

EXECUTIVE SUMMARY

The National Human Rights Commission of Thailand (NHRCT) began to prepare a report on human rights situation assessment in Thailand in 2017 by reviewing human rights situation in Thailand in 2016 while checking structural problems together with incidents that occurred in 2017. The report is divided into five main sections and comprises of 18 issues.

The NHRCT coordinated and used two important parts of information to prepare this report that were internal information consisting of incidents, factual situations according to cases of complaint and hearings of views from seminars or meetings with specific groups together with statistics and information provided from 19 agencies and professional organisations involved in human rights promotion and protection, both public and private ones, meetings to listen to information about human rights situations in the regions, meetings and seminars to listen to information about situations and policy recommendations, including the NHRCT Meets the People in the Regional Forum, monitoring of situation of each issue group, monitoring results of actions according to laws, policies, work plans and activities that were related to the government and related government agencies, especially in the areas of development, social reform and national politics.

For assessment, analysis and synthesis, the NHRCT used standard indicators and benchmarks importantly according to the main human rights treaties and recommendations of the UN Charter-based mechanisms, and human rights principles provided in the Constitution of the Kingdom of Thailand, laws and policies in the country. Results of the assessment of human rights situation in Thailand are presented in summary consisting of three main parts, as: the overview and assessment of human rights situations; problems and obstacles; and recommendations. Their details are as follows:

Part 1 Assessment of Rights and Liberties according to the Constitution of the Kingdom of Thailand, B.E. 2560 (2017)

The Constitution of the Kingdom of Thailand, B.E. 2560 (2017), which has been put into effect since the 6th April 2017, recognizes and protects basic human rights of individual persons in Chapter I General Provisions, and in Chapter III, recognizes rights and liberties of the Thai people in addition to the rights and liberties as guaranteed specifically by the provisions in the Constitution, a person shall enjoy the rights and liberties to perform any act which is not prohibited or restricted by the Constitution or other laws, and shall be protected by the Constitution, insofar as the exercise of such rights or liberties does not affect or endanger the security of the State or public order or good morals, and does not violate the rights or liberties of other persons. Reviewing the previous Constitutions, it was found that some rights prescribed the Chapter about rights and liberties were not really put into practices, certain rights and liberties are therefore provided in the Chapter V Duties of the State, so that these rights are put into practices by providing them to be the duty of the State, the people and the community shall have the right to follow up and urge the State to perform such act, as well as to take legal proceedings against a relevant State agency to have it provide the people or community such benefit in accordance with the rules and procedures provided by law. Additions were then made to the Chapter Duties of the State to guarantee that the State must act according to the provisions of the Constitution, so that rights of the people to benefit from the State are really in effect. The Chapter on Duties of the State is an important principle and it is necessary for the State to completely put them in practice appropriately, depending on monetary and financial status of the country. Moreover, there is Chapter XVI on National Reform to eliminate conflicts and reduce disparity in society by providing that the enactment of the law under paragraph one and the promulgation thereof shall be executed within one hundred and twenty days from the date of promulgation of this Constitution, and the implementation of each area of reform shall commence within one year from the date of promulgation of this Constitution.

Comparing the Constitutions of the Kingdom of Thailand, B.E. 2540 (1997) and B.E. 2550 (2007) with the present one, it was found that although rights had existed before emergence of the State and the State had the duty to respect, protect and fulfil with putting these rights into practices, as efforts were made by the current administration to create various rights, the Constitution of the Kingdom of Thailand B.E. 2560 (2017) therefore has provisions to make rights created by the State more important. Even if the 2017 Constitution has provisions to distribute power and administration to micro level and requires the Council of Ministers to declare its policies to the Parliament in line with the Duty of the State, policies of the State and National Strategies, eligible voters, totaling no less than 10,000 in number, could propose new laws according to the Chapter on Rights and Liberties of the Thai people or the Chapter on Duty of the State. However, to make promotion and protection of human rights a reality and sustainable, it is necessary to have processes to promote and guarantee that the people as the rights holders could really participate in these processes.

Part 2 Assessment of situations concerning civil and political rights

There were three main issues:

Torture and Enforced Disappearance

The right not to be subjected to torture and enforced disappearance is right and liberty to life and body that is recognized by the Constitution of the Kingdom of Thailand, B.E. 2560 (2017), International Covenant on Civil and Political Rights (ICCPR) and Convention Against Torture (CAT). During 2016-2017, the government advocated drafting of a Prevention and Suppression of Torture and Forced Disappearance Act, B.E. When the Prevention and Suppression of Torture and Enforced Disappearance Act was considered by the Ordinary Affairs Committee of the National Legislative Assembly in February 2017, the Committee had a resolution to return this Act to the government for reconsideration as it saw that some amendments should be made. Human rights organisations both in Thailand and abroad all expressed their concern and requested the government to speed up its consideration of the Act.

During 2007-2016, the NHRCT received a total of 102 complaints related to torture. Most of these complaints came from the southern border provinces. In 2017, there were 27 complaints, most of which claimed that security officers were the ones that committed torture while arresting or detaining the people. However, in 2017, the NHRCT did not receive any complaint related to enforced disappearance. Therefore it could be said that the Council of Ministers' submission of the Prevention and Suppression of Torture and Enforced Disappearance Act to the Ordinary Affairs Committee of the National Legislative Assembly for consideration was an important progressive situation. However, decision by the Ordinary Affairs Committee of the National Legislative Assembly to return the Act to the Council of Ministers to review it disrupted the attempt to solve the structural problems of torture and enforced disappearance; the process for enactment of this legislation was delayed even further. Therefore it was proposed that the State speeds up its actions to make Thai laws consistent with CAT of which Thailand is a state party by enacting the Prevention and Suppression of Torture and Forced Disappearance Act, making torture and forced disappearance a criminal offence, conducting a feasibility study to ratify the International Convention for the Protection of All Persons from Enforced Disappearance (CPED), establishing a mechanism to receive and investigate complaints about torture and enforced disappearance to guarantee or take care that information about torture and enforced disappearance, and training to provide additional knowledge and understanding to law enforcement officers and security officers, so that human rights are fully respected.

Rights in the Justice Process

ICCPR and the Constitution of the Kingdom of Thailand recognize the right in justice process and the State has tried to amend, improve or enact laws and policies, and promote actions taken by state officials to enable every individual person to equally access right in justice process and take into consideration rights of the accused, defendants and detainees. In 2017, the State took actions to reform the justice process. The National Reform

Committee on justice process came up with a plan for reforming in 10 areas of justice process. The Correction Act, B.E. 2560 (2017) was enacted to make relevant actions consistent with the universal principles. Concerning temporary release, a project to develop systems for risk assessment and supervision during the temporary release, and another project on temporary release with an electronic monitoring equipment (EM), are also helping accused or defendants to have more opportunities to be released. EM was also used with wrongdoers in the probation system

However, certain worrisome situations were still found that the government should realize and pay attention to, including death of persons while being detained by state agencies, justice process in the condition that special legislation is being enforced in the case of the National Council for Peace and Order (NCPO)'s Announcements no. 37/2557, 38/2557 and 50/2557 which result in civilians being subjected to jurisdiction of the military court. Later the NCPO issued Order no. 55/2559 putting civilians who committed such offence to be subjected to the Court of Justice from 12th September 2016 onward. As a result, although this order returned wrongdoings committed after 12th September 2016 to be under jurisdiction of the Court of Justice, for wrongdoings before that date, civilians were still tried in military court. The ICCPR Committee noted that a necessary measure should be used to consider the petition requesting a transfer of cases from the military court for offences committed before 12th September 2016 of which trial was still not completed to civilian court and give an opportunity to civilian defendants in cases that the military court had already given a verdict to appeal.

Freedom of expression, press freedom and freedom for peaceful and unarmed assembly

As a whole, in 2017, rights and liberties according to the Constitution were controlled by using laws to strictly supervise, check and control. The Computer Crimes Act B.E. 2550 (2007) in particular was used to condemn actions that were considered to be getting false information into the computer system and condemn alleged acts of defamation. Later the government made some amendments and created correct understandings about such actions by improving and proclaiming the Computer Crimes Act (2nd Issue), B.E. 2560 (2017) that did not include an offence of defamation while creating correct understanding about how to enforce this legislation. Concerning freedom of academic expression², NCPO Order no. 3/2558 was used to forbid gatherings of five persons or more and strictly enforced against persons who used this freedom. There were arguments in many incidents, insisting that this right and freedom were not used beyond the limits of law and the Constitution also protected the freedom of academic expression. The press freedom, which was also recognized by the Constitution, on the other hand, was restricted by many NCPO orders and orders of the Head of NCPO, including consideration to enact Protection of Rights and Liberties, Promotion of Ethics and Professional Standards for the Mass Media, B.E. Concerning freedom of peaceful and unarmed assembly, it was found that enforcement of the Public Assembly Act, B.E. 2558 (2015) was unclear how to separate political and non-political assembly, and discretion was used by law enforcers to restrict rather than promote and protect rights as provided by the Constitution.

² According to international human rights instruments, freedom of academic expression is considered to be a part of the right to hold opinions and right to freedom of expression, which include freedom to seek, receive and impart information and ideas of all kinds. These rights may be subject to certain restrictions by the State because of reasons as stated in Article 19 (3) of the International Covenant on Civil and Political Rights (ICCPR) with conditions according to international human rights instrument.

Part 3 Assessment of Economic, Social and Cultural Rights situations

There are three main issues:

Right to education

The government had a variety of policies and measures to guarantee the right to education. They also continuously took actions to guarantee the right to education consistent with Article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR). These actions included preparation of the National Education Plan, B.E. 2560-2579 (2017-2036), appointment of an independent Committee for Education Reform, giving priority (18 percent of total government budget) to education in national budget allocation, guaranteeing access to 15-year basic education, providing free higher (tertiary) education based on interests and abilities through the Thai MOOC Project, providing extra cash to small schools both at primary and secondary level and scholarships to poor students, using remote sensing technology to develop education quality, allowing the private sector and civil society sector to participate in providing education together with the State, and enactment of the Loan Fund for Education Act, B.E. 2560 (2017), for example. However, structural problems and obstacles concerning accessibility for the right to education, especially among marginalized children and youth who had no access to education, particularly compulsory education and education that had the quality consistent with their way of life. Therefore, the government was recommended to speed up education reform in the way that is consistent with the Constitution of the Kingdom of Thailand, B.E. 2560 (2017), particularly to reduce inequality, and to conduct assessment of its successes and disseminate information about the progress from the government's implementation of policies, laws, measures and mechanisms to the public, so that they recognize existence and access to the right to education.

Right to good health

The government came up with various policies and measures to guarantee the right to good health, and put continuous efforts to achieve the highest attainable standard of health in its provisions of public health care that was adequately responded to the needs of the people and Article 12 of the ICESCR, such as guaranteeing right to access to public health care to the population under the universal health security scheme and free of costs medication in case of emergency and accident in the first 72 hours, appointment of a reform committee on public health care, using health-related information technology to improve and develop health service system, and enactment of the Control and Promotion of Food Market for Infants and Small Children and Related Products, B.E. 2560 (2017), for example.

However, development and progress in the area of right to health still faced structural problems and obstacles in term of access inequality, especially among marginalized people who had no access to health service. The government also still had to take actions continuously to provide reproductive right through the national health insurance system for pregnant teenagers, public health care in detention centers and prisons, making

communities centers for prevention and fighting narcotic drug problem and use of chemicals to prevent and eradicate pests which affected human health. Therefore the government was recommended to speed up public health care reform in term of health insurance system, primary medicine system, and health care manpower management to reduce inequality among the people in term of their access to right to public health care service.

Right to work

ICESCR, of which Thailand is a state party and has many obligations that must be observed, guarantees right to work in Article 6, 7 and 8, including (1) right to work, (2) right to the enjoyment of just and favourable conditions of work, and (3) right to form and join trade union, while the Constitution of the Kingdom of Thailand, B.E. 2560 (2017) has provisions about labour in Section 30, Section 40 and Section 42.

In 2017, the government took several actions to promote and protect the right to work, such as proclamation of the Labour Protection Act (6th Issue), B.E. 2560 (2017) which added provisions about retirement and payment of compensation in case of retirement, lifting minimum wage rate in some areas and implementing administrative measures to continuously deal with informal labour. These actions were in line with the brief notes on action report no.1 and no.2 of the ICESCR Committee and recommendations from UPR process, Round 2, especially about expansion of protection by the social insurance scheme, for example. However, it was still found that some problems and obstacles may prevent protection of Thai labour's right to work from being as effective as it should, such as demand for minimum wage rate that was inconsistent with the cost of living and the minimum wage rate was not equally raised all over the country. The minimum wage, even after being raised, was still not enough to cover costs of living for a worker oneself and other two family members which is a principle adopted by the International Labour Organisation (ILO). Thai state also still did not make any progress in term of being a state party to ILO Conventions no.87 and no.98 as much as it should. Some groups and types of employees were not covered by the minimum wage requirements. Absence of check on rules related to work according to provisions in the Labour Protection Act (6th Issue) B.E. 2560 (2017).

Part 4 Assessment of human rights situation of 6 groups of people

Human rights situations of 6 specific groups of people are as follows:

Children

Thailand has 13,730,927 children aged 0 - 17 years old. Committee of the UN Convention on the Rights of the Child (CRC) has concerns on human rights situations of children in Thailand in some major areas, that are malnutrition, lack of law to regulate advertisements of breast milk substitute products, protection of children from sexual exploitation, protection of children from violence, protection of relocated children and children of relocated labour, prevention of accidents and injuries among children, and development

of data collection system that covers all areas and could be used to assess and analyse progress in the works on child rights, for example. In 2017, the government tried to take actions to promote and protect children's rights through amendments of several laws, such as Labour Protection Act (5th Issue), B.E. 2560 (2017), National Children and Juvenile Development Act (2nd Issue), B.E. 2560 (2017), and Promotion of Food Market for Infants and Small Children and Related Products Act, B.E. 2560 (2017). However, it was found that the State still need to pay attention to monitor and solve some problems, such as to reduce death and injuries of children from drowning and road accident, to monitor and suppress child pornography, and to protect children who are followers of foreign migrant labour.

Women

The State had made progress in legal reform according to the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) by including the principle of gender equality in the Constitution of the Kingdom of Thailand, B.E. 2560 (2017) while trying to reduce gender inequality. However, there were still many challenges that affect gender equality, such as opportunity to complete education, economic opportunity and participation, and political power. Violence against women, including domestic violence increased. Women's rights situations have foundation on traditional attitude towards women which lead to discrimination based on sex. The State and local governments still do not recognize importance of empowerment and aggregation of ethnic and indigenous women into network.

Moreover, it was found that there was gender-based violence connected to power relation. Men in commanding position use their superior power to commit violence against women under their command in various forms from sexual abuse or harassment to physical attack and having activities that include body contacts which create opportunities for sexual harassment. Such sex-based violence makes abused women shameful, putting them in fearful situations. They may be threatened and intimidated, resulting in they dare not quickly complain to the police or other concerned persons on the day that offence take place. In addition, it was also found that women who asked for maternity leave according to official regulations were investigated whether their maternity leave was correct or not according to legal regulations; their child was born from legal marriage or not. If it was found to be incorrect, they would be considered to commit disciplinary wrongdoing or wrongdoing in term of officials' ethics, and would be punished as an example for other officials not to do it. This made the women feel that they were disrespectful, cynical, and their reputation was damaged as if they did something wrong even if they openly lived with a husband.

Persons of different gender orientation and gender identity

Thai society has developed to increasingly recognize diverse gender identities and expressions. However, there were still challenges in four important areas caused by structure, attitude and various understanding, that were stigmatizing, sexual harassment, violence against gender diverse persons in general situations, especially reproduction of media that stereotyped gender diverse persons as abnormal, erratic from other people in general, laws or policies that obstructed expression or recognition of their gender orientation and

gender identity (such as the case of uniform worn by transgender students), structural discrimination, and blocking gender diverse persons from using certain services or places.

In 2017 there were situations that importantly challenged understanding about gender as interpretation, or gap that allowed interpretation, was still found to affect, in one way or another, discrimination as defined in the Gender Equality Act, B.E. 2558 (2015) which allowed discrimination based on religious principle or for national security or for protection of welfare and security. This interpretation was against general opinion of CEDAW Committee. In addition, it was found that Protection of Children Born with Reproduction Technology Act, B.E. 2558 (2015) gave right only to legally-married husband and wife to have a child born from another woman who agreed to get pregnant on their behalf even if it was right to form a family. Whether to live their life together as husband and wife, and to legally register their marriage, or not is commonly decided by the loving couple. The law then discriminated against homosexual couple, depriving them right to form a family. Legislations related to this discrimination must be improved, amended and developed in the future.

Old persons

The State made progress in its actions concerning old persons with various policies, national plans and measures being developed in response to ageing society. However, the Global Age Watch Index, which assesses success from implementing policies for old people in countries all around the world from income security, health, capacity and enabling environment put Thailand in mid table, ranking no. 34 from 96 countries being studied. It was also found that many old persons still faced the problem of poverty, having income lower than the Poverty Line, that was 2,647 Thai Baht per month per person. They still needed to depend on incomes from other people and needed to earn incomes for living. Many old persons still had restrictions to receive subsistence allowance for old persons, especially stateless old persons and old persons living in remote areas who did not have information about their eligible rights. Moreover, some old persons were found to face violence in various forms, such as being discarded to live in isolation, being discriminated, lack of infrastructure for old persons specifically, financial exploitation and lack of system for special care in long term, for example.

Persons with disability

Much progress had been made by the State to promote, protect and develop life quality of persons with disability. Thailand made accession to become a state party to the Optional Protocol of the Convention on the Rights of Persons with Disability to guarantee persons with disability's rights and liberties that may be violated as recognized by the UN Convention on the Rights of Persons with Disability (CRPD), and guaranteed access to effective remedy process. In addition, the government tried to reduce inequality in access to health benefits for persons with disability by issuing Head of the NCPO's Order no. 58/2559 about public health service for persons with disability according to the National Health Insurance law and social security law. Policies and guidelines for life quality development of persons with disability, including right to access to rights, benefits and assistance from the State, were fixed and implemented, such as a project to create 10,000 jobs and occupations for persons with disability. A policy in 2017 created cooperation

to organize education for persons with special needs and promote persons with disability's access to education at all levels in all systems. Universal design was advocated, so that everyone in society could benefit together. However, restrictions were still found in policy advocacy and guidelines to promote life quality of persons with disability in all areas, especially in rural or remote areas. Pro-active actions should be taken to make the society aware of and understand rights of persons with disability more.

Ethnic people, indigenous peoples, stateless people and transnational people

Thai society has multiple identities with more than 56 ethnic groups, some of which have been living in Thailand for many generations. Thai governments have tried to promote life quality of these groups of population by enacting and developing laws and policies that are consistent with each other to solve the problem of statelessness in 4 main parts that are (1) resolving statelessness problem caused by the Revolutionary Proclamation no. 337 by using Article 23 of the Nationality Act, B.E. 2509 (1966) amended (4th Issue) in B.E. 2551 (2008) to solve the stateless people's problem caused by abolition of the rule for nationalization based on border demarcation, (2) giving Thai nationality to persons who are descendants of persons who had Thai nationality but did not have Thai nationality or lost Thai nationality as a result of law caused by changes in the country's boundaries (state succession), such as Thai people in exile, (3) eliminating bottle-neck problems for consideration to grant Thai nationality case by case, and (4) solving the problem of nationality and personal status of pupils, students and stateless people in Thailand who are children of minority people and ethnic people born in the Kingdom of Thailand, including children and persons studying in education institutes or having already completed their education to receive Thai nationality in general by issuing the Citizen Registration Act, B.E. 2534 (1991) amended (2nd Issue) to provide rules for birth registration of all children born in the Kingdom of Thailand and the Citizen Registration Act (2nd Issue), B.E. 2551 (2008) clearly setting rules for making personal records of persons living in Thailand. Moreover, the State took actions to create concrete results from various policies and guidelines, such as a project to give stateless persons, particularly children and youth both in and outside of the education system, Thai nationality correctly, the case of the Interior Ministry issuing an official letter allowing already registered stateless persons to be able to travel out of their district of residence but still be in the territory of that province.

Monitoring and checking complaints and monitoring progress in the promotion and protection of human rights according to major human rights instrument, including the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), the NHRCT found a number of restrictions in some laws and state policies related to Thai state's consideration of nationality and right to citizenship that caused problem concerning right of this group of people that were : (1) being stateless persons because the persons did not have documents to prove their status, lack of clarity or hindrance against adding names in the citizen registration and request for personal identity card, (2) being rootless persons because of being orphaned or abandoned, (3) personal records in the citizen registration being removed or suspended, (4) lack of clarity in laws, policies or practices related to naturalization (to become Thai citizen) for certain cases of stateless persons (such as in case of persons who make contributions for the country), and (5) lack of clear definition of the term 'indigenous peoples' which

implies people who continuously live their lives in, and are bonded to, their homeland, ways of practice and cultures of their ancestors. Moreover, a fact had been established that there was a total of 80,118 stateless old persons aging from 60 years old upwards over and 90,966 stateless children and youth who had no document to prove their personal status in education institutes (G Code children) and children and youth who were born outside of Thailand but grew up in Thailand who faced the problem related to personal status in Thai laws.

As for transnational population, particularly migrant workers and their followers, the government had several policies and measures to promote rights and solve problems related to migrant workers, such as proclamation of a Royal Decree on Bringing Aliens to Work With Employers in the Country, B.E. 2559 (2016), coming up with an academic cooperation project to solve the problem of unacceptable forms of work in fishing industry and marine fishing related industry, including policy management, both prove of nationality or registration of alien labour, resulting in number of alien labour who illegally entered the country going down. While Thailand has not yet become a state party to the International Convention on the Rights of Migrant Workers and Their Family Members (ICRMW), several major human rights treaties recognize rights of migrant workers (transnational workers). When Thailand still needs to depend on transnational labour, especially from neighbouring countries, there were challenges that affect rights of migrant workers and their followers in many areas that were the process to prove nationality of transnational labour was difficult to access and involved much expenses, and unsafe working conditions, access to and use of rights from the social security system and health insurance system, including inability to establish trade union and to become a member of trade union committee. Delays also occurred in the establishment of a “mechanism to screen and manage migration, fugitives and refugees” according to a Resolution of the Council of Ministers on 10th January 2017.

Part 5 Assessment of human rights situations in 5 issues

There are 5 common issues as follows:

Human Trafficking

Several major international human rights treaties and instruments that Thailand is a state party recognizing right to life, forbidding torture and forced labour, and protecting persons from economic and sexual exploitation. Human trafficking is therefore against human rights that Thailand recognizes. Human trafficking is in several forms, including prostitution or sex trade, forced labour, being forced to be beggar, and organ transfer, for example. In 2017, there were many cases of human trafficking and some cases involved many state officials that the US Department of State put Thailand in Tier 2 Watch List. Thailand, however, had the 3rd National Human Rights Plan, B.E. 2557-2561 (2014-2018) and several legislations and proclamation were issued to prevent human trafficking and provide protection, such as the Human Trafficking Suppression Act (3rd Issue), B.E. 2560 (2017) and Royal Decree on Administration of Works by Aliens, B.E. 2560 (2017). In countries, some cases, the court delivered verdict to punish state officials and related agencies took actions to prevent and tackle the problem of human trafficking both domestically and in cooperation with other countries.

When human trafficking occurred, it was found that many state officials involved and in some cases, when victims entered the justice process, were not entitled to their rights as they should receive in the process which was against the major international human rights treaties that Thailand was a state party. State agencies involved therefore should take actions seriously according to the National Human Rights Plan, continuously organizing training workshops to provide related knowledge and information to officials at all levels, implementing rules that had already been proclaimed in practice and having appropriate measures to take care of witnesses in human trafficking court cases.

Unrest in the southern border provinces

Statistics shows that unrest in the southern border provinces decreased in 2017 compared with 2016. There were 551 incidents causing 235 death and 356 persons being injured while in 2016, there were 807 incidents causing 307 death and 628 persons being injured. The state's attempts to reduce violence in the area affected right and liberty to life and body of local people. It tried to solve the unrest problem through peaceful dialogue. In addition, for those affected by the unrest, the state provided assistance and remedies in terms of property and mental recovery. However, there were still worrisome situation concerning right in the justice process. The NHRCT still received petitions claiming that there had been human rights violation while suspects were detained and interrogated. Rights in the justice process was the issue the NHRCT received most petitions from the southern border provinces. Moreover, there were concerns about impacts on right to life and body of children and women, participation of women in the peace process and malnutrition of children in the southern border provinces as many children in Narathawat, Pattani and Yala Provinces from newborn babies to the age of 12 years old still did not receive complete set of immune inducing vaccines, putting the provinces in the top three in Thailand. Rate of children under 5 years old being in skinny condition or having malnutrition was higher than the average rate of the country.

Business and human rights

Business conducts affected human rights in many ways, resulting in international bodies coming up with criteria for business conducts that respect human rights. In 2011, the UN Human Rights Council recognized the United Nations Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework (UNGPs) and advocated member countries to implement the UNGPs in practices in their countries. In addition, the Constitution of the Kingdom of Thailand, B.E. 2560 (2017) has provisions on labour related to business conduct in Section 30 and Section 42.

In 2017, the government made commitments and progress to prevent and solve human rights problems caused by business conducts, such as amendment of the Royal Act on Fishing (2nd Issue), B.E. 2560 (2017) and Royal Act on Administration of Works by Aliens, B.E. 2560 (2017), the Prime Minister's expression of political intent to implement the UNGPs and command the State Enterprise Policy and Regulating Committee to order state enterprises to implement the UNGPs, development of a National

Action Plan on Business and Human Rights, so that the UNGPs are seriously implemented. The Council of Ministers also passed two resolutions on 16th May 2016 and 2nd May 2017 following recommendations from the NHRCT as results of the NHRCT's investigation on human rights violations caused by investment or the government's large-scale development projects or Thai business in Myanmar and Cambodia.

Even if the government and majority of business were more aware of human rights, it was still found that there was not much concrete actions, especially in term of using human rights due diligence (HRDD) to regulate various activities as a whole and in supply chain, while most remedies were still results of non-judicial process in forms of compensation, replacement costs and damage costs that needed times and resources to fight for in court. There were also concerns about how to deal with various impacts and sustainable management.

The NHRCT proposed that the State should come up with concrete measures to prevent or tackle various impacts caused by business conducts, especially impacts on community rights, natural resources, the environment and health of society as a whole, while preparing measures to regulate investment in other countries by investors of Thai nationality to ensure that basic human rights principle is respected. There should also be mechanism to create incentives for government and private agencies to use HRDD Process to regulate various activities as a whole and in supply chain, and also to monitor this implementation. This mechanism should cover the government and state enterprises' large-scale projects or investments and projects by Thai private sector that receive supports from Thai government both in Thailand and neighbouring countries.

Community rights and natural resources base and the environment

The State has tried to carry out various projects to develop the country. However, in many cases, these efforts did not follow the principle of people's participation from providing information, hearing of people's views and lack of planning or preparation to remedy or solve problems faced by the affected people and communities, resulting in conflicts between the state and local people and communities, creating inequality in society. Major situations included (1) energy management by construction of coal-fired power plants in several provinces, such as Songkhla (Thepha District), to create energy security, resulting in objection and resistance from communities in the area who were concerned about possible impacts and were not given opportunities to really participate in the projects; (2) mining management, the Council of Ministers passed a resolution to terminate mining all over the country after 31st December 2016 and amended the Mineral Act, B.E. 2510 (1967). At present, the government is in the process to review this legislation; and (3) management of natural resources, land and forests, referring to the use of NCPO's Orders no. 64/2557 and 66/2557, it was seen that the state's implementation of various development policies still did not consider or use utmost efforts to promote and protect human rights of the people and communities. Moreover, implementation of development policies lacked consistency or even in conflict with other policies, including directions of development that are the National Agenda; and (4) development of special economic zones affected rights of the people in at least two areas. The NCPO's Orders no. 3/2559 and 4/2559 also affect the people's right to participation

and right to live in good environment since the town planning law and building control law that had content and process to protect the people's right to participation and right to live in good environment. When enforcement of these two laws were exempted in areas where special economic zone projects were to be implemented, local people there faced risks from various impacts.

In addition, situations were found to present challenges from use of Section 44 of the Constitution of the Kingdom of Thailand (Interim), B.E. 2557 (2014) to enact or enforce laws or policies related to economic development in some areas by exempting certain enforcement of law or be lenient for some standards of actions, resulting in risks that may have human rights impacts.

Human rights defenders

At present, human rights defenders are very important in the promotion and fights for human rights protection. In Thailand, there are individual persons or groups of persons who present themselves as human rights defenders in the area of natural resources and environment or right in the justice process, all of which are related to use of state power. When situation concerning human rights defenders was considered, it was found that cases of human rights defenders facing problems and obstacles in their fights to protect and demand rights and liberties of themselves and other people still continued to occur continuously whether they were impacts from legal mechanisms being used to sue human rights defenders in court or uses of power by state officials which were suspected to be done illegally. It could be considered that the universally adopted principle of the ICCPR and the Universal Declaration on Human Rights Defenders were still not much accepted or put into practices in Thailand. At the same time, it was concerned that taking human rights defenders to court on a charge of libel by advertisement had become a trend which may make them fearful to come out and express their views through various channels, especially online media. It is also noted that importance of human rights defenders was an issue that did not appear clearly in legal mechanisms or state policies.

The NHRCT recommends the government to take following actions: (1) conduct a study on appropriateness for having legislation to prevent Strategic Litigation Against Public Participation (SLAPP) as a legal mechanism to protect individual persons or groups of people who act as human rights defenders; (2) listen to and monitor situations faced by human rights defenders in order to know their problems and find ways to solve the problems; and (3) raise awareness of state agencies about the justice process in order that they understand human rights defenders and context of various duties related to human rights defenders in order to consider appropriateness for enforcement of law and do related duties.