.7 million migrant workers from neighbouring countries have been registered with some number awaiting the completion of national verification process. The registered migrant workers are provided with temporary work permits, health insurance, and related workers' welfare.

18. Ministry of Labour (MOL) has also developed mechanisms to provide advice and receive complaints including from migrant workers. "Hotline 1694" was established to handle complaints and take inquiries related to employment in the country and oversea, workers' protection, and hiring foreign workers.

19. A new Decree on import of foreign workers into the Kingdom has entered into force on 16 August 2016. The law lays down regulations for employer, whether a natural or juristic person, who engages in the employment or arrangement of foreigners under Thailand's Immigration Law. Companies who operate and bring in migrant workers into the Kingdom without permit or not in accordance with this Act will be subject to a fine and/or imprisonment. The law also specifies measures to protect rights of workers, for instance, through monetary guarantee.

20. MOL has stepped up its efforts by extending labour inspection coverage to focus on broader and wider business sectors, including those exposed to high risk of violations such as fishery and agriculture.

21. According to NHRC, from 2009 until present, there are 15 complaints related to human rights violations against migrant workers, however, only 7 out of 15 cases were found to have grounds with supporting evidences. These cases include assault by state authorities, death, violation of right to work, etc. All have been referred to relevant agencies for further action. As for migrant workers who are victims of trafficking in persons, the Act on the Prevention and Suppression of Human Trafficking is a substantial legislation to provide such protection. The Government established Human Trafficking Court so that human trafficking cases will be deliberated by judges who have expertise and understanding of the sensitivity of the issue as well as specificity of the court's procedures e.g. court trial via VDO conference, allowing victims to make a claim for compensation and the Courts to order punitive damage against the perpetrators, and the arrangement of interpreters. In addition, for the cases of violation by government authorities, victims can also file the case to Criminal Court for Corruption and Malfeasance Cases.

22. During recent years, several laws concerning labour protection, social security and workmen's compensation have been passed or revised to provide greater protection for all workers in line with international labour standard, such as the Royal Ordinance on Fisheries 2015, Ministerial Regulation on Labour Protection in Sea Fisheries Work 2014, and MOL's proposed amendments to the Labour Protection Act, which include the increase of penalties for the use of child labour and violations involving trafficking in persons.

23. Thailand ratified the ILO Convention No. 187 on Occupational Safety and Health and the ILO Maritime Labour Convention in March and June 2016 respectively. MOL is also working on the possibility to ratify the ILO Convention No. 111 on Discrimination in respect of Employment and Occupation.

Question 6

24. National strategies to promote gender equality and eradicate stereotypes are set out in the National Women's Development Plan including the one under the 11th National Economic and Social Development Plan (2012-2016), which embraces principles according to CEDAW and Beijing Declaration and Platform for Action. At present, Thailand is drafting the new National Women's Development Plan under the 12th National Economic and Social Development Plan (2017-2021), taking into account challenges faced by women including stereotypes.

25. The Department of Women's Affairs and Family Development, Ministry of Social Development and Human Security (MSDHS), works to eradicate patriarchal attitudes and deep-rooted stereotypes including through education. MSDHS is working together with the Ministry of Education (MOE) to develop gender equality curriculum.

26. At the local level, Gender Equality Community Network was created with the mandate to deliver knowledge on women and role of men and women in the family. The project for capacity-building for women in accordance with Islamic belief was carried out in 14 provinces in the South to enhance women's role in the community and their participation in politics and administration.

27. At the national level, Women Empowerment Fund has been established since 2011 to provide funding for activities to develop leadership skills and strengthen women's role in economic and social lives. Local communities are encouraged to apply for funding in support for related community projects.

28. At the decision-making level, Section 128 of the draft new Constitution, seeks to ensure that women and representative from women's organization shall be involved in the consideration of legislations relating to women.

29. Regarding age of marriage, Department of Children and Youth (DCY) under MSDHS, proposed the amendment of Section 1448 of the Civil and Commercial Code to increase the minimum age for marriage from 17 to 18 years of age. The proposal is currently under the consideration of Office of Justice Affairs (OJA) under MOJ.

30. DCY had also proposed the amendment of Section 277 of the Criminal Code to remove the court's discretion to permit marriage between children aged from 13 up to 18 years old in cases of illegal sexual relations between children. At present, such amendment is under the consideration of OJA.

Question 7

31. Thailand has enacted Gender Equality Act of 2015 as the first legislation that provides protection for all persons against discrimination on the basis of gender and bars government agencies, private organizations, or individuals from formulating or establishing any discriminatory policies, rules, regulations, measures, projects or operating procedures

based on sexual orientation and gender identity. The Committee which oversees the implementation of this law is mandated to raise awareness and create understanding of gender equality and the rights of persons with sexual orientation and gender identity different from their birth or cultural expectation.

32. The said law also established the “Committee on Consideration of Unfair Gender Discrimination” to receive and consider complaints of violation of the said law in June 2016.

33. The 3rd National Human Rights Plan has incorporated a human rights plan on person with different sexual orientation and gender identity as one of indispensable elements for human rights protection. MOJ established the Committee to Protect the Rights of Person with Different Sexual Orientation and Gender Identities in Criminal Justice Procedure to discuss and monitor situation of lesbians, gays, bisexuals, transgender or intersex (LGBTIs) in the administration of justice.

34. MOL had considered the possibility to ratify ILO Convention No. 111 concerning discrimination in respect of employment and occupation. Concerned government agencies’ representatives have agreed in principle and will take relevant internal procedures before the submission to the Cabinet for consideration.

35. An example of a case relating to persons with different sexual orientation and gender identity is the ruling of the Administrative Court in 2011 concerning the label of LGBTs as having “mental disorder” in the military conscription. The Court ruled that the use of such term infringes upon human dignity and ordered the termination of its use.

36. MOJ, through cooperation with UNICEF and Thai Education Foundation is currently developing National Policy Framework on Protection of Children from Bullying and Sexual Harassment in schools whether it appears in the forms of body language, spoken words or physical force. The framework is expected to be completed by the end of 2016.

37. The Government has worked in cooperation with relevant UN agencies to develop tools and handbooks in order to raise awareness and promote human rights of persons with different sexual orientation and sexual identity. “Respect Rights of LGBTI Game” developed by MOJ, UNDP and UNESCO, “For the Young and Connect with Respect” produced by MoE and UNESCO, and the handbook to reduce gender-based violence in schools are some examples. MOJ is also drafting the Civil Partnership Legislation and will submit for Cabinet consideration.

Question 8

38. Domestic Violence Victim Protection Act of 2007 aims not only at the protection of the victims, but also to punish and rehabilitate the offenders. The law provides for temporary measures to protect victims and requires involvement of government multidisciplinary team and the public to provide protection for victims at every stage of legal proceedings. The law also allows the application of temporary protection orders to protect victims living in violent situations during investigation or court proceedings.

39. The amendment of Section 276 of the Criminal Code in 2007 modified the definition of rape to cover all types of sexual assault committed against any person of any sexes. The amendment removed the old definition of rape under the said provision which limited rape only to sexual intercourse between a man and a woman who is not his wife.

40. According to MSDHS, during October 2015-August 2016, there has been 2,167 reported cases of violence. Domestic violence accounts for 1,467 cases, of which 644 victims are female, 714 are children and youth, 89 are older persons and 20 are persons with disabilities. Of total 700 reported cases of non-domestic violence, 133 victims are female, 546 are children and youth, 9 are older persons and 12 are persons with disabilities.

Assistances given to victims ranging from providing advice to referring their cases to shelter or local police.

41. MSDHS affirms that OSCC has sufficient budget to work to support the Government's effort in strengthening social protection. In 2015, 635 reported cases to OSCC are domestic violence. The work of OSCC is closely monitored by MSDHS to ensure it is fully functioning. OSCC services include providing information on relevant laws, giving psychological advices and referring cases to appropriate authority.

Question 9

42. On 3 July 2014, Thailand notified other state parties to ICCPR via the Secretary General regarding the invocation of Martial Law on 20 May 2014 and the exercise of right of derogation under Paragraph 1 of Article 4 of the ICCPR. The derogation includes the obligation under Articles 12 (1), 14 (5), 19 and 21. The non-derogable rights as set forth in Articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 of the Covenant have not been affected. This notification became effective since 8 July 2014.

43. As Thailand is still in the transitional period, the derogation remains necessary to ensure public order as well as to prevent any actions that might create more social divisiveness and polarisation. Nevertheless, the Government is aware that some orders may affect the rights of the people and has therefore tried to ensure that authorized officials will carry out the duties in good faith, only by necessity, and proportionately as well as review these orders regularly.

44. As the situation shows progressive improvement, the Government continued to ease measures to allow people to exercise greater rights and freedom, even though derogation remains in effect. These include:

- The lifting of nationwide curfew on 10 July 2014;
- The revocation of the Martial Law on 1 April 2015;
- The termination of the use of military court to try civilians for new offences on cases related to Sections 107-112 of the Criminal Code and internal security on 12 September 2016.

45. The Martial Law that was revoked on 1 April 2015 was for its application throughout the country, except 31 provinces and 185 districts whereby the Martial Law was in effect before 20 May 2014.

Question 10

46. The Organic Act on Counter Corruption came into force on 10 July 2015. This law extends the scope of application to cover foreign government officials and officials of international organizations, in accordance with UNCAC, to which Thailand is a party. According to this new law, Thai government officials, foreign government officials or officials of international organizations demanding, accepting or agreeing to accept for himself or another person property or any other benefit to perform or not to perform his mission, whether such exercise or non-exercise of his functions is wrongful or not, such persons shall be punished by imprisonment from 5 to 20 years, or life imprisonment, or capital punishment and fine of around 2,800-11,500 USD. Prior to this, the offence of bribery under Section 149 of the Criminal Code, if committed by Thai officials, also carries the punishment which includes capital punishment. However, in practice, death penalty has never actually been imposed so far on any person sentenced with these offences.

47. According to statistics of the Court of First Instance, there were 201 and 233 persons convicted with death penalty for offences relating to narcotic drugs in the years 2014 and

2015, respectively. The last execution took place more than 7 years ago (24 August 2009) on 2 men for the offence relating to disposal narcotics of category I (Meth/Amphetamine) without permission under the Narcotics Act (1979). The said Act contains offences for the production, import or export of narcotic drugs that are subject to capital punishment.

48. Although Thailand has never established de jure moratorium on death penalty, this year (2016) marks the seventh year that the country has had no execution. This is partly due to the possibility for a convict with death sentence to file a petition asking for a Royal Pardon in accordance with Sections 259 and 261 of the Criminal Procedure Code. A Royal Pardon for a group is also attainable by a Royal Decree.

49. The Government has been working towards abolishing death penalty. The country's determination in this regard was spelled out in the Second National Human Rights Plan and the Third National Human Rights Plan. The Rights and Liberties Protection Department (RLPD) under MOJ has also been active in organizing dialogues throughout the country to raise awareness and create understanding among people about the use of death penalty. However, the survey has been carried out with the result of more than 80 percent of participants in every region disagree with the abolition of death sentence in the criminal law and view death penalty as a means of deterrence.

50. To continue its efforts, MOJ has come up with steps to move towards abolishing death penalty, which can be divided into (1) Study existing offences for which only the death penalty is imposed and explore the possibility to allow the court to use their own power of discretion to decide whether to use death penalty; (2) Abolish the death penalty for certain offences; and (3) Abolish the death penalty for all offences at the end.

Question 11

51. The Act on Prevention and Suppression of Torture and Enforced Disappearance B.E. was drafted to provide clear definition and set up specific offence on torture to be in line with the terms set forth under CAT, to which Thailand is a party, and to serve as an implementing legislation for ICPPED, to which Thailand has signed but not yet ratified. The Act also aims to strengthen the prevention, suppression, and prosecution mechanism and to ensure remedy for victims as well as address the problem of misuse, and abuses of power by government authorities with regard to torture and enforces disappearances.

52. On 24 May 2016, the Cabinet approved the draft Act in principle. The draft has been reviewed by the Council of State and is currently waiting to be submitted to the legislative branch for consideration.

11 (a)

53. NHRC shows statistics in the southern border provinces for 11 complaints that were filed related to torture in 2015, and 5 filed in 2016. On enforced disappearances, 10 complaints have been submitted to NHRC from 2009 to present.

54. The Southern Border Provinces Administration Center (SBPAC) also reported that between 2007-2012, 26 complaints concerning enforced disappearances were lodged. Among these, investigation revealed that 1 case involved the act of state officials. As a result, the compensation worth 120,000 million USD was provided to the family of the victim.

55. Statistics, however, show a decrease in number of claims related to these types of crimes. One contributing factor to this may be the Government's policy adopted in 2008, which prohibits police raids. The arrest must be carried out through the issuance of an arrest warrant. This helps provide greater clarity on the case and specify clear responsibility of the authority who takes action. Claims submitted to NHRC are usually handled in cooperation

with relevant agencies including SBPAC in order to find facts, provide necessary legal support, and facilitate access to justice for victims and families of victims.

56. Section 150 of the Criminal Procedure Code provides measures of post-mortem inquest in cases of death caused by act of official alleged to be carrying out his duty; this involves the case of extrajudicial killing. In this regard, the public prosecutor and administrative official together with the inquiry official and physicians shall hold a post-mortem inquest on the corpse to determine the reason of death.

11 (b)

57. SBPAC established a fact-finding committee comprised of religious leaders, community leaders, and other stakeholders to investigate allegations of unlawful acts committed by law enforcement officials in the southern border provinces. If state officials committed unlawful act, the offender will be subject to punishment by law in addition to disciplinary measures. Victims are also entitled to compensation under relevant laws including the 2012 Regulations of Strategic Committee for Development of Southern Border Provinces.

58. The Government reaffirms intention to ratify OPCAT. RLPD has been working closely with Association for the Prevention of Torture on capacity building. Several technical trainings have been arranged. Technical training is also needed for NHRC to be able to fulfil its function as NHRC has been identified to be the National Preventive Mechanism once Thailand becomes party to OPCAT.

11 (c)

59. Ms. Kritsuda Khunasen was among those who were arrested at the residence of Mrs. Mananchaya Ketkaew in Chonburi province on 27 May 2014. Such arrest was a part of the operation that followed the investigation of the violent incidents with the use of warfare weapon on streets in Bangkok on 22 May 2014 and linked to prior arrest on the ground of illegal possession of firearms in Samut Prakan province.

60. The Royal Thai Army affirmed that while in custody, Ms. Khunasen was taken care by joint operation among the army, police and civil servants to ensure transparency of investigation as well as the check and balance. Ms. Khunasen stayed in a guest quarter and no restraining devices were used. Female security officers were also assigned to look after her. Ms. Khunasen provided beneficial information and led to the arrests of other suspects of the bombing cases in Bangkok as well as the shooting case in Trat province. At one point she put a request in written to continue to stay in custody in fear of her safety after she had testified against many suspects involved in several serious crimes.

61. On 23 June 2014, Ms. Khunasen appeared on national television with concerned officials explaining about her well-being while under the care of the authorities. She was later released on 24 June 2014.

62. After that, Ms. Khunasen left the country, and in August 2014 she posted VDO clips on YouTube alleging that she was subject to torture and other ill-treatment as well as arbitrary detention by military officers.

63. After investigating other suspects from other violent incidents as mentioned above, on 9 August 2014, Criminal Court issued an arrest warrant for Ms. Khunasen on the ground related to possession of illegal war weapons and carrying arms in public without reasonable cause.

64. On 18 August 2014, NHRC called related government agencies and concerned NGOs for a meeting to seek information regarding the criminal case against Ms. Khunasen and her alleged torture. NHRC also advised the authorities to have due consideration and

take necessary preventive measures against risk of torture when conducting any arrests and detaining any individuals.

11 (d)

65. Various measures have been taken to ensure that law enforcement officials act in a manner consistent with Articles 6 and 7 of the Covenant. RLPD has regularly organized conferences, training courses, and distributed booklets and brochures in order to raise awareness, especially for law enforcement officials.

66. Training for government officials on the prohibition on torture are conducted continuously in different regions of the country. For the past few years, over 30,000 law enforcement officials have received training on human rights principles including ICCPR and CAT. Moreover, a special curriculum on CAT has been developed and provided to government agencies to incorporate into their internal training.

67. The Legal Bureau under the ISOC-4 provides human rights training to military personnel in the southern border provinces.

11 (e)

68. The Act on Prevention and Suppression of Torture and Enforced Disappearance B.E., provides measure that prevents human rights violation committed by state agents, ensures prompt and impartial investigation, and provides remedial procedure for victims of torture and enforced disappearance.

69. The law will set up National Committee on Prevention and Suppression of Torture and Enforced Disappearances to develop policy measures for prevention of torture and enforced disappearances. The law stipulates that when the plaintiff files the case related to on-going torture or enforced disappearance, the court shall to decide and order termination of such act as a matter of urgency. Due to the fact that police and military officers are often accused of being involved as the perpetrator themselves, investigation under this draft Act will be carried out by the Department of Special Investigation (DSI) under MOJ. Only if the perpetrator himself is DSI official, will the investigation be carried out by the Royal Thai Police. This aims to prevent conflict of interest in the investigation process. The law ensures that victims of torture and enforced disappearances are entitled to seek compensation.

70. ISOC — 4 adopted a guideline for officials when conducting arrests. Officials must notify community leaders before bringing the suspects out of the community area. Information regarding the arrest must be recorded, provided with the officers' organization, the where about of the detention, and physical examination report prior to and after detention. SBPAC also launched a 24/7 hotline where people can submit complaints and provide useful information to authorities related to the cases.

71. Regarding compensation provided to victims in the southern border provinces, the Regulations of Strategic Committee for Development of Southern Border Provinces 2012 provides remedy to victims injured from act of officials including those detained under security cases. The Regulation provides different types of remedy including (1) compensation provided for victims who died from or became disabled from acts of officials; (2) financial aids provided to victims for criminal proceedings and forensic examinations; and (3) remedy provided to victims deprived of liberty and affected by special laws if the public prosecutor decided not to prosecute.

72. Victims in death cases, enforced disappearance cases and those disabled due to act of government officials are entitled to compensation from around 14,500 USD but not exceeding 20,000 USD. One torture case in the southern border provinces as reported by

ISOC-4 in 2009 involved military personnel who committed torture and abused the use of power by detaining victim in Yala Province for over a period of 7 days exceeding the limit under the Martial Law. Supreme Administrative Court then ruled that Royal Thai Army was liable for compensation of 8,714 USD plus a 7.5% annual interest, whereas Ministry of Defense was liable to pay 5,714 USD plus a 7.5% annual interest. In addition, the officials who committed such offense were also subject to severe disciplinary measures.

Question 12

73. The Interim Constitution and NCPO Orders 3/2015, 5/2015, and 13/2016 do not constitute extra power to officials. Their use of power has to be in line with existing legal frameworks, such as the Criminal Code and Criminal Procedure Code.

74. Order 13/2016 aims at suppressing organised crimes, such as extortion, human trafficking, drug trafficking, and firearms stockpiling. The nature of these crimes is usually more complicated and involves mafia or powerful criminal figures, thereby posing increased risk to officers in charge. The assistance rendered from the Armed Forces would increase the effectiveness in crime prevention and suppression. As such, the Order is merely a supplementary measure to the normal criminal procedure.

75. The Order requires authorized military officers to hand over the arrested individuals or seized objects to the police in order to pursue the case in accordance with ordinary procedure law. Hence, people arrested under this Order are entitled to the same set of rights, including right of habeas corpus, as those arrested by the police in other criminal cases. This means they are entitled to receive visits by family and have access to legal counsel or lawyer and health care.

76. The Order allows authorized officials to hold individual for a period of not more than 7 days, for the benefits of investigation and to prevent such problem as escapes, tampering with evidence as well as to protect potential witness from threat and danger. In such cases, these people must be placed elsewhere, given prisons are only for offenders. The authority usually notifies families of their whereabouts and allows access to a medical doctor when necessary.

77. As a safeguard, the Order stipulates that authorized officers are obliged to carry out their duties in good faith, non-discriminatory and only by necessity. Persons who are injured by an official's actions can seek compensation in accordance with the laws governing liability for wrongful acts of officials.

Question 13

78. During the past few years, NCPO had announced NCPO Orders 37/2014, 38/2014 and 50/2014 that grant military court the power to try civilians who committed serious offences in order to ensure effective maintenance of peace and order. Such serious offences include those related to weapons and firearms that are exclusively used in warfare, offences against the King, the Queen, the Heir-Apparent and the Regent, against the internal security of the Kingdom, and other offences as stipulated in NCPO orders.

79. Taking into account the seriousness and sensitivities of such crimes, the judges in the Military Court makes decision with careful consideration. Statistics show that from May 2014 to 31 July 2016, 93% of the cases submitted to Military Court involve the possession or the use of heavy firearms, ammunition or explosive substance that are used in warfare.

80. The defendants before Military Court are subject to the same set of rights as those who appear before civilian courts. Military Court must comply with the Criminal Procedure Code, which guarantees the right to fair trial and the rights of the defendants in accordance with international standards.

81. All the judges in Military Court must have practiced law within military judicial system for years. They are required to have the same set of knowledge and expertise in criminal law as the judges in civilian court.

82. The defendants are also entitled to the right to legal counsel. The Court shall never launch any proceedings if the defendants are not represented by an appropriate lawyer. The right to bail is also available and the request for bail is considered on the same basis as in civilian court. Many cases that are of the public attention have been attended, not only by the defendants' relatives, but also civil society and human rights organizations. Plaintiffs and defendants also have the right to appeal to Military Court of Appeals.

83. On 12 September 2016, the Prime Minister, in his capacity as the Head of NCPO, has issued an NCPO Order (55/2016) according to which all offences previously fall under the jurisdiction of Military Court by virtue of NCPO order regarding the lèse-majesté offences, offences against state security, and offences related to war weapons, shall come under the jurisdiction of Judicial Court of Justice if committed on or after 12 September 2016.

Question 14

84. It is the Government's duty to ensure that human rights defenders can carry out their work in a safe and enabling environment. The Witness Protection Program is available for human rights defenders and their family members who witness criminal cases.

85. In 2014, the Working Committee on development of measures to protect human rights defenders was established by MOJ and started discussion on the current situation faced by human rights defenders, the legislations and best practices from different countries, and the UN Declaration on Human Rights Defenders. In 2015, the Committee came up with 3 steps of work to be further expedited including (1) Creating the criteria and name list of human rights defenders who is eligible to receive special protection; (2) Issuing Ministerial Regulation to protect human rights defenders; and (3) Upgrading Ministerial Regulation to the Law and amending relevant legislation. There has been on-going debate on the merit and practicality of each measure particularly on the criteria for classification of "human rights defenders", appropriate protection measures, and key elements in guidelines for relevant agencies.

86. The draft 4th National Human Rights Plan (2019-2023) will include human rights defenders as one of the target groups. The passing of the Act on Prevention and Suppression of Torture and Enforced Disappearance B.E. will also strengthen the prevention of possible violation and increase protection for human rights defenders.

87. Certain measures put in place that may result in limitation of right of assembly are only temporary and based on necessity to restore stability and avoid further violence. The Government has constantly relaxed existing law and order measures in response to positive development of the situation.

Question 15

88. The Government respects prisoner's rights and human dignity and ensures that prison conditions meet international standards.

89. Sleeping area shall be in a proper condition with appropriate ventilation and lighting. The space allocation for each person is 1.2 sq.m. per person. Prisoners will be provided with clean clothes suitable for climate condition and sufficient mattresses. The premise for food preparation and prison canteen shall be kept clean in accordance with hygiene regulations. Food is provided for 3 meals with an adequate amount to maintain good physical health and in conformity with cultural values and religious beliefs. Drinking water

shall be provided sufficiently at their disposal. Every prison shall be provided with sufficient toilets which are proportionate with the numbers of prisoners and in accordance with hygiene regulation.

90. All inmates are entitled to the right to receive initial medical treatment at medical center which is equipped with stationed personnel.

91. As for measures taken to segregate pretrial detainees from convicted prisoners, in general, pre-trial prisoners will be held separately in Remand Prisons where separate facilities are available. In case where there is a limitation of prison's capacity, they may occasionally be mixed together with the sentenced prisoners, but usually held in separate dormitories.

92. The Government, under the guidance of HRH Princess Bajrakitiyabha, initiated and played a leading role in the development, promotion and implementation of Bangkok Rules to improve women prisoner's well-being and living quality. The Department of Corrections in cooperation with the Inspire Project has implemented the Bangkok Rules in prisons where women are held. Rule 56 of the Bangkok Rules takes into account women's particular risk of abuse, in particular sexual abuse, during this period, because of their gender and other typical vulnerabilities.

93. All inmates are entitled to the right to file a complaint, verbally and in writing, to correctional officers. They are also able to write complaint to RLPD, NHRC, ombudsman and other relevant bodies.

94. Restraining devices will only be used in limited circumstance and must be in line with Penitentiary Act and Department of Corrections' Guideline. The instrument of restraint will only be applied upon having a reasonable ground to believe that a prisoner is potentially dangerous to life or body of others and there is no other choice of prevention, and in the case where a detainee is taken outside the prison for a hearing or to any court proceeding.

Question 16

95. The Government attaches priority to address the human trafficking problems as can be witnessed by our vital role in setting "Zero tolerance for human trafficking" policy.

96. From 2009-August 2016, NHRC received 15 complaints related to trafficking in persons, out of which 3 were found that violations may have occurred. NHRC has then referred the complaints to agencies concerned with recommendations for further action. Victims of such violations may pursue their case further for legal action in court.

97. From January to August 2016, the number of allegations prosecuted under the Anti-trafficking in Persons Act (2008) is 504 cases. At present, 252 cases have been final, this number accounts to more than half of all the cases considered. Out of the 252 cases, the perpetrators in 216 cases were convicted, 14 cases were dismissed and 22 cases were disposed due to various reasons including cases withdrawn by the plaintiff or settled by reconciliation.

98. There were 428 persons who are under the protection of MSDHS residing in 9 protection centers. The establishment of Human Trafficking Court demonstrates the Government's determination in tackling the problem in a more timely and effective manner. MSDHS plays an important role in providing physical, mental and social support to victims of trafficking in persons and works with the court to assess appropriate remedy. The Fund for Human Trafficking also provides 90 USD initial payment for victims.

99. The Human Trafficking Prevention and Suppression Committee acts as a policy-level committee mandated to lay the framework to address human trafficking at the national

policy level. The Human Trafficking Prevention and Suppression Coordinating and Supervisory Committee is tasked to prepare and monitor the performance of the agencies concerned according to the plans, to ensure consistency, and educate the public across regions of Thailand, so that its impact can reach the whole of government and society.

Question 17

100. Regarding the timeline, after the Referendum on 7 August 2016, CDC had to amend Transitory Provisions (Section 272) in accordance with the supplementary question that was approved during the Referendum. The amendment was subsequently approved by Constitutional Court and reverted to the Cabinet. At present, the draft Constitution is awaiting to be submitted for Royal approval. It is expected to be promulgated by the end of this year.

101. The Government attaches high importance to freedom of expression and public participation as they are crucial components in participatory democracy. During the drafting process, CDC organised several hearing sessions to receive inputs from all sectors of the society. Before the Referendum, volunteers were sent door to door to disseminate information on the draft Constitution to enhance public's understanding. Public seminars and debates on the content of the draft Constitution organised by academic institutions, right groups and civil society were also allowed, including those that presented the opposing views.

102. The aim of the Constitution Referendum Act of 2016 was to ensure a fair and orderly consideration of the draft Constitution. Section 7 of the Act guaranteed all individuals' freedom to express opinions on the draft Constitution in good faith and in accordance with the law. The prohibitions (as stipulated in Section 61) were only included to discourage opinions or acts that may incite discord and instigate further social divisions which could disrupt the Referendum process.

103. Constitutional Court ruled that Section 61 of the said Act was not contradictory to Section 4 of the 2014 Interim Constitution because the core principle of freedom of expression continued to be upheld. Section 61 respected peoples' constructive expression of opinions and viewpoints while only prohibited the expression that was done in a rude, violent, and threatening manner — all of which could potentially infringe other peoples' rights and instigate divisions and thereby disrupt the Referendum process. Such prohibition, in the Court's viewpoint, was justifiable considering the country's current context which needed to maintain public order and social harmony. They also viewed that the scope of prohibition was clear, hence not causing confusion to people, and the prohibition was for general application without any discrimination. The Court also reaffirmed that individuals affected from the abuse of power in this regard can file a lawsuit to respective courts.

104. The new electoral/selection system, which sets out stricter qualifications of voters as well as candidates for members of House of Representatives and the Senate, aims at increasing transparency (for example, (1) those whose electoral rights were removed are ineligible voters, and (2) those who were convicted with corruption charge are ineligible candidates) and preventing nepotism (for example, those who are spouse, parents, or children of holder of political position are ineligible candidates). While some may consider that this limits the rights to elect or to be elected, the fact remains that the large majority of Thai people have voiced their agreement on the draft Constitution which includes this system.

Question 18

105. Although the Government has recorded the number of criminal proceedings for cases related to defamation according to Sections 326-328 of the Criminal Code, there is no

official record on the number of defamation cases against human rights defenders, journalists, and other civil society actors as concerned agencies has not disaggregated data by categories of the accused or defendants. Another technical challenge is that a clear definition and scope of some categories, particularly human rights defenders, is still debated and a work in progress among relevant agencies.

106. The objective of the 2007 Computer Crime Act is to set out offences against computer-related crimes such as hacking, phishing, forgery, gambling and pornography. The Act was drafted in line with the principles in the Convention on Cybercrime, even though Thailand is not yet a party. The Act does not prohibit freedoms of expression and of opinion.

107. At present, there has been an increasing number of defamation incidents conducted in cyber space or social media, resulting in a rise in cases filed against the accused by referring to Section 14 of Computer Crime Act in connection with Sections 326 and 328 of the Criminal Code (on offence of defamation).

108. Nevertheless, some recent court's adjudications illustrate the attempt to interpret and encourage the use of this Act in accordance with its true objective. These include:

- In September 2015, Phuket Provincial Court ruled to dismiss two Phuketwan journalists from the charge on defamation and a breach of the Computer Crime Act. The Court indicated that their news publication was not criminal defamation but merely a reproduction of words from another news agency. The Court also stressed that the Computer Crime Act was not intended to punish the person who commits the offence of defamation as the offence was already covered in the Criminal Code;
- In October 2016, Southern Bangkok Criminal Court ruled to dismiss the charge on a breach of the Computer Crime Act against Mr. Watana Muangsook, a politician from Pheu Thai Party. The Court ruled that Mr. Muangsook's criticism against a Cabinet member posted on Facebook was the expression that was done in line with the framework of Section 4 of the 2014 Interim Constitution, hence not breaching the Computer Crime Act.

109. The Act is currently under amendment to make clearer definitions in each section and ensure that it would be interpreted in accordance with its real objective. The draft amendment is now at the second reading of the National Legislative Assembly.

Question 19

110. Human rights activists are protected in the same way as all persons in Thailand under the law. However, given the political conflicts which the country has experienced over the past few years, some limitations are deemed necessary to prevent further social divisiveness and political conflicts. It is not permissible to allow people to incite hatred against one another, simply because they may hold different political opinions.

111. It is also important to always distinguish constructive debate from the expression of hatred with a political agenda that is aimed at creating more violence and polarization of the society. It has never been the intention by the Government to impose restrictions to ordinary citizens who have well intention particularly those who are willing to participate meaningfully in the reform process of the country.

112. Section 116 of the Criminal Code aims to prohibit the use by words, writings or any other means that (1) brings about change in the laws of the Country or the Government by the use of force or violence (2) raises unrest and disaffection amongst the people in a manner likely to cause disturbance in the country and (3) causes the people to transgress the laws of the Country. This does not apply to those who peacefully express political opinions

with well intention, but aims at preventing the expression of hatred that stirs violence in the society.

113. The NCPO Order 7/2014 and the Head of NCPO Order 3/2015 share similar nature as they aim at maintaining peace, order and security necessary by restricting political gathering of more than five persons.

Question 20

114. The 2007 Constitution and the 2014 Interim Constitution embrace the rights to freedom of peaceful assembly. More importantly the new draft Constitution also guarantees freedom of peaceful assembly in Article 44 with the clause prohibiting restrictions except by law in order to maintain security, public safety, peace and order or good morale of the people, or to protect the rights and freedom of others.

115. Certain restrictions with regard to right to assembly are only temporary and based on necessity to restore stability and avoid further violence in the society. During the time of deep political conflict and social divisiveness, the Government saw the need and then put in place some restrictions, which include the issuance of NCPO Order 3/2015 to restore stability and avoid violence. The authorities, so far, have exercised restraint and used discretion in allowing the organization of public activities as far as it does not seek to re-ignite social divide and stir hatred and violence.

116. Parties who seek to organize normal public activities are requested to notify or consult Government authorities in advance to avoid disruption. This required notification is also in line with the Public Assembly Act, which was introduced in 2015. The Act aims to lay down the principle and rules for public assembly in the country to ensure public order and well-being of the people, while respecting people's right to freedom of assembly. The law also introduces the system of prior notification, which aims at protecting important government and public premises and maintaining security of the people participating in the gathering as well as those in the surroundings.

117. Almost all requests for public assembly have been approved except for few public gatherings seen to be politically motivated, misleading, and provocative. The rally by student activists from Thammasat University to Democracy Monument in Bangkok on 22 May 2016 is one of the examples of prior notification as well as peaceful protest management by police authorities. OHCHR has organised human rights and law enforcement course for the Royal Thai Police personnel, which also covers discussion on crowd control and the use of Public Assembly Act by taking into consideration relevant international human rights standards.

Question 21

118. Lèse-majesté law should be seen in the light that the monarchy is deeply revered institution in Thailand. It gives protection to the rights or reputations of the King, the Queen, the Heir-apparent, or the Regent in a similar way libel law does for commoners. At the same time, its aim should not be misinterpreted as curbing people's rights to freedom of opinion and expression, nor the legitimate exercise of academic freedom.

119. In fact, an increasing number of those prosecuted under Section 112 of the Criminal Code since 22 May 2014, also include cases, which are on-going before May 2014 but currently being pursued and reported by the media. Admittedly, the increasing number also resulted from nature of political conflict in the Kingdom in recent years where political players tended to exploit the monarchy for their political gain. Some of these actions include statements explicitly aim at inciting hatred and creating disharmony in the society by defaming the monarchy.

120. As with other criminal offences, proceedings on the lèse-majesté cases are conducted with careful consideration and in accordance with due legal process of law. Any person acquitted is entitled to the same set of rights as in other criminal offences. Pre-trial detention may apply and the accused or defendant has the right to be released on bail as considered by the court, taking into account the seriousness of the crime and the possibility of the accused or defendant to flee or tamper with evidence.

Question 22

121. The Government upholds human rights for all persons regardless of nationality or legal status. Although Thailand is not a party to the 1951 Convention relating to the Status of Refugees, the Government maintains a long-standing commitment to humanitarianism and to take care various groups of irregular migrants. Thailand adheres to the principle of non-refoulement, one of the international customary laws.

122. As a prime example, the country has continued to host more than one hundred thousand displaced persons from Myanmar who have remained under our care for four decades in 9 temporary shelters along the Thai-Myanmar border. The Joint Working Groups on the Return of Myanmar Displaced Persons consisting of both Thai and Myanmar representatives was established to facilitate voluntary repatriation. In October 2016, the Thai and Myanmar governments, with the support of UNHCR and IOM arranged for the pilot group of 71 Myanmar displaced persons to return to their homeland under the principles of voluntariness, dignity and safety.

123. With regard to the reports of push-back of Rohingyas, National Security Council (NSC) as a key agency in a policy level for this matter has integrated all actions and projects undertaken by relevant organizations to tackle the predicament of Rohingyas taking into consideration the balance between security and human rights. For Bangladeshi Rohingyas, the Ministry of Foreign Affairs has collaborated with Bangladesh Embassy for nationality verification and have returned over a thousand persons back to Bangladesh. For Myanmar Rohingyas, MSDHS has provided shelter for females and children.

124. Concerning the repatriation of Hmong Laos, as the Laotian Government guaranteed that these people are of Laotian nationality and would be entitled to the same rights afforded to nationals, including allocation of lands and support for their livelihood. Many have been resettled in third countries.

125. As for the repatriation of Uighurs to China, the government kept a vigilant eye on the follow-up after the return. The former Secretary-General of NSC visited China in July 2015 to observe their well-being. The Chinese government has assured that those who are proven by investigation and not implicated in crime would be allowed to return home.

126. NSC is currently studying a feasible model for setting up a system, possibly a screening process, to assist urban cases, while the Council of State is designated to review relevant laws for this purpose.

127. The Cabinet has approved in principle of the draft Act on Prevention and Suppression of Torture and Enforced Disappearances, of which there is a provision on the principle of non-refoulement.

Question 23

128. While Thailand is not party to 1951 Refugee Convention, Thailand recognises the possible needs of asylum seekers and refugees for international protection, and therefore has refrained from deporting them.

129. Period of detention depends on the Refugee Status Determination and resettlement processes conducted by UNHCR. Thailand has repeatedly requested for the expedition of such processes.

130. Thailand allows NGOs to seek bail for those believed to have fled home for fear of persecution, especially women, children, and persons with serious medical conditions, to live outside Immigration Detention Centres (IDCs). Today, the majority have been granted bail with the remaining few being expedited for consideration.

131. Thailand recognises overcrowding situation in IDCs. We have allocated over 14.58 million USD to improve IDCs and enhance living conditions of these individuals.

132. As pledged by the Prime Minister at the Leaders' Summit on Refugees, Thailand is committed to developing a screening mechanism to distinguish those who truly need protection from those migrating to Thailand for other reasons, so protection can be accorded, and minimise immigration detention.

Question 24

133. DCY plays an important role in taking care of these groups of irregular migrant children in compliance with the Child Protection Act (2003). The children are provided with basic education, recreation activities, as well as food and medical examination under MSDHS Center.

134. In of case families, adults will be sent to IDC while accompanying children will be transferred to MSDHS Center. However, in practice, majority of families do not want to be separated from their children. In this regard, the family needs to agree upon having their children with them in IDC by giving authorization.

135. Thailand Immigration Bureau (TIB) is currently working in close cooperation with Thai and international organizations in providing assistances to migrant children. TIB has also worked in collaboration with IOM and has set up Daycare Center within Bangkok IDCs to provide opportunity for children to learn and enjoy activities conducive for their physical and mental development.

Question 25

136. Despite limited capacity of some detention centers, TIB has continued to improve the conditions through cooperation with domestic and international partners. TIB's Order 148/2000 concerning standard of the IDCs indicates the duty of concerned officers in treatment towards individual and guidelines for IDCs management. According to the Order, individuals shall be disaggregated based on sex, age, religious, nationality, health condition, and nature of case. The Order also guarantees the individuals' rights to sanitization, food, and health and ensures respect for religious belief.

137. The Government also works in close collaboration with organizations to bring in doctor for medical checkups and services. In case of serious illness the person will be brought to hospital with financial support. Vaccination, disinfection and cleaning services are regularly provided.

Question 26

138. During recent years, several laws concerning labour protection, social security and workmen's compensation have been revised to provide greater protection for all workers. The efforts to tackle child labour have been intensified and yielded positive results. In 2013, the National Committee to Eliminate the Worst Forms of Child Labour issued the notification on a compiled list of hazardous works, in compliance with the ILO Convention No. 182 on the protection of children. Other notable actions are such as changing the laws

to raise the minimum age for works in agricultural sector (from 13 to 15 years of age) and in sea fishing vessels (from 16 to 18 years of age) in 2014. The new amended law has heightened severities in the punishment terms on the length of imprisonment and the amount of fines in a number of provisions. For example, the deterrent penalties with a maximum of 2 years imprisonment or 11,000 USD, or both, were introduced for cases related to violations of the law on the employment of children.

139. The labour inspection measures are tightened nationwide to ensure effective law enforcement and full compliance with the labour laws. The Government has proactively partnered with all stakeholders, particularly the private sector in sugar industry and sugarcane farmers, to eliminate the use of child labour in an entire production chain. A special task force empowered to inspect enterprises potentially at risk of using child labour, especially child labour in sugarcane farms, has been set up.

140. For Juvenile and Family Courts, there were 665 child labour cases in the year 2015, 664 cases out of this number or 99.85 percent has already been judged. Nevertheless, with the Court's restructuring and establishment of a Special Section on Human Trafficking, the prosecution on cases related to child labour will be conducted in a prompt and efficient manner.

Question 27

141. The Civil Registration Act amended in 2008, ensures that all persons born in Thailand are entitled to birth registration. The Act empowers official authority at different levels to act as registrar in order to facilitate birth registration in all areas within the country, in the most accessible manner. The Act also emphasizes that all children shall be issued a birth certificate regardless of their nationality.

142. As a result of the amendment, improvements in birth registration include 1) Integration of birth registration system between Ministry of Interior (MOI) and Ministry of Public Health (MOPH); 2) Babies whose delivery takes place in medical institutions are issued with birth registration through online system hence reduce the possibility of delayed registration or unregistered birth; 3) In addition to official at provincial and local levels, village headmen have also been authorized by MOI to issue birth registrations; 4) MOI continuously provides trainings for authorized village headmen and promotes correct understanding about the laws; 5) Mobile unit was established to access those living in remote area.

143. Monetary penalty for late registrations is prescribed for those who fail to register within 15 or 30 days after birth depending on the place of delivery. Parents who fail to register within the prescribed period are subject to not more than 30 USD fine. The law requires registrars to issue birth registration in all cases, be it late registration or for the baby who cannot be proved to have Thai nationality. The law also requires the registrar to contain all of the available detail relating to the birth in birth certificate, particularly in the case of late registration.

144. The Government is making its utmost effort to grant nationality to stateless persons who were born in Thailand and are eligible for Thai nationality.

145. The project initiated by HRH Princess Maha Chakri Sirindhorn in 2015 launching a survey on students in remote areas who are at risk of being stateless. The survey found 78,175 children who have status problem, of which 20,337 have already been identified as being eligible for Thai nationality. Under this project, granting nationality must be completed within six months from March 2016 or, the provincial authority is required to submit follow up report to MOI on monthly basis. To complement this survey project, operational mobile units have been deployed to receive applications for Thai nationality, particularly in mountainous areas and along the border.

146. Forensic evidence is one of the crucial elements to help identify identity of a person including his/her nationality, Office of Forensic has been providing services for persons with status problem in remote areas. During 2008-2014, there were 2,423 persons who had gone through DNA test and were successfully granted with Thai nationality. In 2015, 1,628 persons had gone through the test and their legal process of naturalization is currently ongoing.

Question 28

147. Members of ethnic communities are entitled to rights and dignity the same way as all Thai people under the Constitution and all relevant laws. The draft new Constitution specifically ensures the protection of ethnic groups as Section 70 places duty on the State to promote and protect their rights to culture, traditions and traditional lifestyle. The right of a community to preserve its traditional culture and manage their own natural resources is also guaranteed in the draft Constitution.

148. The operational measure has been developed under the Plan on Cultural Rights and Rights concerning Religion to create understanding among ethnic groups, as well as encourage freedom of religious faiths and practices, rites, and expression of religious and cultural beliefs.

149. In areas where the rights of ethnic community and the authority's attempt to preserve natural resources are often disputed, National Park Advisory Committee has been set up at provincial level total 147 committees across the country to serve as forum for local relevant authorities, civil societies and local communities to meet and discuss about the management of the land in the area.

150. The right to participate in the decision-making for ethnic communities is also guaranteed in other legislations on specific issues such as environmental law, through the public participation in Environmental Impact Assessment.

151. As Thailand has recently become party to UNESCO Intangible Cultural Heritage Convention, the law on the Intangible Cultural Heritage has been passed and listing of National Intangible Cultural Heritage has been created.

152. Thailand is home to about 70 ethnic languages, according to the research conducted by the Royal Institute of Thailand. The research resulted in the development of National Language Policy. As researchers also found that multilingual education can greatly improve the school performance of ethnic minority children, the effort to preserve cultural heritage of ethnic communities has therefore been carried out through the formal education system. A number of primary schools offering nine years of compulsory education located in the border and marginalized areas have been given special assistance by MOE to provide multilingual teaching to ethnic children speaking non-Thai languages, including through cooperation with UNICEF in 15 schools in the Southern Border Provinces.
