

Executive Summary

The assessment report on Thailand's human rights situation in 2021 is prepared according to the duties and powers of the National Human Rights Commission of Thailand (NHRCT). The presentation of human rights situation in the report is divided into four parts.

1

Assessment of Human Rights Situation in Specific Circumstances

Human rights situation under the Coronavirus Disease 2019 (COVID-19) Pandemic:

Following the severe spread of the COVID-19 pandemic in April 2021, the government has attempted to protect people's right to health through universal prevention and treatment services. However, some groups of people were missed out or faced obstacles in accessing the vaccine. The impacts of the COVID-19 pandemic have led to unemployment and lack of income. The remedies from the government might not be adequate and some groups of people did not have access to those measures. Furthermore, the pandemic has affected the right to education of children who are at risk of dropping out of school, especially poor and migrant children.

Exercise of the liberty of assembly: In 2021, peaceful means were generally used to present political demands and calls for the government to address and find solutions to economic, social, and environmental problems. Under the measures to control the spreading of COVID-19, the gatherings were adjusted to comply with such measures and took various forms, such as car mob and standing-in-distance activities. Nevertheless, there were some incidents where the assembly was not peaceful and without arms. Besides, some acts taken by the authorities in managing the crowd were inconsistent with the object and purpose of the Constitution and the International Covenant on Civil and Political Rights (ICCPR).

2

Assessment of Human Rights Situation Relating to Civil and Political Rights

Right relating to the administration of justice:

Compared to 2020, relevant governmental agencies provided an increased funding in 2021 to help ensure people's access to justice and facilitate temporary release through the Justice Fund and the Office of Financial Assistance for the Injured Person and the Accused in Criminal Cases. In addition, an amendment was made to the guideline of the Justice Fund to better assist the victims of human rights violations. However, there were several complaints made to the NHRCT about delays in prosecution procedures by the inquiry officers which affected prisoners' rights.

Human rights defenders, torture and enforced disappearance:

The Prevention and Suppression of Torture and Enforced Disappearance Bill has passed the first reading of the House of Representatives. However, in 2021 there was a torture case by an officer of the special unit of Narcotics Suppression Police which had caused the suspect's death. Moreover, there has not been progress on various cases of the missing political activists. Although the Criminal Procedure Code was amended in 2019 to protect human rights defenders, it has not yet been effectively applied.

Situation in the southern border provinces:

The statistical data of insurgency and injured people in the southern border provinces in 2021 have increased compared to the previous year. However, the number of deaths has slightly decreased. The government has made efforts

to resolve the problem in the areas, yet violent incidents continued to happen from time to time. The operations of state officers to curb violence in some cases may affect the rights of the people and cause concern among them.

Capital punishment: In 2021, the Narcotics Code was enacted, enabling the abolishment of some offenses with mandatory capital punishment. This allows judges to use their discretion to order other punishments in lieu of the capital punishment. Nevertheless, the NHRCT suggests that the government should review relevant laws to abolish the capital punishment for those offenses that do not constitute the “most serious crimes” to comply with the ICCPR.

Freedom of expression and freedom of the press: There were prosecutions against people expressing their opinions critical of the government during public demonstrations and on social media. The efforts of the government to tackle fake news might cause a restrictive and chilling effect on people wishing to express their opinions. However, the administrative power in enforcing the Computer-Related Crime Act B.E. 2550 could be challenged by judicial review. On the other hand, the Royal Thai Police established a working committee to screen prosecutions relating to offenses under Section 112 of the Criminal Code.

3 Assessment of Human Rights Situation Relating to Economic, Social and Cultural Rights

Workers’ rights: In 2021, the government and related agencies has made efforts to protect many workers’ rights. However, some groups of workers, such as informal and platform workers, still faced problems and were not protected in terms of wages and welfare. Some migrant workers had difficulties accessing social protection mechanisms. The smuggling of migrant workers

from neighboring countries continued while the signing of MOU to import workers legally was time-consuming and expensive.

Right to health: The government provided better access to effective health services by continually developing the primary healthcare system and establishing the health insurance system for prisoners with legal status and rights problems and for migrant prisoners. Nevertheless, some groups of people still faced obstacles in accessing healthcare services. Besides, some health issues required further monitoring, including the increasing rate of mental health problems and insufficient assistance resulting from limited number of healthcare workers.

Right to education: During the COVID-19 pandemic, the government has made efforts to ensure that education could continue using online platforms. The government has provided educational media and equipment, as well as financial assistance. Additionally, the government has encouraged the COVID-19 vaccination in preparation for the re-opening of schools. However, online education might affect access to education of students from low-income families and the quality of education.

Community rights in land, natural resources, and environmental management: The government has made efforts to allocate arable lands for communities through the work of the National Land Policy Committee. The government also pursued forest conservation and prevention of forest encroachment by legislating laws that allow people to live and earn a livelihood in forest areas. Nevertheless, the overall progress of land allocation was quite limited, while the specified regulations did not ensure sufficient security of land tenure.

Business and human rights: The government has prepared an anti-discrimination bill which prohibits discriminatory practices in various

areas including in employment. It has also adopted a policy to promote business respect for human rights. In addition, the Stock Exchange of Thailand (SET) has embarked on an initiative to have registered companies disclose information on policies and procedures that might affect human rights through preparation of a consolidated annual report. Nevertheless, there are concerns over the lack of public participation in the actions of some large corporations that can cause health and environmental impacts.

4

Assessment of Human Rights Situation of Specific Groups

Child's rights: The cabinet has approved the Early Childhood Development Plan B.E. 2564 - 2570 to promote the physical, mental, and cognitive development of pre-school children appropriate to their age and improve the Penal Code to better protect child's rights in the justice system. Nevertheless, problems were found, such as violence against children, especially bullying, and sexual abuse against girls and boys often from persons who are close to children. There was no systematic data collection nor one single agency to compile statistical data of children who were victims of violence and sexual abuse at national level and use it for planning the prevention and protection of child's rights.

Rights of older persons: The government has adopted the National Agenda on Aging Society to ensure the country's preparedness for the aging society and drafted the legislation on national pension policy and the establishment of a fund for such purpose. However, older persons still faced problems and obstacles in accessing certain rights. For instance, the government recalled old-age monthly allowance from the older persons who received other public welfare

payments. The attitude of employers or family members and inaccessibility to technology could be barriers preventing older persons from engaging in employment or obtaining government services.

Rights of persons with disabilities: Concerned agencies have promoted the right of persons with disabilities to an adequate standard of living. Efforts have been made to provide the same rate of monthly allowance to all persons with disabilities with a disability identity card and to facilitate persons with disabilities' access to various services. Nevertheless, there were some areas where efforts have not yet brought about effective results, such as the relatively low employment rate of persons with disabilities in public service. There was also a lack of effective measures to prevent and protect women and girls with disabilities from sexual abuse.

Women's rights and gender equality: The government has taken measures to prevent and combat domestic violence, including making preparation for an effective enactment of the Promotion of Family Development and Protection Act B.E. 2562 and preparing a bill on prevention of repeated sexual or violent offenses. The government has also developed guidelines to support women's exercise of the right relating to termination of pregnancy. However, domestic violence has shown a tendency to rise compared to the pre-COVID-19 pandemic period while women opting for termination of pregnancy in some cases experienced delays in hospital referrals. Likewise, promoting gender equality remains a challenge given persistent reports of employment discrimination as well as sexual harassment and abuse in the workplace in 2021.

Persons with legal status and rights problems: The government and concerned agencies have continually pursued efforts to resolve the issue of legal status and nationality problems. In 2021 the cabinet approved the criteria



for determining the status and rights of certain groups of stateless persons and ensured their right to fundamental healthcare. Nevertheless, limited personnel and budgetary constraints remained. School children whose identification number begins with the letter “G” (G students group) faced problems accessing the fundamental right to healthcare. As for the protection of asylum seekers/refugees, there have been continuous arrivals from Myanmar to Thailand due to the unrest situation in Myanmar. Concerned government agencies and civil society organizations have provided them with safe shelter, basic necessities for their living and other needed assistance.

Rights of ethnic groups: The government has continued efforts made in the previous years to protect the rights of ethnic groups. These included collaboration between government and various organizations to address the problem of statelessness among certain ethnic groups and preparation of a bill on the protection and promotion of the way of life of ethnic groups. However, the government’s policy on natural resources management has impacted some ethnic groups, causing them to be relocated. In some cases, the plots of land provided by the government were not suitable for their traditional way of life, while members of some ethnic groups have been arrested for allegedly encroaching on the preserved forest areas of national parks.

On the whole, the human rights situation in 2021 sees some development and progress in resolving the problems that affect human rights of the people and providing them with better protection. However, government efforts to promote and protect human rights in many areas are still ongoing or have not yet clearly presented effective results. The NHRCT has made recommendations on various issues as appeared in the relevant sections of this report and will monitor their implementation in 2022.