

Executive Summary

The assessment report on Thailand’s human rights situation in 2022 is prepared in accordance with the duties and powers of the National Human Rights Commission of Thailand (NHRCT). Information on developments of a wide-range of human rights issues has been gathered and analyzed to identify problems and obstacles. The assessment is then made against the rights guaranteed in the Constitution, national laws and treaties to which Thailand is party and obligated to comply with. The report also makes recommendations to the government and concerned agencies on ways to promote and protect human rights on specific issues. The content of the report is divided into four parts as follows:

1 Human Rights Situation in Specific Circumstances

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

The government has made efforts to provide for and ensure better access to medical treatment and COVID-19 vaccines compared to 2021, resulting in the lower number of deaths from the disease. The government continued to protect people’s right to an adequate standard of living through assistance and remedial measures for different groups while the economy had not yet fully recovered from the pandemic. However, only a small number of young children and older persons received booster doses of the vaccines, and some groups had difficulties accessing the government’s remedial measures. In addition, follow-up effort is required to bring children who had dropped out of school back into the education system. The government should draw lessons from the COVID-19 pandemic to prepare for possible future crises.

Exercise of the freedom of assembly in 2022

There were fewer political demonstrations than in the previous year, and most of them were peaceful. The nationwide state of emergency was lifted on 1 October 2022, allowing people to exercise their freedom of assembly under normal laws while political demonstrations in designated areas were permitted according to the announcements of the Bangkok Metropolitan Administration. Moreover, the verdicts by the First Instance Courts in some cases affirmed the exercise of freedom of peaceful assembly. Nevertheless, there was still prosecution related to public assembly for offences under the Emergency Decree on Public Administration in Emergency Situation B.E. 2548 and the crackdown against a group called Ratsadon Yoot APEC 2022 (Civilians stop APEC 2022). The NHRCT, therefore, emphasizes that the government respects the freedom of peaceful assembly and instructs officials to perform their duties during public assembly in accordance with international standards, to be cautious in prosecuting those who exercise their rights and freedom, and to take into account the safety of children as a priority.

2 Human Rights Situation Relating to Civil and Political Rights

Rights relating to the administration of justice

The government provided more financial assistance to promote people's access to justice compared to the previous year, especially in cases of offenders' or defendants' requesting a temporary release during trial. Continuous efforts were also made to address the prison's overcrowding. However, public knowledge about the right to receive financial assistance remained limited, and prison conditions needed to be further improved. The NHRCT, therefore, stresses that the government to protect the rights relating to the administration of justice more efficiently.

Torture and enforced disappearance

Thailand has made remarkable progress in enacting the Prevention and Suppression of Torture and Enforced Disappearance Act B.E. 2565, delivering many significant justice cases and providing redress for victims of torture. Nevertheless, in 2022, the NHRCT continued to receive complaints about torture, although the number was slightly lower than the previous year. The NHRCT remains concerned about the conduct of officials in some reported cases relating to acts of intimidation, physical assault and torture against people to obtain confessions and negotiate for benefits which were not in accordance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). Meanwhile, there was no significant progress in the investigation of missing person cases.

Human rights defenders

Witness Protection Act (No. 2) B.E. 2565 was enacted in 2022 and efforts were made to push forward the legislative process of the bill on Preventive Measures for the Strategic Lawsuit Against Public Participation in the Offences of Corruption and Misconduct B.E., which could be beneficial for human rights defenders requesting protection. However, there were still situations that affected human rights defenders and the NHRCT continued to receive their complaints occasionally, including prosecutions that were considered harassment. Meanwhile, there was no concrete cases where the Criminal Procedure Code Section 161/1 and Section 165/2 had been enforced to protect human rights defenders.

Situation in the southern border provinces

The government has taken actions in accordance with the recommendations provided by the NHRCT, such as reducing the designated areas for enforcing the Emergency Decree on Public Administration in Emergency Situation B.E. 2548. Nevertheless, statistics on unrest, casualties and injured people in 2022 slightly increased compared to the previous year. The NHRCT is concerned about violent incidents and acts of the government officials such as tracking, searching and detaining alleged offenders and suspects in security cases. Other causes of concern include detention of students/activists exercising freedom of expression, extrajudicial killing of suspects in security cases, and the recurrence of DNA testing on people in some areas. Such actions might become factors and conditions that contribute to conflicts in the southern border provinces. The NHRCT also advises

that comprehensive and appropriate remedy and assistance should be provided to affected persons of all groups.

Freedom of expression, freedom of the press and freedom of association

In 2022, prosecution relating to the exercise of the freedom of expression and the enforcement of the Digital Economy and Society Ministry's new decree on the suppression of the dissemination of computer information might stimulate fear among people in expressing opinions. For the exercise of the freedom of the press, ethical standards of journalists were yet to be formulated while there were reports that some journalists were injured during their coverage of the political demonstrations. Regarding the freedom of association, the NHRCT recommended that the bill on the operations of non-profit organizations be revised. The Ministry of Social Development and Human Security (MSDHS) has conducted public hearings to modify the bill, the result of which needs to be followed up. The NHRCT urges the government to respect the aforementioned freedoms in compliance with the Constitution and the International Covenant on Civil and Political Rights (ICCPR).

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

Workers' rights

In 2022, the government made efforts to better protect labour rights, including providing for protection of service contractors, raising maternity leave, and adjusting the minimum wages. The government prepared a bill on independent labour protection and relaxed the procedures

for obtaining legal immigration status and work permits for migrant workers. However, there were still challenges in promoting employment and developing necessary skills for workers in the post-COVID-19 pandemic and addressing unfair dismissal or noncompliance with labour laws. HIV testing as a prior requirement for employment is the subject of many complaints to the NHRCT and a problematic issue that needs to be taken seriously. The proposal of the bill on the elimination of discrimination against persons should thus be expedited. Migrant workers are still denied of the right to elect Social Security Committee members and relevant regulations need to be amended.

Right to health

A significant situation of the right to health in 2022 was the lack of a healthcare scheme for migrant workers and many of their children. In terms of mental health, the government increased medical care channels for persons with mental health problems with the use of technology to provide counselling services. However, the success rate of suicide has continuously risen every year, with children and youth being among those at high risks of suicide. Regarding the use of cannabis, there were occasional reports of health effects potentially caused by cannabis and problems of cannabis use among children and youth. Although there were several laws to protect public health, unclear and incomprehensive enforcement mechanisms resulted in inadequate and ineffective prevention of the impact caused by the use of cannabis.

Right to education

In 2022, the government made efforts to provide on-site teaching by providing vaccines for

students and educational personnel throughout the country. There was also progress in tracking students who had dropped out of the education system and assisting students with financial needs to ensure equity and reduce inequality in education through mechanisms provided by the Equitable Education Fund (EEF) and the Student Loan Fund (SLF). Nevertheless, the situation of concern was the learning loss among early childhood students and those who had dropped out of the education system and not being able to return to it. These were challenges for the government to address in order for children to receive education and learning development appropriate for their age.

Community's rights relating to land, natural resources and environmental management

In 2022, the government took actions to resolve problems on land ownership and disputes in the protected forest areas by promoting community deeds, allocating land to people and revised boundaries of public land. The government made efforts to resolve the problems of the people affected by the government's policies on natural resources conservation and management with a view to granting them an amnesty. However, there was much delay in the process of resolving the overlap between the protected forest areas and the people's arable land, as well as the allocation of land according to the policies of the National Land Policy Board, while the preparation of subordinate legislation on natural resources and environmental management has not made much progress since 2021.

The implementation of some development projects led by the state or state-authorized private entities did not provide for protection of individuals or communities whose rights might be affected, specifically on the issues of public participation and access to adequate and comprehensive information crucial for public hearings. The NHRCT,

therefore, recommends that concerned government agencies or state-authorized private entities take into account genuine public participation, place importance on disclosure of information and public opinions, develop preventive measures and provide prompt and fair remedy to those affected by the development projects.

Business and human rights

Overall, in 2022, the government and relevant agencies made efforts to implement the National Action Plan on Business and Human Rights (NAP) to promote business practices that respect human rights in accordance with the United Nations Guiding Principles on Business and Human Rights. Nevertheless, challenges remained in the dissemination of knowledge and understanding of human rights in business practices on a broader scale. Measures on voluntary disclosure of information did not apply to small and medium-sized enterprises and there were complaints about the impact of business activities, particularly in the case of investments by state-owned enterprises or Thai national-owned private companies abroad. The NHRCT thus recommends that various sectors participate in the preparation of the second phase of the NAP and push forward for a comprehensive human rights due diligence as part of the business governance or conditions on which the government support business operation.

4

Human Rights Situation of Specific Groups

Child's rights

For situation of child's rights in 2022, there was some progress made as the government provided for additional mechanisms in preventing and protecting children from sexual abuse and exploitation through online channels compared to the previous year. An initiative to link databases among various government agencies was launched

to facilitate integration of the work of. The Criminal Code was amended to raise the criminal responsibility age and the proportion of juvenile cases where special measures were used as alternatives to criminal prosecution had steadily increased. However, several issues need to be further addressed to protect the child's best interests. They are, for example, budget allocation of subsidies for every newborn child; the more effective promotion of early childhood development, the prevention of violence against children in all dimensions, including protecting them from sexual abuse and assisting child victims in returning to a normal life.

Rights of older persons

In 2022, the government made efforts to promote and rehabilitate the health of older persons and provide for various systems to help ensure income security in old age in preparation for the rising number of older persons. The government also promoted employment of older persons, developed the skills necessary for elderly workers to earn income and live independently, and developed mechanisms at the local level to prevent abuses against older persons. Nevertheless, some older persons were still faced with problems and barriers to accessing certain rights; for instance, lack of access to health services during the COVID-19 pandemic, lack of concrete measures to protect elderly workers, and limitations in access to technology which constituted significant obstacles for older persons in obtaining government services. In addition, an increasing number of older persons were found to have their rights violated and deceived through online channels.

Rights of persons with disabilities

The government designated the year 2022 as the year of job reform for persons with disabilities. Measures were being considered to provide disability allowance to all persons with disabilities

who have disability identification cards at the same rate, arrange physical environment and public transport according to the principle of universal design for all and support persons with disabilities to access information and financial transaction services. However, most children with disabilities were faced with barriers to accessing education, and the number of persons with disabilities employed in government agencies was rather low and likely to decrease further. Disability allowance was insufficient to support the livelihood of persons with disabilities. They usually had difficulties accessing financial transaction services, public transport, and information of public agencies. Statistical data and effective measures to prevent and protect women and girls with disabilities from sexual abuse were lacking. Besides, persons with disabilities usually faced obstacles relating to access to justice and experienced negative attitudes that might lead to abuse and discrimination against them.

Women's rights and gender equality

Overall, in 2022, the government took steps to formulate measures aimed at eliminating violence against women in a continuous effort to address the problem. The cabinet's approval of a draft action plan to prevent and resolve rape and sexual assault was to put the matter on a national agenda. On other fronts, the Ministry of Public Health issued a notification to provide women seeking abortion with information for a safe termination of pregnancy. The Committee on Anti-Gender Discrimination adopted a decision recognizing the right of women and LGBTIQN+ to freedom of dress according to their sexual identity. However, there are issues that the government should take further steps to align with the human rights principle; for instance, reducing acts of violence against women and investigating their root causes in order to develop policies or measures that could effectively address the problem. Likewise, the NHRCT recommends that the government

consider becoming a party to the International Labour Organization (ILO) Convention No. 190 to tackle problems related to sexual harassment both in the public and private sectors. It also advises the government to address refusal of termination of pregnancy and non-referral to other medical service providers faced by women and to accelerate legislative process in order to recognize the right to family life of LGBTQ+ persons.

Persons with legal status and rights problems

In 2022, the government made efforts to resolve problems and obstacles in the status determination process so that consideration of status applications could be expedited and the process did not put undue burden on the applicants. The cabinet also approved in principle a draft announcement of the National Screening Committee on the criteria, procedures and requirements for granting the status of protected person while budget was allocated for the purpose of disease prevention to persons with legal status problems. The NHRCT played its part by coordinating with the Department of Provincial Administration and other concerned agencies in tackling the issues. Nevertheless, only a small number of people received legal status or Thai nationality. G-status school children still experienced barriers of accessing various rights. Moreover, there were people fleeing unrest situation in Myanmar into Thailand from time to time. Various sectors provided them protection and deliver humanitarian assistance but concerns remained about the safety and well-being of those living in the temporary shelters and the assurance of vulnerable groups to access their fundamental rights.

Rights of ethnic groups

The government and concerned agencies acknowledged the NHRCT's recommendations and

made considerable efforts to solve the problems of ethnic groups. These included conducting a study on the overlap between state protected areas and ethnic groups' housing and farmlands, and a study on the appropriateness of assisting ethnic groups affected by the government's policy on natural resources conservation and management, which was partly in response to the request of civil society. However, there were challenges regarding a bill on the protection and promotion of the way of life of ethnic groups that did not make as much progress as expected. The physical survey and adjustment of the national parks boundaries also raised concerns among the ethnic people residing in the areas, while measures of natural resources conservation and management continued to impact the livelihoods of the ethnic groups. Moreover, some members of ethnic groups were subject to being prosecuted by relevant government agencies and private sectors regarding land disputes.

Rights of the urban poor

The government and concerned agencies attempted to develop a master plan for housing development to provide low-income people nationwide with security in housing and quality of life. Likewise, policies were formulated to tackle the problem of inequality in land and housing, as well as access to fundamental and essential utilities. However, issues and challenges faced by the urban poor remained as the NHRCT received complaints about difficulties regarding access to housing and basic utilities. Therefore, it is recommended that the government formulate a policy which guarantees access to necessary public services, follow up the effort to resolve the problems and drive forward the master plan on housing development for the urban poor across the country to ensure that they have adequate and appropriate housing and standard of living.