

SUMMARY OF THE 2014 HUMAN RIGHTS EVALUATION REPORT OF THAILAND

The duty for making of Annual Human Rights Evaluation Report of Thailand is one of the main mandates, stipulated under Constitution of the Kingdom of Thailand, B.E. 2550 (2007), Section 257, Paragraph One (8) and the National Human Rights Commission Act, B.E. 2542 (1999), Article 15 (6), that: the National Human Rights Commission of Thailand (NHRCT) shall make the Annual Human Rights Evaluation Report of Thailand, for presenting to the Parliament and the Cabinet with public accessibility.

For this 2014 Report, the NHRCT acquired and collected facts and information from main human rights-relating incidents spotlighting to broad interests of government and non-government sectors, mass media, the public and international community and/or with the reflection to human rights promotion and protection in Thailand, including those being handled by the NHRCT's efforts for investigating, reporting and making recommendations to the Government and relevant entities. All gained were analyzed and synthesized with designed criteria and baselines. And due to the great efforts made with impartiality, non-bias or not being in doubt with sources of information, the NHRCT mainly utilized its primary database collected from the complaint handling processes or on any other duties undertaken to be main components of data analysis, while in some specific parts, they were also double-checked with accuracy and reliability of the facts enquired from other sources.

This Report covers nine human rights dimensions, grouped on bases of Thailand's ratified Human Rights Treaties, the 2010 - 2015 Strategies and Frameworks of the NHRCT and all principal concerns of the public. These dimensions are certainly universal, inalienable, indivisible, interdependent and interrelated as: the Civil and Political Rights; the Economic, Social and Cultural Rights; the Rights in Judicial Process; the Community Rights; the Rights to Lands and Forests; the Rights of Women and Children with Gender Equity; the Rights of Older Persons, People with Disabilities and Public Health; the Rights of Ethnic Groups and Legal Status; and the Human Rights in Deep South provinces.

Most of concerns raised within this Report are linked to various violations found within transitional period of the politics, ruling systems and social movements and certainly relating to proposals and demands being raised from prolonged demonstrations, especially for the Country Reform with most concerns on solving of principal disparities, non-equity and unjust since 2010. These all are becoming structural problems with inter-linkages and complexities while also relating to the enjoyment of fundamental human rights entitled to the individuals and communities, e.g. the right to appropriated minimum standard of livelihood, right to health, right to education and right to work, etc.

And although the Government has created numerous interventions for solving principal disparities, non-equity and unjust, especially to issue a number of laws and regulations with

policies and measures, e.g. on the promotion of gender equity and equal opportunity; on the affirmative actions for older people and persons with disabilities; on the social inclusion and on the education management with promotion of social and cultural pluralism, nonetheless these still could not solve problems with sustainability.

Some challenges are being addressed as: the centralization of power and decisions made with only or within the state apparatuses or central authorities as well as the implementation of policies with centralization of powers covering various dimensions of management, as: economy, society, culture, education and politics with the limits of accessibility of information and news and of people's participation in decision and policy making processes.

In 2014, there were several projects creating serious problems on natural resources and environmental management with the development of industries and mega projects. These projects were being run by both government and private sectors and without the respect to individual and community rights guaranteed under the Constitution. Some projects were not running the health and environmental impact assessments in accordance with the Constitution, while for those with assessments committed were found with dependence and incompleteness in terms of methodologies and means. In addition, there were various groups found with inaccessibility to fundamental human rights and public welfares or even could be able to access but with very limited and /or inadequate quality, e.g. the ethnic groups, persons with disabilities, marginalized people, older people, children and women. There were limits of rooms of such vulnerable groups on side of "rights holders" for participation and decision-making mechanisms. These affected to the possibility of sustainable management responding to their actual needs and problems.

The human rights situation of Thailand in 2014 during the ruling of Government, appointed by the National Council for Peace and Order (NCPO), as well as the promulgation of Constitution of the Kingdom of Thailand (Interim), B.E. 2557 (2014) and the Constitutional Drafting Process, the NHRCT would like to intensify the Government to made its vigorous efforts to promote and protect human rights with undertaking and maintaining of the Legal State and Rule of Law. The specific laws with limit and deprivation of rights and liberty shall be only used with appropriateness and proportionality, corresponding to specific situations happened. In the meantime, the rooms for people's participation shall be built with hearings of public opinions, particularly those individuals and communities affected by the State's policy implementation.

And for the newly-emerging challenges or problems in Thailand, as: the changing of structure of Thai society with "majority of older population" in the next 10 years; the movement of people across borders, covering migrant workers, refugees or people fleeing fighting and economic migrants with committing of cross-border crimes and human trafficking; and the increase of trans-boundary human rights infringements committed by Thai business sectors or investments, they all make violations becoming more complication and of course would be what the Thai Government and relevant actors need to spend their concerns and efforts for preventing and solving of problems corresponding to the ongoing and further changes.