

# Factsheet of Joint UPR Submissions

## UPR 39th Session of Thailand



### List of Submissions

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CIVICUS and Asia Democracy Network (ADN)

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Article 19 / Freedom of Expression

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The Project X / prisoners 11 members of political prisoners

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Thailand UPR Network 2021 Joint Submission (TUN)

- *People's Empowerment Foundation, Issarachon Foundation, We Fair, Mu Liberty, For the masses, People of Older Persons Network, Thai Online Station, Association of Thai Democracy*
- *Including 26  
Chawinroj Terapachalaphon, Sitthikarn Theerawatanachai, Thanida Nuangchamnong, Jaksanapa Srakaew, Tanapat Kosumapinun, Burapa Lekluangnarm, Thipubsorn Kaewmanee, Panwaroj Naviganuparp, Nattida Rattanasawat, Sivalee Wongsawangpanich, Tithiyar Rinsuntea, Wichaya Punsawat, Titapa Maeteetanakun, Suranchana Suchanacha, Monai Jangjumrus, Pasuta Chuenkhachorn, Varinthorn Aussaneevuttikorn, Chanoknun Ruamsap, Thanarat Deejanuek, Pongkwan Sawasdipakdi, Juthathat Kugasemrat*

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Community and Civil Society Coalition for Business and Human Rights Watch: CCBHR

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Youth CSO Joint Submission to the UN Universal Periodic Review (YCJS)

- *Shero Youth Network, United Front of Thammasat and Demonstration (UFTD), Student Union of Thailand (SUT), Bad Students, The Ratsadon, UNME of Anarchy, Nisit Chula Party, ROOT*

### Contributors and Supporters



# Constitution, Freedom of Expression, Assembly, Association, and related Political Rights and Human Rights Defenders



## Summary of Key Issues from Previous Cycles

### 2nd Cycle of Constitutional Framework and Freedom of Expression

Issues	Supported	Noted
<b>Constitutional and legislative Framework</b> <i>(19 Recommendations)</i>	Uganda, Pakistan, Korea, Brunei, Honduras, Switzerland, Slovakia, Lebanon, Singapore, Kyrgyzstan, Philippines, Panama <i>12 Supported</i>	Australia, Slovenia, South Africa, USA, Latvia, Netherlands, Greece <i>7 Noted</i>
<b>Freedom of Expression</b> <i>(24 Recommendations)</i>	Guatemala, Japan, Lebanon, Korea, Albania, Chile, France, Colombia, Czech, Netherlands, Austria, Costa Rica, Austria <i>13 Supported</i>	Belgium, Norway, Spain, Sweden, Finland, Canada, Italy, Brazil, Iceland, Botswana, Germany <i>11 Noted</i>

*\*Repeal Article 112, the Computer Crimes*

## National Framework

### ● Declaration of Emergency Decree (during COVID-19)

*It was first declared in order to prevent the spread of COVID-19. This decree has continually been extended over a year, maintaining arbitrary power of the authorities. The severe state of emergency was declared on 15 Oct 2020*

### ● The Public Assembly Act

*Primary legislation to control assembly. This Assembly Act prohibits the use of certain places for the purpose of assembly. Under Section 10, any public assembly must be notified within 24 hours, and any assembly that fails its this requirement will be considered as an unlawful assembly.*

### ● The Criminal Code Public Order, Section 215 Mob

*Whenever ten persons upwards assemble or threaten to commit an act of violence, or do anything to cause public disruption, every such person shall be punished with imprisonment of not exceeding six months or fined not exceeding one thousand Baht, or both.*

### ● The Computer Crime Act 2560 (A.D.2017)

*Arbitrary powers are allocated to the government to restrict freedom of speech, conduct surveillance and censorship, and retaliate against activists (Human Rights Watch).*

### ● The Constitution B.E.2017

*Article 25 ensures the right to access remedies for those whose human rights are violated.*

Challenges	Impact
<p><b>Military Hybrid Constitution</b> Legislated by NCPO and not in line with democratic principles</p> <ul style="list-style-type: none"> <li>• 250 Senates appointed by NCPO have legal rights to vote for PM, select the members of the National Human Right Commissions and control the Parliament.</li> <li>• In the 2016 constitution referendum, the social debates and campaigns were prohibited</li> </ul>	<p>The constitution has aggravated the lack of transparency and corruption. This constitution allows the appointment of a Prime Minister who is not a member of the National Assembly. Gen. Prayuth Chan O chan, the former NCPO chief, was elected as Prime Minister under this constitution.</p> <p>Occurring nation-wide democratic protests in 2020–2021 with three demands</p> <ol style="list-style-type: none"> <li>1. Constitutional reformation</li> <li>2. Resignation of Prime Minister</li> <li>3. Reformation of the monarchy. Later, more demands were added for the protection of people from Covid-19.</li> </ol>
<p><b>Freedom of Expression is restricted</b></p> <ul style="list-style-type: none"> <li>• Government used repressive laws and emergency measures and physical violence such as tear gases, water cannons, and rubber bullets to crackdown the protestors.</li> <li>• Section 112 of the Criminal Code or Lèse-majesté is still enforced which prohibits any debate on the monarchy. Those who committed an offence under this section have been charged with severe sentences.</li> <li>• Emergency decree has been used to restrict freedom of expression. On 15 Oct 2020, government declared the severe state of emergency, claiming that the protests threatened national security.</li> <li>• The 2017 Criminal <b>Computer</b> Crime Act is still used to criminalize the exercise of freedom of expression.</li> <li>• The Public Assembly Act has been used to arrest people who exercise their freedom of assembly.</li> </ul>	<p>According to <i>Thai Lawyer of Human Rights</i> the number of political prosecutors in Aug 2021 is</p> <p><b>The Public Assembly Act</b> 106 prosecuted / 96 lawsuits</p> <p><b>Emergency Decree (severe)</b> 902 prosecuted / 331 lawsuits</p> <p><b>Section 112 of Criminal Code</b> Lèse-majesté 124 prosecuted / 126 lawsuits (including 6 children)</p> <p><b>Section 116 of Criminal Code, Sedition</b> 107 prosecuted / 33 lawsuits</p> <p><b>Section 215 Mob</b> 320 prosecuted / 81 lawsuits</p> <p><b>The Computer Crime Act</b> 74 prosecuted / 87 lawsuits</p> <p><b>Total 1,161 prosecuted and 621 lawsuits</b> Since August, the number of prosecuted and lawsuits cases are rapidly increasing on daily basis. Since August 2021, at Din Deang conjunction, the protests have turned violent. Many protesters were attacked during the police crackdowns, and some protestors were severely injured.</p> <p>The highest imprisonment of section 112 occurred of 87 years (halved to 43 years) in prison for sharing YouTube videos related to the Monarchy. The longest imprisonment under Section 122 of the Criminal Code was 89 years (<i>later halved to 43 years</i>) against a person who share a YouTube clips related with the monarchy. The number of Thai political refugees over the globe under section 112 is continuously increasing following the political conflicts.</p> <p>Political prisoners have no access to remedy after their trials</p> <p>Until March 2021, according to Amnesty (International Thailand), the number of children (under 18 years old) who have been prosecuted for political reasons is 33, with 36 lawsuits against them.</p>

# Recommendations

Constitution, Freedom of Expression, Assembly, Association and related Political Rights and Human Rights Defenders

Issues	Details	Organization
Freedom of Expression Freedom of Assembly Freedom of Association	Ensure the promotion and protection of rights to peaceful assembly, association and freedom of expression in line with ICCPR	TUN YCJS
	Ratify Optional Protocol of ICCPR	TUN
	Refrain from invoking emergency powers to restrict the right to protest	Article 19 TUN / YCJS
	Stop using weapons against protesters	Article 19 TUN / YCJS
	Amend the Public Assembly Act and guarantee the manner of assembly in line with international human rights law	Article 19
	Ensure that journalists can work freely and without fear of criminalization or reprisals for expressing critical opinions or covering topics that the government may deem sensitive	Article 19 CIVICUS / ADN
	Abolish section 112 of the Criminal Code or Lese-majeste	Article 19 TUN / YCJS
	Repeal Section 326-333 of the Criminal Code	Article 19 / YCJS
	Amend and review the Computer Crimes Act and Cybersecurity law in order to make them to compliance with international standards, including removing all criminal penalties for defamation	Article 19 CIVICUS / ADN YCJS
	Ensure freedom of expression, and repeal Emergency Decree, and end using SLAPP to intimidate human rights defenders.	Article 19 TUN / YCJS
	Repeal the Criminal Code section 117 to promote the rights of labor to take part in peaceful assembly	TUN
	Amend all relevant domestic law in line with CRC to prohibit prosecution of children for the exercise their rights	TUN YCJS
	Review and if necessary, update existing human rights training for law enforcement officials, police and security forces, with the assistance of independent CSOs, to foster the more consistent application of international human rights standards, including the UN Basic Principles on the Use of Force and Firearms	TUN CIVICUS / ADN
	Ensure that processes to draft any new laws to oversee the formation and operation of CSOs include meaningful consultation with CSOs and human rights defenders in order that such laws are consistent with international law and standards related to the freedom of association	CIVICUS / ADN
	Political Prisoners and Prosecutions	Halt all forms of politically motivated harassment of the political opposition, including the use of criminal charges, threats, surveillance and disinformation, reverse the dissolution of political parties and ensure that the parliamentary is able to fulfill their mandate effectively without fear or reprisals
Revise the Draft Bill on the Operations to bring it to line of article 22 of the ICCPR and the Human Rights Council Resolution 27/31 on Civil Society Space		YCJS
End criminal proceedings against all individuals including children, drop all charges against them for political reasons, and release all protesters who duly exercised their rights and freedom		Article 19 The Project X TUN / YCJS CIVICUS / ADN
Take the issue of a gender perspective into account, provide effective and adequate rehabilitation programs and support to the political prisoners		The Project X
Recognize the status of political prisoners under national policy and legal framework by granting them an official status to obtain rights and liberties as 'political prisoners'		The Project X
Guarantee the right to fair trial, bail, access to lawyer to for those who are politically prosecuted or right to political exile.		The Project X
Conduct thorough investigations of all torture allegations of political prisoners, and ensure that their rights for justice and remedy are guaranteed under the national law system.		The Project X
Ensure the rights of political prisoners to access remedy, by integrating this measure into national policies by implementing it without discrimination		The Project X
Constitution	Amend the Injured Persons and Compensation and Expenses for the Accused in Criminal Cases Act B.E. 2544 (2001) in order to enlarge the political prisoner's right to access national fund for their remedy requests	The Project X
	Implement all measures to erase criminal record of the political prisoner and empower them to resettle in the society	The Project X
Human Rights Defender	Review and reform the constitution in line with international human rights standards, democratic principles and ensure meaningful participation of people.	TUN
	Provide human rights defenders, civil society members and journalists with a safe and secure environment in which they can carry out their work. Conduct impartial, thorough and effective investigations into all cases of attacks, harassment and intimidation against them and bring the perpetrators of such offences to justice	CIVICUS / AND YCJS
	Ensure that HRDs are able to carry out their legitimate activities without fear or undue hindrance, obstruction, or legal and administrative harassment	CIVICUS / AND YCJS

# COVID-19, Social Welfare and Inequality



## Summary of Key Issues from Previous Cycles

### 2nd Cycle of Constitutional Framework and Freedom of Expression

Issues	Supported
Right to an adequate standard of living <i>(6 Recommendations)</i>	UAE, Nigeria, Bolivia, Malaysia, Bhutan, Kuwait <b>6 Supported</b>
Right to social security <i>(2 Recommendations)</i>	Paraguay, Japan <b>2 Supported</b>
Access to healthcare <i>(7 Recommendations)</i>	Iraq, Madagascar, Sri Lanka, Bhutan, Nigeria, Bahrain, Palestine <b>7 Supported</b>

## National Framework

### ● Lockdown and Curfew

*Under lockdown provision, the government had ordered to close public spaces as restaurants, night clubs, department stores etc., after 9.00 PM general people had not been sometime permitted to go out at night times.*

### ● Frivolous rehabilitation programs

*The government provided small financial supports which must apply through smartphone applications and limited the number of people who can apply for these governmental financial supports.*

- **Under Section 55 and Section 258 (g) of the 2017 Constitution section** the state shall ensure that the people should receive efficient universal public health services and that the public has the basic knowledge in relation to health promotion and disease prevention.

Challenges	Impact
<p><b>Lockdown and economic recession</b></p> <ul style="list-style-type: none"> <li>● The government had ordered to close public spaces for preventing COVID-19 outbreak.</li> <li>● Under the curfew, people had not been allowed to move out during 9.00 PM – 5.00 AM</li> </ul>	<p>The number of unemployed people increased to estimated 8.3 million</p> <p>SMEs and some businesses have been ruined as they had to continually pay monthly expenses without income and proper supports from the government. In 2021, Samut Songkhram seafood distribution markets were forced to close without any compensation from the government</p> <p>A large number of vulnerable people such as the poor and workers within informal sectors do not have sufficient income for their sustenance and some have been economically forced to become homeless.</p> <p>After the first sixth months of COVID-19, 2,551 cases of suicide attempts were reported, allegedly due to economic burden</p> <p>Online education is not available for the poor families</p>

Challenges	Impact
<p><b>Nontransparent manners of vaccination</b></p> <ul style="list-style-type: none"> <li>Government loans over 1 trillion baht to cope with COVID-19 under Emergency Decree</li> </ul>	<p>The opposition parties could not investigate the operation of 1 trillion loan under Emergency Decree. Thai people also could not know the result and implementation of this loan.</p>
<p><b>Inadequate healthcare services during COVID-19</b></p>	<p>Many patients infected with COVID died in their homes and on the street due to the lack of hospital beds and access to medical care.</p>
<p><b>Frivolous rehabilitation</b></p> <ul style="list-style-type: none"> <li>Government provided 5,000 baht (180 USD) support funds; anyone can apply by using smartphone but the number of the assistances was limited.</li> </ul>	<p>The poor could not access the government support because they have no smartphone or could not use phone properly.</p> <p>Migrant workers and refugees have been excluded from rehabilitation during COVID-19. They were mainly supported by local communities and NGOs.</p>
<p><b>Inequality and Social Welfare</b></p> <ul style="list-style-type: none"> <li>According to the Credit Suisse Global Wealth Report in 2018, 66.9% wealth belonged to only 1% of the entire population</li> <li>Social welfare prioritizes welfare benefits to government officers and civil servants rather than general population</li> <li>Government spent 415,100 million baht for the welfare of 6 million civil servants while it only allocated around 288,000 million baht for the welfare of 53.5 million citizens Government denied the Draft National Pension Act proposed by civil societies to improve living standard of elder pensions.</li> </ul>	<p>Elder people's economic situation is not sustainable, and they only receive 600-900 baht (20-30 USD) per month for their subsistence.</p> <p>The economic burden and inequality have caused a number of people to work abroad and send remittance back to support their family members. Thai migrant workers are stigmatized as problem makers rather than part of the state development in the host countries.</p> <p>The welfare systems have been based on discrimination between civil servants and general people. Many could not access adequate social welfare services which are especially vulnerable.</p>

## Recommendations

COVID-19, Social Welfare and Inequality

Issues	Details	Organization
COVID-19	Ensure effective social welfare and compensation to guarantee basic conditions for all during the COVID-19 pandemic	TUN
	Increase resources and budget allocation for medical heal services to ensure adequate healthcare facilities and vaccination for all during the COVID-19 pandemic	TUN
Social Welfare and Inequality	Take serious measures to reduce inequality gap, especially in regard with economy	TUN
	Develop national social welfare to ensure adequate standard of living for all	TUN
	Strengthen support for elderly people in accordance with the United Nations Principles for Older Persons	TUN
Oversea Thai workers	Take necessary steps to ensure protection of Thai migrant workers abroad and ensure accountability for violations of their rights	TUN

# National Human Right Commission



## Summary of Key Issues from Previous Cycles

### 2nd Cycle of National Human Rights Institution (NHRI)

Issues	Supported
National Human Rights Institution (NHRI) <i>(10 Recommendations)</i>	Egypt, Indonesia, Paraguay, Poland, New Zealand Portugal, Senegal, Australia, France, Nepal  <b>10 Supported</b>

\*\*\* NHRCT should be compliance with the Paris Principles

## National Framework

### ● The Organic Act on the National Human Rights Commission B.E.2017 (mid-term report)

The government explains its NHRI development through this act to guarantees independence and pluralism to be in line with Paris Principle.

### ● During the 4th batch selection process, the government set up the National Committee on Human Rights which involves partial civil society representatives

Challenges	Impact
<b>Non-Transparent Selection Process</b> <ul style="list-style-type: none"> <li>The 2017 Organic Act is not line with the Paris Principles. All candidates must be finally approved by the 250 Senates, who were appointed by NCPO, in close environment. As a result, the selection process is largely controlled by the military-backed up party and shrouded in secrecy.</li> </ul>	The 4th batch of NHRCT selection process had not proceeded with full transparency.
<b>Negligence in protecting Political Rights</b> <ul style="list-style-type: none"> <li>NHRCT does not have strong action to protect people while the government forcibly dispersed peaceful assembly in 2020-2021</li> </ul>	The political rights have been decayed as no strong institution come into place to address and guarantee these political rights against the state authorities. Protesters have been arrested as criminals and stigmatized as riots against the state.
<b>The Mechanism to Defend the Government</b> <ul style="list-style-type: none"> <li>NHRCT became the alibi institution for the government. On 26 January 2021, NHRCT declared a new regulation "Rule of Declaration Incorrectness to Reporting the Fact of Human Rights Violations in Thailand" to clarify or defend any non-UN human rights reports</li> </ul>	NHRCT through this regulation defended the government against the reports prepared by Human Rights Watch and Amnesty.

## Recommendations

National Human Right Commission

Issues	Details	Organization
Paris Principles	Amend the NHRCT 2017 Organic Law in line with the Paris Principles to ensure independence and effectiveness of NHRCT	TUN
	The NHRCT selection process should be approved by MP, not 250 Senators who appointed by military.	TUN

# Enforced Disappearance and Torture



## Summary of Key Issues from Previous Cycles

### 2nd Cycle of Enforced Disappearance and Torture

Issues	Supported
<b>Enforced Disappearances</b> <i>(10 Recommendations)</i>	Spain, Uruguay 10 Supported
<b>Ratify ICPPED</b> <i>(12 Recommendations)</i>	New Zealand, Japan, Argentina, Austria, France, Panama Slovakia, Sierra Leone, Belgium, Kazakhstan, Togo 12 Supported
<b>Enact the Prevention and Suppression of Torture and Enforced Disappearance Bill</b> <i>(4 Recommendations)</i>	Canada, Chile, Congo, Korea 4 Supported

## National Framework

### ● Thailand has no bills to prevent torture and enforced disappearances

Challenges	Impact
<p><b>There are four drafted versions of Enforced Disappearance Bills</b></p> <ul style="list-style-type: none"> <li>● Drafted version by the Ministry of Justice (In Parliament process)</li> <li>● Drafted version by the Committees on Law, Justice and Human Rights (In Parliament process)</li> <li>● Drafted version by Prachachart Party</li> <li>● Drafted version by Democrat Party</li> </ul>	<p>On 24 August 2021, a clip video taken in a police station was released and became viral in which some police officers used a plastic bag to cover the head of a drug trafficker in order to force him to confess. Finally, the drug trafficker died. This case shows that torture is still commonly practiced, and probably enforced disappearance too. Had it not been for this clip, the case would have been unknown to the public.</p> <p>The families of enforced disappearances victims could not know the fate of victims and families could not access effective proper remedy.</p> <p>In Thailand, it is reported by the Working Group on Enforced or Involuntary Disappearances that there have been 86 unresolved cases of enforced disappearances.</p>

## Recommendations

### Enforced Disappearances and Torture

Issues	Details	Organization
Enforced Disappearances and Torture	Investigate all cases of torture and enforced disappearances until families know the fate of the victims and families must be able to access effective remedy especially judicial remedy.	TUN
	Ratify ICPPED and accelerating the enactment of the Bill of Preventing and Protecting Torture and Enforced Disappearance. Thai Parliament should give priority to consider this Act by 2021.	TUN YCJS
	Ratify Optional Protocol of CAT and establish a mechanism to prevent torture in all places and ensure transparent process of investigation.	TUN
	Reform the Police institution to eradicate all forms of torture	TUN



# Peace in Southern Thailand



## Summary of Key Issues from Previous Cycles

### 2nd Cycle of Peace in Southern Thailand

Issues	Supported
Right to an effective remedy <i>(in particular in the South)</i>	Switzerland
Prohibition of torture and cruel, inhuman or degrading treatment <i>(including in Thailand's Deep South)</i>	Canada

## National Framework

- **Martial Law, B.E. 2457 (1914)**

*the government have unlimited power to control and suspend civil rights for any cases of unrest situation.*

- **Emergency Decree on Public Administration in Emergency Situation B.E. 2548 (2005)**

*Prime Minister has power to deal with specific emergency situation*

- **Internal Security Law B.E. 2551 (2008)**

*These security laws have been used over 10 years to restrict people's activities, detain anyone who are suspected without charge or trial. Any official who commits human rights violations can get legal immunity.*

Challenges	Impact
<p><b>No progress on peace process in Southern Thailand</b></p> <ul style="list-style-type: none"> <li>● The peace process have made very little progress due to the lack of people's participation The security laws have still been enforced.</li> </ul>	<p>The armed conflict still continues.</p> <p>The military and the government have legal superiority over people, causing arbitrary detentions, torture and dehumanizing treatment and abuse of fundamental rights.</p> <p>The role of people, especially women are youth are completely omitted from the peace process. The peace negotiation is based on authorities' ideals.</p>

## Recommendations

Peace in Southern Thailand

Issues	Details	Organization
Peace in Southern Thailand	Withdraw the Martial Law 1941 and Emergency Decree 2005	TUN
	Ensure inclusive participation and guarantee safety spaces for all stakeholders in the peace process	TUN
	Ensure the role of women and youth in peace process in accordance with the Security Council resolution 1325 and 2250	TUN

# Gender



## Summary of Key Issues from Previous Cycles

### 2nd Cycle of Gender

Issues	Supported
Advancement of women	South Africa, Malaysia, Laos
Discrimination against women	Bangladesh, Chile, Mexico, Djibouti
Violence against women	Fiji, Kazakhstan
Participation of women in political and public life	India

## National Framework

- There are only two drafted bills on marriage laws, **Civil Partnership Bill** and **Marriage Equality Draft Bill**.

Challenges	Impact
<b>No equal marriage law of LGBTIQ</b>	LGBTIQ could not access to equal marriage similar to that of heterosexual marriage and face with discrimination through stereotype.
<b>Sanitary Pad tax</b> <ul style="list-style-type: none"> <li>● Tax on sanitary products is 7% which is equal to tax on alcohol and cigarette</li> <li>● Women have to spend 180 baht (6 USD) per month or 2,160 baht (72 USD) per year for sanitary products</li> </ul>	Some women in difficult economic situations decide to pay for sanitary pads instead of buying food while they are hungry.
<b>Safe Abortion</b> <ul style="list-style-type: none"> <li>● Thailand do not have safe abortion system, the Criminal Code article 301 and 305 criminalize anyone who commit abortion or is involve with abortion</li> </ul>	Those women who have abortion could be imprisoned and this prevents women's accessibility to safe abortion

## Recommendations

Enforced Disappearances and Torture

Issues	Details	Organization
LGBTIQ	Address discrimination against LGBTIQ by ensuring legal recognition	TUN
	Ensure marriage equality for LGBTIQ and adopting the Marriage Equality Bill	TUN
Sanitary Pad Taxation	Repeal taxation on sanitary pads and products	TUN
Safe Abortion	Amend the Criminal Law article 301 and 305 to decriminalize abortion at all stages	TUN

# Youth and Children



## Summary of Key Issues from Previous Cycles

### 2nd Cycle of Youth and Children

Issues	Supported
Violence against children	Fiji, Kazakhstan, Sudan
Children: definition, general principles and protection	Uganda, Sierra Leone, Timor-Leste, Italy, China, Congo, Cambodia, Namibia
Children: family environment and alternative care	Bolivia, Slovenia, Madagascar, Sweden, Singapore
Children: protection against exploitation, slavery and trafficking	Kyrgyzstan, Maldives, Panama, Turkey, Algeria, Bahrain, Egypt, Malaysia, Ecuador, Greece
Children: Juvenile Justice	Sierra Leone, Chile, France, Uruguay
Children: disabilities	India, Maldives
Children: migrants	Turkey
Children: armed conflict	Panama
Children: refugees and asylum seekers <i>(stop detention of children)</i>	Luxembourg
Children: development, health services, education	Kuwait, Sri Lanka, Bahrain, Qatar, Brunei, Mexico, Yemen, Laos, Palestine, Kazakhstan, Nigeria

## National Framework

- On 20 July 2020, the Minister of Education established a center for protection and assistance for students who have been sexually abused with the purpose to provide opportunities for victims or witnesses in the school to lodge complaints.

Challenges	Impact
<p><b>Sexual harassment</b></p> <ul style="list-style-type: none"> <li>Government still has no effective plans to protect youths and children from sexual harassment</li> </ul>	<p>The Office of the Basic Education Commission (OBEC) reports that between 2014–2020 at least 1,186 children were sexually abused, with 105 of them abused by teachers</p> <p>By interview, some youth were sexually harassed or assaulted in their home and workplaces</p>

## Recommendations

Youth and Children

Issues	Details	Organization
Youth and Children	Ensure protection of children from sexual harassment in schools, homes and workplaces, and create mechanisms to protect children from sexual harassment in all dimensions.	TUN
	Take necessary measures to prohibit all forms of corporal punishment in schools.	TUN
	Free student uniform	TUN

# Business and Human Rights



## Summary of Key Issues from Previous Cycles

### 2nd Cycle of Business and Human Rights

Issues	Supported
Business and Human Rights	Sweden

## National Framework

- The National Action Plan on Business and Human Rights was adopted on 20 October 2019 with main four priority areas: on 1. Labor 2. Community, Land, Natural Resource and Environment 3. Human Rights Defenders and 4. Cross Border Investment and Multinational Enterprises.
- The establishment of the Working Group on the issues of human rights and transitional corporations and other business enterprises to raise awareness on business and human rights.
- Section 43 of the Constitution B.E.2017 affirms the community rights 1. To preserve and revive the cultural wisdom 2. To manage and maintain natural resources, environment and biodiversity 3. To sign a joint petition to propose recommendations to a state agency 4. To establish community welfare system

Challenges	Impact
<p><b>Public Hearing Process on Development Projects</b></p> <ul style="list-style-type: none"> <li>● Chana Industrial Estate: This project was designed to establish an industrial estate of 18 billion USD estate on the land of 16,700 rai which covers more than 3 sub-districts and is expected to affect the life of over 1,500 residents. The project was approved by the cabinet meeting of the military government through arbitrary legislation to accelerate the environment impact assignment without proper public hearing process.</li> <li>● Activists and NGO members were excluded from the public hearing process. Natural resources</li> <li>● Uncontrolled leaking of gas and petrol to the ocean in Rayong has affected aquatic animals and corals.</li> </ul>	<p>It enticed a demonstration led by Chana Rak Thin group demanding people’s participation in decision making and protection of the environment in all development projects.</p> <p>It is found that some people have been excluded and arrested. During public hearing of mine industry in Pattalung province, one human right defender was confined to be denied from public hearing process.</p> <p>The Government and the Court do not have a specific measure for rehabilitation programs of nature.</p>
<p><b>The National Plan on Business and Human Rights (NAP)</b></p> <ul style="list-style-type: none"> <li>● The drafting process lacked the people’s participation. There was only one public hearing without informing the context of drafting to the public.</li> <li>● CSOs could not monitor the implementation of NAP progress and CSOs have been excluded as the actor of NAP.</li> </ul>	<p>The NAP could not be implemented effectively without fully people participation. NAP has become a government tool to improve good images of the government.</p>

## Recommendations

### Business and Human Rights

Issues	Details	Organization
Business and Human Rights	Ensure public participation in development projects by assuring in advance free, prior and informed consent of people who will be affected from development projects	TUN CCBHR
	Ensure protection of land rights and environment rights in implementation of all development projects in line with Business and Human Rights Principle and Practices	TUN CCBHR
	Revise the EIA process in order to make it more effective and in line with international standards	CCBHR
	Ensure safety of human rights defenders (HRD). The government should set up a mechanism for protection of HRD	CCBHR
The National Plan on Business and Human Rights	Guarantee the inclusive participation of people in the implementation of NAP.	CCBHR

# Indigenous Rights



## Summary of Key Issues from Previous Cycles

### 2nd Cycle of Indigenous Rights

Issues	Supported
Ratify the ILO Indigenous and Tribal Peoples Convention	Sierra Leone
Ensure birth registration to ethnicity and immigration status	Namibia
Extend for all access to the rights to healthcare and social welfare without ethnic distinction or linguistic barriers	Paraguay, Japan

## National Framework

- **The Community Forest Act (government mid-term report)**  
provides a platform of local communities' engagement in decision making process on the preservation of shared forest land and resources
- **The National Environment Quality Act (No.2) 2018 (government mid-term report)**  
This act requires public participation in the EIA process including involvement and consultation with the international institutions for development planning

Challenges	Impact
<b>Kaeng Krachan National Park</b> <ul style="list-style-type: none"> <li>● The government plan to apply for the status of World Heritage of Kaeng Krachan National park is already approved.</li> </ul>	The Bang Kloi Karen who live in the Kaeng Krachan National Park since 1912 were forcibly relocated from their homeland after the proclamation of Kaeng Krachan as National Park in 2010. On 16 February 2021, the MOU was signed between the Ministry of Resources and Karen representatives to allow Karen to return to their home. However, government officers claimed that Karen had burned the forest for agricultural activities, leading to arbitrarily arrest of 22 Karen.

## Recommendations

Indigenous Rights

Issues	Details	Organization
Indigenous Rights	Respect cultural rights of indigenous people in decision making with regard to the allocation of the status as national heritage	TUN
	Ensure free, informed consent of indigenous people in advance in all decisions that might affect their lives in line with international standards.	TUN
	Stop all forms of violence against Karen communities and other indigenous communities	TUN