UPR Stakeholder Joint Submission to Human Rights Council
By FTA Watch, Justice for Peace Foundation(JPF)and Land Watch Working Group (LWWG)[1]
For the second cycle of Universal Periodic Review on the Kingdom of Thailand
21st September, 2015

Introduction

1. In connection to the second cycle of Universal Periodic Review on the Kingdom of Thailand in respect to human rights norms and obligations, **, FTA Watch, Justice for Peace Foundation (JPF) and Land Watch Working Group (LWWG)** respectfully to submit this report to the Human Rights Council (HRC). The report covers on four issues: (a) Right to land and natural resources; (b) Access to justice; (c) Human rights defender; (d) Gender equality and Women Access to Justice, and (e) Right to health.

Right to Land and Natural Resources

2. On June 14, 2015, National Council for Peace Order (NCPO) issued orders **64/2014** and **66/2014** with the aim to put an end to deforestation and forest land encroachment.

3. Report of Internal Security Operation Command (ISOC) revealed, from June 2014 to February 2015. There have been 1,013 people arrested and prosecuted for illegal logging and encroachment, and 50,000 rai of land were confiscated by the state including communal land. However, among 1,013 people, there is no explicit number of how many of them are investors, politicians, owners of wood processing plant and state officials. From testimonies, majority of these people who were arrested are the poor, marginalized and landless people who are entitled to the protection under order 66/2014[2].

4. NCPO orders permit and give excessive power and authority to military and state officials involved in the operation. It has led to number of human rights violations particularly forced eviction, arbitrarily deprivation and destruction of private owned property of the people, threaten mental and physical to the local villagers.

5. From testimonies, the lift of Martial law on April 1, 2015 has not contributed to any positive change on human rights situations. Local communities are still continually facing threats and attacks. Freedom of expression and assembly, and other basic rights have been remaining completely curtailed and restricted which pose difficulties and hindrance to the poor and local villagers to seek justice.

6. Order 64/2014 and 66/2014 are legal instruments in the "**Forestry Master Plan (FMP)**" issued by ISOC and the Ministry of National Resources and Environment. They aim to resolve the problem of forest destruction, trespassing of public land and sustainable management of natural resources. The goal of the plan is to increase forestry land of Thailand to 40% from its current level of 33% in 10 years, through a joint army led operation with harsh measures against alleged encroachers.

7. The full implementation of FMP without reviewing and full participatory process may cause serious human rights impact and violate rights to land and natural resources of the poor and landless people.

8. National Human Rights Commission's Sub Commission on the rights related to land and forest and Sub Commission on Community rights issued recommendation on Order 64/2014 and 66/2014 urges all involved state agencies to cease and suspend operation in the areas in the FMP as it affects livelihood of forest dependent communities. It also calls

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[2] A report on the impacts of implementation of NCPO order 64/2014 and 66/2014 presented at the consultation on Forest Master Plan organized the Sub- Committee on Land and Forest, National Human Rights Commission on 21-22 June 2015.

for a process that allows people to participate in reviewing, designing and decision making related to FMP.

9. Laws, policies and inaction of state particularly the overlapping declaration of land ownership of state, the expansion of agricultural land based on agriculture and trade policies, lack of clear boundary line of state land, inability to access and own land of the poor and landless communities due to land concentration and high price are major factors led to encroachment of state and forest lands.

10. From 2010 report of the Ad hoc Committee on land and land use dispute resolution, acts related to land and acceleration of the issuance of the land title deed, the parliament of Thailand found that there are at least 800,000 people dwelling in state's restricted land.

11. There are concerns about the concentration of land size and ownership. According to Land Institute Foundation[3], 90 percent of private land is owned by 50 individuals and juristic persons which constituted 10 percent of total population. Moreover, data from department of land, in 2010, 48 million rai of land are abandoned or idled land, and there are at least 811, 892 small scale farmers who are landless or own no land.

12. Since 2008, there is significantly increasing numbers of farmer and the poor losing their land particularly due to high debt, it is also accompanied by the increasing number of cases of small scale farmer facing unjust land rents.

Access to Justice

13. Enforced disappearance is used as an extralegal method of harassment and repression by the security forces in Thailand. The full extent of enforced disappearance in Thailand remains unknown but documentation suggests that it is frequently used by Thai security forces. Despite ratifying numerous human rights treaties, Thailand has not ratified the International Convention for the Protection of All Persons from Enforced Disappearance, nor has the Government criminalized the act of enforced disappearance[4]. These legal gaps, combined with a failure to prosecute those responsible for enforced disappearance, suggest that past and current government officials are not serious about bringing an end to this crime in Thailand. As a result, enforced disappearance continues to take place with impunity**.**

14. Victims of **torture** face hardship in procuring witnesses and evidence of being tortured to present to the court. This is because the majority of the victims are not granted permission for their families, lawyers, or representatives from the National Human Rights Commission (NHRC) to visit them in detention immediately after they have been tortured. Victims are also unable to request immediate examination by a physician while in detention. In addition, some torture victims have been counter-charged by police on the accusation of giving false testimony about being tortured.[5]

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[3] Land Institution Foundation, *land use and ownership (Thai)*, cited in *the analysis of problem related to inequality and injustice in economic system, and approach for reforming: the problem of owning land without making any benefits and the proposal to solve land problem in Thailand (Thai),* available on www.aihr.info/.../บทวิเคราะห์ปัญหาที่ดิน_final%2027102011.doc, accessed on 19/9/2015

[4] On 9 February 2012, Thailand signed the Convention for the Protection of All Persons from Enforced Disappearance; however, enforced disappearance has yet to be criminalized and legislation related to investigation, prosecution, and remedies has not yet been passed.

[5] On 10 June 2011, Mr.Suderueman Malae, who was under the DSI's witness protection program, was charged by two senior police officers in Black Case No.Or 2161/2552 with making a false statement regarding being tortured to the DSI's inquiry officials and the NACC's Inquiry Subcommittee. The plaintiffs filed the complaint with the Bangkok Criminal Court. See Cross Cultural Foundation, press release, "Torture Victim in Gun Robbery convicted to two years sentence for reporting false information on torture allegation to DSI and NACC,"10 August 2011.

15. Reparation for torture and enforced disappearances has been extremely limited to a small number of cases in southern Thailand.[6]

16. Judicial remedies, the right to truth and the right to reparations for enforced disappearances remain largely denied by the state in Thailand. The failure to define **"enforced disappearance"** as a crime in Thailand stands in the way of prosecutions. Compounding this is the weakness of investigatory and prosecution bodies that lack independence. In no case has there been an appropriate prosecution of the perpetrator of an enforced disappearance in Thailand. The right to truth is systematically denied as government agencies seek to hide rather than reveal the truth about enforced disappearances**.**

17. After the first round of UPR presentation in 2011, the RTG, by the Rights and Liberties Protection Department, Ministry of Justice, signed the International Convention for the Protection of All Persons from Enforced Disappearance on 9th January 2012. Later, an effort has been made by the MoJ to draft the Act on the Prevention of Torture and Enforced Disappearance B.E. …, though most of the drafters appointed were officials from various state agencies including the police and military. The Prevention of Torture and Enforced Disappearance Bill is tabled for consideration of the council of ministers and has been fraught with delay. There is no clear indication as to when the law will be promulgated.

Human Rights Defenders

18. In the past nineteen years (1995-2014), at least 36 Human Rights Defenders working to protect community rights and the rights of ethnic minorities have become victims of assassination and enforced disappearance. The investigations have often faced difficulties and their families have found it difficult to have access to justice as provided for by law since most perpetrators are local influential people or they are involved with state officials. In many cases, the police and public prosecutors have decided to give up and no one has been brought to justice. The relatives are prevented from getting to know the truth and having access to justice or remedies. For example, the abduction of Lawyer ***Somchai Neelapaijit***, a human rights lawyer who was representing some Malay Muslims alleged to be offenders in the SBPs, which both remain unresolved. Somchai was allegedly abducted by police officials and was a victim of enforced disappearance on 12 March 2004. Or the case of ***Mr. Pholachi Rakchongcharoen***, ***aka "Billy",*** a community right activist of the Karen community who was apprehended and held in custody by the Chief Officer of Kaeng Krachan National Park in Petchaburi on 17 April 2014 and until now their whereabouts and fate are still unknown**.**

Women Human Rights Defenders who work on women's rights in southern Thailand have faced threats, intimidation and dehumanization committed against them by some community and religious leaders.

Witness and Victims Protection

[6] In June 2012, the Thai government set up the Committee on Compensation and Restitution for Affected Person of the Southern Unrest, chaired by the Minister of Justice, to compensate and rehabilitate people affected by violence in strife-torn southern Thailand. The Committee provided monetary compensation of 7,500,000 Thai baht to the families of victims of enforced disappearance and 500,000 Thai baht to the families and/or victims of torture, including Somchai Neelapaijit's family. The compensation was granted on the grounds that Somchai Neelapaijit had been declared to be a "disappeared" person, and that his disappearance was believed to involve some state officials and to be connected to the conflict in southern Thailand. Notably, Angkhana Neelapaijit, Somchai's wife, said that she would not accept the compensation if it extinguished the right to bring a criminal prosecution, which the Royal Thai Government accepted. SeeThe Committee on Compensation and Restitution for Affected Person of the Southern Unrest, Meeting Minutes 6/2555, 2 July 2012.

19. Though Thailand has the ***2003 Witness Protection Act*** under the oversight of the Rights and Liberties Protection Department, MoJ, or the Department of Special Investigation (DSI), supposedly to provide protection for witnesses in special cases, but both the Rights and Liberties Protection Department and DSI have failed to make the witnesses confident in the protection. According to the 2003 Witness Protection Act, the Rights and Liberties Protection Department can seek collaboration from the Royal Thai Police to designate police force in each locality to provide the protection. But in reality, many of the perpetrators are police officials themselves, and both the witnesses and victims have no confidence in their performance of duties. In addition, the protection perimeter is often confined to the area where either the witness or the victim lives, and if they venture to other area, such protection shall not be provided.

20. Another major drawback of the witness protection program by the Rights and Liberties Protection Department and DSI is such protection shall end when the case is indicted with the Court and when either the witness or victim has completed their giving the evidence to the Court, even though in reality, after giving such evidence, they continue to be vulnerable to intimidation from influential people or even state officials involved with the commission of the offence. This explains why the witness or victim does not feel safe and is unable to live their normal life.

21. Impunity: Laws codifying immunity of state officials, a politicized and sometimes weak criminal justice system (including the police, the Department of Special Investigations and the judiciary) and a concerning lack of political will have resulted in immunity for security officials who are directly responsible or bear responsibility through chain of command for serious crimes, including assault (torture) and murder (extrajudicial killings).

Gender Equality

22. Thailand has adopted the recommendation during UPR 1st cycle to review the ***"Gender Equality Bill"*** and remove exception therein which would allow for discrimination against women, consistent with CEDAW (Canada). But the ***"Gender Equality Bill"*** that passed the National Legislative Assembly and become effective since 9th September 2015 fails to provide genuine safeguards to ensure gender equality. For example, Section 17(2) of the Act allows gender based discrimination if it is ***"done so for safety and wellbeing, if it serves religious principles or national security"***.[7] Therefore, religion, national security or safety can be cited as grounds to permit gender based discrimination in Thailand**.**

Women Access to Justice

Women from Myanmar (Burma) in temporary shelters and war refugees

23. ***Migrant women from Myanmar*** have taken refuge in temporary shelters which have been operated for more than 25 years under the supervision of the RTG and civil society in Thailand (NGOs), international organizations and the UNHCR as well as the refugee committee in each of the shelters. In each shelter, a unique justice system is adopted. The Camp Committee administrates justice affairs in the camp invoking laws from different sources including Burmese laws and local ordinances. There are certain criminal offences

[7] http://www.senate.go.th/bill/bk_data/53-3.pdf

http://www.ratchakitcha.soc.go.th/DATA/PDF/2558/A/018/17.PDF

Section 17 "It is prohibited for any state agency, private organization or any individual to provide for a policy, rule, regulation, announcement, measure, project or guideline which constitutes gender discrimination.

Nevertheless, if the act as mentioned in (1) is intended for removing obstacles or to enable a person to exercise his or her rights and freedom as other people, or for protecting the wellbeing and safety, or for serving religious purpose or for national security, it shall not be construed as a gender discrimination."

prescribed by the Thai state as ***"offences absolutely under the jurisdiction of the Court"*** [8] including non-compoundable rape, physical assault, murder, and sexual offence against minors. Nevertheless, Burmese women in the temporary shelters are concerned about their lack of knowledge about their rights including the right to have legal representation, interpretation, financial assistance and protection. Particularly, in such temporary shelters, no proper facilities are provided for holding suspects or offenders in custody. Thus, fearing reprisal from the perpetrators, many women dare not complain or ask for help.[9] In addition, a number of women who have fled from rape and sexual assault committed by the Burmese troops to resettle in the temporary shelters often find themselves unable to access justice and the right to rehabilitation.[10]

24. Thailand has not signed the UN Refugee Convention, but has laws governing refugees. Despite efforts by the RTG and the UN High Commissioner for Refugees (UNHCR) to register all refugees and asylum seekers, due to many factors, the registration has, however, not been completed. Thus, these people are still regarded as undocumented migrants.

Ethnic Malay Muslim women in areas of armed conflict

25. In the Southern Border Provinces (SBPs) under the conflict area, women's political participation and decision making are restricted by factors concerning the religion, culture and tradition as well as local values which underpin the belief that women are supposed to act only as wives and mothers.

26. Amidst the restive situation, breadwinners of families in the South, particularly men, are afraid to go out and work. Women have to bear greater responsibilities to raise their families in addition to child rearing. In addition, due to a lack of enforcement of t**he *Act on the Use of Islamic Law on Inheritance and Family Litigation B.E. 2489*** in the Provinces of Pattani, Narathiwat, Yala and Satun, it is difficult for women to have access to justice, particularly women in rural areas and women who have a low level of education. It is hard for them to invoke their rights in terms of divorce, requests for family and child support, or to deal with domestic violence or sexual violence.[11]

27. The decisions made by the ***"Justice Datoh"*** *or* ***"Datoh Yutitham"*** based on ***Islamic Law on Inheritance and Family Litigation B.E. 2489*** are taken as final and no appeal can be made by the parties. Should the ***Datoh Yutitham*** make any wrong decision regarding the interpretation of Islamic Law, it would have rendered irreparable damage to the parties.

28. There were complaints from the Malay Muslim people in the deep south to the SBPAC's *Damrong Tham Center* (*Justice Center*) that some security officials deployed in the SBPs have had sexual relationships with local Malay Muslim women. In some cases, the officials married the women but in some cases, the relationships remain out of wedlock. When the forces were transferred back to their homes, the contacts were terminated and the women and their babies were left to their own devices without any support and having to endure shame. Insofar, none of the concerned agencies have adopted any measures to address the needs of these vulnerable women and children.

Women inmates

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[8] *Women's Access to Justice: Identifying Obstacles and Need for Change Thailand*, International Commission of Jurists and Justice for Peace Foundation, Geneva 2012, page 49.

[9] Ibid.

[10] A report of the meeting to review the Beijing Declaration, 28 September 2014 at the Girl Guides Association, Bangkok, organized by the Foundation for Women, Social Agenda Taskforce, with support from UN Women.

[11] ***A report on the monitoring and follow up of the solution and restoration of traditional cultures in the Southern Border Provinces***, the Senate Special Standing Committee on the monitoring and follow up of the solution and restoration of traditional cultures in the Southern Border Provinces, pp. 88-89, March 2013.

29. At present, the ratio of women inmates in Thailand ranks the highest in the world or 73.4 per one hundred thousand people.[12] According to the research "*Women Inmates in Thai Prisons*", women's prison is confined to a small area inside the men's prison. Though there are 164 men's prisons, the number of women's prisons remains at eight, thus it is more crowded in the women's prison and women inmates are subjected to more stringent rules concerning how to behave and there are fewer options for them to develop their potentials.[13] In addition, the report "*Women Inmates: The situation and policy proposals*" states that the living condition and procedure in various women's prisons fail to meet international human rights standards and protocols, in particular the **"Bangkok Rules"**.[14]

Right to health

30. On June 4th, 2015 the National Legislative Assembly (NLA) has received a draft **Bill on Prevention of Teenage Pregnancy B.E. …** submitted by a member of the NLA aiming to solve and prevent teenage pregnancy. The bill may derive from a good will to tackle teenage pregnancy which often leads to unsafe abortion, high maternal and higher school drop outs. It aims to enable the youth to access information and services about their sexual and reproductive health and also includes *"sexuality education"* in school curriculum. However the draft bill authorizes the officers according to this law to enter any places including vehicles when there are reasons or suspect of sexual violence, sexual abuse or any act that will affect sexual well-being of teenagers, pupils or students after the sun rise and before the sun set. **Therefore this draft bill is against basic human rights set forth in the constitution and also against CRC section 16 that guarantee the rights of the child to protection from any interference in privacy, family lives and they will not be affected to their dignity and names.**

Right to Health of Muslim in Southern Border Provinces

31. People in the SBPs have found it difficult to access health services and there has been misinformation spread in local communities. There is also a lack of knowledge about reproductive health. All of these have impeded access to necessary health services causing impacts on the health of people, particularly women and children. It was found that **children there have low I.Q. and that there is high rate of maternal mortality**. Owing to problems in prenatal care and child delivery, many babies are born with a birth weight less than 2,500 grams. There is also a spread of HIV/AIDS and a lack of access to treatment. Children have no access to necessary vaccination and other treatments. Rehabilitation of drug users has not met international standards, etc.[15]

32. The coverage of the recommended vaccine immunization among children in Thailand was more than 80 per cent in 2006[16] and 2010.[17] However, **the accessibility of vaccine immunization among children in the Deep South has been worsening.** The health surveys in 2006 and 2010 reported that the coverage was lower than 60 per cent in Pattani, Yala and Narathiwat provinces. This led to the outbreak of several vaccine-

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[12] Kritaya Archavanitkuland,Kullapa Wajjanasara, *"A looking glass of gender and diversity: Proposals for the strategy development for women's wellbeing"*, NakhonPathom, the Southeast Asian Consortium on Gender, Sexuality, and Health, 2015, p. 143.
[13] Ibid page 146.
[14] Ibid page 148.

[15] ***A report on the monitoring and follow up of the solution and restoration of traditional cultures in the Southern Border Provinces***, the Senate Special Standing Committee on the monitoring and follow up of the solution and restoration of traditional cultures in the Southern Border Provinces, March 2013, page 103.
[16] National Statistical office and UNICEF, *Multiple Indicators Cluster Survey December 2005-Febuary 2006, Bangkok*: UNICEF Thailand Country Office, 2006.
[17] Department of Disease Control, *National Survey Vaccine Coverage 2010*, Nonthaburi: Ministry of Public Health,2010.

preventable diseases during 2007-2012.[18] The low coverage of immunization was associated with the intensity of armed violence. Residents of areas with a high intensity of violent conflict had a 2.4 times higher risk to have incomplete immunization in comparison with residents in the non-conflict areas of the South.[19]

FTA and other Trade and Investment Agreement and the Right to Health

33. The report of the Special Rapporteur on the rights of everyone to the enjoyment of the highest attainable standard of physical and mental health, released on August 11, 2014, has recognized and raised concerns about the increasing rights and power of transnational corporation enabling them to influence international and domestic law and policy – making, and infringe upon State's policy space. It also brought concerns about International Investment Agreement (IIA) on its negative effects on the progressive realization of the rights to health.

34. Thailand has at least 37 Bilateral Investment Treaties that are in force and a party to 11 Free Trade Agreements (FTA). Starting in March 2012, Thailand was in FTA negotiation with European Union (EU) but due to the coup staged in May 2014, the EU suspended the negotiation until the country returns to democracy and has a democratic government.

35. However, the past and current governments have shown their interest to continue and join other FTAs negotiation including Trans-Pacific Partnership (TPP). There is at least one FTA - Regional Compressive Economic Partnership (RCEP) which is in the negotiation process and expected to be concluded by the end of 2015.

36. Issue on Trade Related Aspect of Intellectual Property Rights (TRIP) and **Investor State Dispute Settlement (ISDS)** are the major concerns in IIAs that have direct negative impacts on rights to health particularly on access to medicine.

37. It has been a consistence intention of State officials to negotiate and accept agreement related to TRIP which goes beyond the agreement under World Trade Organization (WTO) or called "**TRIP plus**". TRIP plus allows pharmaceutical company to have additional 5 year of patent extension and to have monopoly control of data related to medicine or called Data Exclusivity. If the government of Thailand accepts TRIP plus, it will limit flexibility mechanism under TRIP, availability and access to generic medicine, which most of poor and people living with HIV are depending on, for their survival.

38. The position of state official on this issue are explicitly driven by benefits and interests of transnational pharmaceutical companies who have been consistently lobbying officials to accept TRIP Plus.

39. Many FTAs and at least 33 BITs of Thailand included arbitration clause for investor-state dispute settlement (ISDS) that can be invoked only by investors against host State for alleged violation of investor's rights. The inclusion of **ISDS would limit policy space and ability of state to protect and fulfill rights to health of its own peoples**.

40. Article 190 in 2007 Constitution requires government to hold public consultations and the draft agreement framework for FTA negotiation to be scrutinized and approved by the parliament. It is to ensure transparency and enhance people's participation. However, the revocation of 2007 constitution as a result of military coup has triggered serious concern about the **transparency and participation of people in FTA** and other trade and investment related agreements. Since 2007, there are attempts to amend article 190 with

[18] Bureau of Epidemiology, Ministry of Public health. *Annual report of Infectious disease 2007-2012*. Bangkok : Government of Thailand 2013. Available from www.boe.moph.go.th/Annual/Total_Annual.html.
[19] Jeharsae, *R.,Effects of Armed Violence on Growth and Development of 1-to 5-years old Children in Southern Thailand*, Songkhla: Prince of Songkhla University, 2011.

the aim to limit transparency, participation and ability to check and balance among branches of government.

41.The Periodic Review of Thailand should recommend the Thai Government to;

Rights to Land and Natural Resources

Urgent recommendation on impacts of the implementation of NCPO order 64/2014 and 66/ 2014, and Forestry Master Plan

- Provide shelters and spaces to accommodate the forcefully evicted people. While looking for alternative space or land, the government must allow them to return for temporary settlement on their original or state owned land. The government must as well allow local people whose land has been confiscated or disallowed for land use to utilize their land until the dispute has been justly resolved.

- Introduce healing and remedy policy to compensate for the damages caused by destruction of plants or crops, generated income, house or buildings demolition, to the victims who are not capitalist, influential figures and landlords.

- Provide support and assistance to ensure justice for the trialled civilian as a result of NCPO order 64/2014.

- Immediately suspend the implementation of NCPO order 66/2014 that requires forest land confiscation and destruction of crops of the poor, landless or small land owners who have been originally residing in the area.

- Hold public hearing to review forestry master plan that aims to solve the destruction of forest, encroachment of state land and sustainable natural resources management.

Recommendation on the solution to disparity and redistribution of land

- Support campaign for promulgation of four laws for land ownership distribution and assurance of community rights to land management(people version) that include: progressive land tax bill, community rights to land and natural resource management in the form of community land deed bill, justice fund bill and land bank bill.

- Reform the law that lead to the recognition of community's status, settlement and use of disputed state's land. Support of community land titles development process that must be carried out jointly by local community and state, and urgently appoints committee to draft the bill on community rights to land and natural resources management.

Access to Justice, Human Rights Defenders, and Gender Equality

- Demonstrate commitment to respecting international human rights law by ratifying the Disappearances Convention, OP CAT, OP ICCPR and the 1951 UN Refugee Convention and pass legislation criminalizing torture and enforced disappearance.

- Invite the following United Nations special procedures to visit over an appropriate time period: Special Rapporteur on Torture (requested), Special Rapporteur on freedom of expression, Working Group on enforced and involuntary disappearances (requested) , Working Group on arbitrary detention (requested), Special Rapporteur on extrajudicial Killing (requested), Special Representative on human rights defenders (requested), and the Special Rapporteur on peaceful assembly.

- Amend all laws to ensure compliance with Thailand's international human rights obligations, specifically the Emergency Decree, the Internal Security Act, article 44 of the temporally constitution 2014 and the Witness Protection Act B.E. 2003.

- Ensure that in all cases of torture and enforced disappearances there is: (i) a prompt, thorough and independent investigation and prosecution of the accused; (ii) an establishment of the truth; and (iii) provision of reparations to the victim (s).

- Apply the UN Guidelines on Human Rights Defenders to ensure the protection of human rights defenders in Thailand. Where evidence is available prosecute individuals responsible for violations against human rights defenders.

- Provide witness protection to the families of victims, eyewitnesses and any concerned witnesses to ensure that they can give useful information during the investigation and trial with confidence that they will not face repression for doing so.

- Establish a systematic national mechanism to provide the full range of reparations to families of victims of enforced disappearance and torture.

- Ensure all allegations of human rights abuses are transparently and thoroughly investigated and where evidence is available alleged perpetrators are prosecuted in criminal courts in line with international fair trial standards.

- Revise the Gender Equality Act B.E.2015 with a view to eliminating any discriminatory provisions.

- The RTG must adopt and apply UNSC Resolution no. 1325 in armed conflict areas to promote the roles and decision-making of women in the peace making process. A National Action Plan on Women Peace and Security must be mulled to provide protection for women and girls in armed conflict areas and to ensure that women have a role in developing the plan.

- Ensure that all detainees especially women detainees are kept in regular places of detention and have access to judicial scrutiny, medical health, habeas corpus, and independent monitoring of detainees and detention facilities on a regular basis and visits from their family and/or a lawyer of their choice.

- More representation of women in the Committees or Taskforces set up by the state to develop and make decisions concerning policy issues should be encouraged. More women officials including police, community leaders and commanding officials must be deployed to give instructions and to make decisions in various areas.

- Regarding married /non-married sexual relationships between the security forces and local Malay Muslim women, their superior officials have to closely monitor the situation. If these forces have been relocated and they have failed to provide sustaining support for the women's families, their in charge agencies must impose disciplinary actions against them and legal actions must be launched to protect the interests of the women and children.

- Ensure that content of the ***Islamic Law on Inheritance and Family*** is in compliance with international human rights principles and gender equality and helps to enhance access to justice for all Muslim women.

Rights to health

- The government should stop considering the draft bill on the Prevention and Solving Teenage Pregnancy B.E. .. which will lead to violation on the rights and human dignity of children and

youth. There should be consultation procedures which open for the participations from CSOs working on women's rights, child rights and reproductive rights in order to improve the draft to be compliance to CEDAW, CRC and optional Protocol on the Rights of the Child that Thailand are state's party.

- An effort should be made to provide sex education and reproductive health based on the proper religious teaching among the Malay and Muslim women in the SBPs to enable them to look after themselves and their children effectively and safely.

- State agencies have to promote health proactively at the provincial, district, village and community levels appropriate to the health problems of the people. An effort should be made to address health problems of mothers and children, reproductive health, and preventable disease control using vaccination, which is a major problem in the SBPs.

- Conduct and produce report on Environmental, Social and Health Impact Assessment, and Regulatory Impact Assessment.

- Conduct and produce report on assessment of impact on marginalized groups, small and medium-sized enterprises.

- Commit to hold public consultations and allow the framework for FTA negotiation to be scrutinized and approved by the parliament.

- Commit to periodical submission or revelation of negotiating text of FTA and other trade and investment related agreement to the parliament and civil society especially human rights organizations, and allow representatives from general public and civil society to observe the negotiations.

- Commit to hold deliberative referendum, in the case of sensitive issues or with severe impacts on human rights especially on issues related to Intellectual Property Rights, Investment and Investor State Dispute Settlement.

42. Recommendations to the International Community

- The diplomatic community should raise issues of concern, such as those referred to above with the Thai Government during the Review process.

- The special procedures on freedom of expression; enforced and involuntary disappearances; Torture; and the Special Rapporteur on peaceful assembly and association should be encouraged by the Review to request invitations to visit Thailand. Visits by special procedures should be coordinated and timed to reflect the highest priority concerns in the country.

- Relevant special procedures should be encouraged by the Review to continue to closely monitor the situation in Thailand and communicate with the Thai government both privately and publically where necessary and appropriate.

END