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**Working Group on the Universal Periodic Review**  
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Geneva, 2-13 May 2016

### **Draft report of the Working Group on the Universal Periodic Review\***

#### **Thailand**

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\* The annex to the present report is circulated as received

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## Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its twenty-fifth session from 2 to 13 May 2016. The review of Thailand was held at the 16<sup>th</sup> meeting on 11 May 2016. The delegation of Thailand was headed by Permanent Secretary, Ministry of Justice, Mr. Charnchao CHAIYANUKIJ. At its 20<sup>th</sup> meeting held on 13 May 2016, the Working Group adopted the report on Thailand.

2. On 12 January 2016, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Thailand: El Salvador, France and Maldives.

3. In accordance with paragraph 15 of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, the following documents were issued for the review of Thailand:

(a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/25/THA/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/25/THA/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/25/THA/3).

4. A list of questions prepared in advance by Australia, Belgium, the Czech Republic, Germany, Lichtenstein, Mexico, the Netherlands, Norway, Slovenia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland, and the United States of America was transmitted to Thailand through the troika. These questions are available on the extranet of the UPR.

## I. Summary of the proceedings of the review process

### A. Presentation by the State under review

5. The head of the delegation, Permanent Secretary of the Ministry of Justice, Mr. Charnchao Chaiyanukij highlighted that a national consultation was organized to allow public participation in the national report drafting process.

6. He stated that Thailand had incorporated the accepted recommendations from the first UPR cycle in the Third National Human Rights Plan to ensure more holistic and effective implementation by all relevant government agencies.

7. Thailand became party to the UNTOC and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, the Third Optional Protocol to the CRC on communications procedure, and the ILO Convention No. 187 on occupational safety and health.

8. Thailand has also withdrawn several reservations and interpretative declarations to different human rights instruments including Articles 6 and 9 of the ICCPR, Article 16 of the CEDAW, and Article 18 of the CRPD.

9. Several human rights related laws were also passed or upgraded, including the Gender Equality Act, the Justice Fund Act, the Amendment to the Organic Law on Anti-Corruption, and the Amendment to the Criminal Code on the criminalization of child

pornography. The draft amendment to the Labour Protection Act and the draft Act on alternative measures to substitute the normal criminal proceedings were sent to the National Legislative Assembly for their deliberation.

10. Thailand has integrated the drug laws under a new single code within which penalties for drug offenses are made proportional. The new single code encourages alternative to punishment and has diversion measures for minor drug offences to provide drug users with voluntary treatment and rehabilitation rather than incarceration.

11. Thailand achieved most of the MDGs and continues efforts to achieve the SDGs such as the Education for All policy, the Universal Health Coverage, intensified efforts to fight human trafficking and corruption. The Government also approved the expansion of the Child Support Grant Scheme, the establishment of the Education Fund, and the project to improve quality of lives of the homeless.

12. Thailand has stepped up the protection of migrant workers through the nationwide registration scheme and the MOUs on labour cooperation with four neighbouring countries, birth registration for all children who were born in the country, as well as provision of access to education and healthcare.

13. Thailand grants victims and witnesses in human trafficking cases under trial temporary stay and permission to legally work in the country. It has also expedited the verification and granting of legal status to students with nationality status problem in the country.

14. Thailand continues to enhance the capacity of human resources, including through cooperation with various partners. Thailand will further raise awareness and understanding on human rights, and take human rights into consideration when formulating policies or performing duties.

15. Thailand has the urgent need to overcome its political challenge that was a result of years of social divisiveness and conflicts. Meanwhile, Thailand has conducted the comprehensive national reform to improve infrastructure, enhance the efficiency of public administration, as well as solve longstanding problems such as corruption.

16. Regarding restrictions on freedom of expression, limitations have been in place only to a level necessary to maintain public order and prevent further polarization in the society. The real challenge is the need to maintain a balance when enforcing relevant laws, so as not to undermine the exercise of rights and freedoms, especially of those done in good faith with well intention.

## **B. Interactive dialogue and responses by the State under review**

17. During the interactive dialogue, 99 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

18. Cuba welcomed the Third National Human Rights Plan, and the Gender Equality Act, the Anti-Trafficking in Persons Act, and the Protection of Vulnerable Persons Act.

19. The Czech Republic made recommendations.

20. Denmark was concerned about the expansion of the scope of crimes for which the death penalty is applicable, and arbitrary and *incommunicado* detention without safeguards against torture.

21. Djibouti welcomed Thailand's cooperation with international human rights mechanisms, and the 3<sup>rd</sup> National Human Rights Plan, and noted laws, policies and

strategies in the areas of the fight against domestic violence, gender equality, and education.

22. Ecuador highlighted Thailand's efforts in the reduction of poverty and gender equality.

23. Egypt commended the development of a new human rights plan, promotion of the rights of women and persons with disabilities, enhanced access to the right to education, and the amendment to the Criminal Code on child pornography.

24. Fiji noted measures to address violence against women and children, including domestic violence, particularly the development of a manual on a non-violent approach to child-rearing in various settings.

25. Finland asked about measures being taken to ensure the consistency of national legislation on freedom of expression with international law.

26. Georgia commended the ratification of the Palermo Protocol and the decision to extend a standing invitation to special procedures.

27. Germany was concerned about restrictions on freedoms of expression, association and assembly.

28. Greece was concerned about restrictions of the rights to free speech, association and peaceful assembly.

29. Guatemala welcomed the 3<sup>rd</sup> National Human Rights Plan, and hoped that the new constitution would include democratic and human rights principles.

30. Honduras welcomed the ratification of the Palermo Protocol and the signing of the ICPPED.

31. Italy appreciated measures to increase the protection of women and children's rights.

32. India appreciated legislative initiatives and Thailand's engagement with treaty bodies.

33. Indonesia welcomed the Gender Equality Act and Justice Fund Act, and the amendment to the Organic Law on Anti-Corruption.

34. The Islamic Republic of Iran welcomed the approval of the third National Human Rights Plan and the 12<sup>th</sup> National Economic and Social Development Plan.

35. Iraq commended on consultations for the implementation of the third National Human Rights Plan.

36. Iceland regretted restrictions on the right to redress, freedom of expression and peaceful assembly, a broader scope and application of the death penalty, and that human rights defenders were subjected to prosecution, harassment, killings and enforced disappearance.

37. Japan welcomed measures to combat trafficking, and expected rapid progress in unresolved cases of enforced disappearances.

38. Kazakhstan welcomed the ratification of the Palermo Protocol and signing of the ICPPED, and a standing invitation extended to special procedures.

39. Kuwait appreciated measures to improve the social welfare system, especially for vulnerable groups.

40. Kyrgyzstan welcomed the withdrawal of reservations and interpretative declarations to human rights instruments.

41. The Lao People's Democratic Republic welcomed the 3<sup>rd</sup> National Human Rights Plan, and progress in enhancing gender equality, the rights to work, health and education.
42. Latvia welcomed Thailand's standing invitation to special procedures. Latvia was concerned about continued restrictions on freedom of expression.
43. Lebanon welcomed legislative measures to guarantee human rights.
44. Libya noted measures to implement UPR recommendations.
45. Luxembourg was concerned about restrictions on freedoms of expression, opinion, assembly and association, and about refugees' rights.
46. Madagascar noted legislative and institutional measures to strengthen human rights.
47. The Philippines noted the Gender Equality Act and the National Human Rights Plan, and appreciated Thailand's efforts in the ASEAN region to seek for better protection of the rights of migrant workers.
48. Maldives welcomed efforts to combat sexual violence and the Gender Equality Act. It also appreciated measures to promote the rights of persons with disabilities, empower women and promote youth development.
49. Mexico welcomed measures related to trafficking in persons and the Gender Equality Act.
50. Montenegro appreciated the National Human Rights Plan and efforts to address violence against women. It noted concerns about human trafficking for purposes of sexual exploitation and forced labour, including child prostitution.
51. Morocco welcomed the 3<sup>rd</sup> National Human Rights Plan, and noted the achievement of MDGs in areas the related to poverty reduction, gender equality and access to potable water.
52. Mozambique welcomed the National Human Rights Plan, the Gender Equality, Act, the Justice Fund Act, the Protection of Vulnerable Persons Act, and the Amendment of the Criminal Code to criminalize child pornography.
53. Namibia welcomed the 3<sup>rd</sup> National Human Rights Plan and the Gender Equality Act encouraging improvement to the welfare system. It expressed concern about the inclusion of the death penalty in the new Anti-Corruption Law thereby expanding the use of the death penalty for economic crimes.
54. Poland welcomed the standing invitation extended to special procedures and the National Human Rights Plan.
55. New Zealand expressed concern about a deterioration of the protection and promotion of human rights since the military coup, and the downgrading of the National Human Rights Commission of Thailand.
56. Nigeria welcomed Government efforts to protect the right to work of all persons and the implementation of ILO Conventions 87, 98, and 187.
57. While appreciating ongoing efforts to counter human trafficking and the ratification of the Palermo Protocol, Norway was concerned about restrictions of freedom of opinion and expression, peaceful assembly and association.
58. Pakistan welcomed the National Human Rights Plan, and the plans for social and economic development with a focus on empowerment and protection of women, elderly persons, persons with disabilities, children, migrants, asylum seekers and ethnic minorities.

59. Panama appreciated legislative efforts to protect vulnerable groups, women and children.
60. Paraguay hoped that the National Plan 2017-2021 would allow further progress on human rights.
61. Malaysia acknowledged achievements in human trafficking, and social protection programmes for vulnerable groups encouraging Thailand to address inequality, promote children's rights, and achieve gender equality.
62. The Netherlands appreciated the signing of the ICPPED. It was concerned about restrictions on freedom of expression and opinion, and the persons detained, imprisoned, tortured or killed for their peaceful exercise of their rights.
63. While welcoming Thailand's standing invitation to special procedures, the ratification of the Optional Protocol to the Convention on the Rights of the Child on a communication procedure, Portugal expressed concern that the National Human Rights Commission lost its A status.
64. The Ministry of Justice submitted the draft Act on Prevention and Suppression of Torture and Enforced Disappearance to the Cabinet for consideration, after which will be referred to the Council of State and the National Legislative Assembly. The passing of the draft Act will enable the ratification of ICPPED.
65. On the downgraded status of the National Human Rights Commission, the Government stands ready to provide any assistance to strengthen its capacity and work.
66. The Cabinet has instructed all ministries to implement the Human Rights Action Plan and report annually progress on their implementation to the Ministry of Justice.
67. Thailand has drafted a new Penitentiary Act aiming for the systematic reform of penitentiary system. Significant improvement for access to healthcare in Thai penitentiary system has been made. To address overcrowding in detention centres, Thailand has considered several alternatives to imprisonment including revising its legislative framework. Thailand continues to provide specific care for vulnerable groups, including women and mothers with children prisoners.
68. Thailand provides legal assistance and services to all Thais and non-Thais without discrimination.
69. With respect to the CRC's recommendation to raise the minimum age of criminal responsibility from 10 to 12 years, Thailand has conducted several studies, which helped identify further actions to be taken when the new minimum age is imposed.
70. To protect children from the emerging threats in the digital world, Thailand has amended the Criminal Code to cover a wider definition of child pornography and impose more severe punishments against the offenders.
71. To address the issue of violence against children, Thailand has introduced the Child Protection Policy in both schools and families.
72. Prevention measures against child sexual exploitation have also been put in place to effectively prevent foreign tourists with sexual criminal records from re-committing the crimes or re-entering Thailand.
73. All children in Thailand are entitled to the right to be registered at birth, allowing them to stay in the country and have access to basic services such as education and healthcare.

74. Thailand is considering the possibility to withdraw its reservation to Article 22 of the CRC, to accord necessary protection and assistance to children of refugees and asylum seekers.

75. Regarding empowerment of women, the 2015 Gender Equality Act protects everyone from gender-based discrimination, including persons with sexual expression that is different from biological sex.

76. Thailand remains committed to advancing the rights of persons with disabilities. As such, the Cabinet endorsed the proposal for Thailand to ratify the OP-CRPD and to sign the Marrakesh Treaty last month. Further, Thailand intends to further amend the Empowerment of Persons with Disabilities Act, as recommended by the CRPD Committee in its concluding observations.

77. In addition, Thailand has made significant progress in providing care and services for older persons, who enjoy free services such as public transportation and universal health coverage.

78. Thailand is working on providing remedy to victims of trafficking in persons and bringing the offenders to justice.

79. Thailand is committed to ensuring labour protection to all workers equally and without any distinction, especially on the basis of race and nationality. Several laws concerning labour protection, social security and workmen's compensation have been revised to provide greater protection for all workers in line with the international labour standard.

80. To address the vulnerability of migrant workers to exploitation, and to increase their access to legal rights and social services, Thailand has launched a new policy on the renewal registration for migrant workers for a stay-permit and work-permit for two years, to encourage them to identify themselves to receive benefits and to be legally recognized.

81. In tackling the forced labour in sea fisheries, the Royal Ordinance on Fisheries was passed in 2015 to empower the authorities to combat unlawful labour practices in fishing and seafood industries. The Ministerial Regulation on Labour Protection in Sea Fisheries Work has taken effect since December 2014.

82. The migrant workers can be members and join activities of trade unions and participate in collective bargaining. Currently, Thailand is studying the feasibility to ratify the ILO fundamental Conventions Nos. 87 and 98 concerning the Freedom of Association and Collective Bargaining.

83. With regard to the issue of land disputes, the Government continues to ensure relevant laws and measures to address the dispute related to possible encroachment of public land are implemented through a fair and transparent process.

84. Evictions are not arbitrary, but are carried out only in accordance with the Court's ruling. Local communities can also prove their cases against the Government's claims especially those who have lived in the area for generations. People with limited means are accorded with assistances.

85. With respect to the killing cases of land rights defenders, it is the responsibility of the Government to bring perpetrators to justice and render support to families of these defenders through available public redress and compensation scheme.

86. On the situation in the Southern Border Provinces, special security laws have been invoked in order to maintain peace and security of the people. Implementation of such laws is strictly based on necessity and proportionality. The Government has regularly reviewed



the need and considered the possibility to reduce the use of these laws corresponding to the situation on the ground.

87. Qatar welcomed the adoption of the 3<sup>rd</sup> National Human Rights Plan.
88. The Republic of Korea encouraged discussions on the draft Constitution, and stressed the importance of ensuring full respect for freedom of expression and other human rights.
89. Romania welcomed Thailand's commitment to solving the issues regarding human trafficking and forced labour, and emphasized the importance of implementing the 3<sup>rd</sup> National Human Rights Plan.
90. Senegal welcomed Thailand's submission of an interim report, the 3<sup>rd</sup> National Human Rights Plan, the Anti-Trafficking in Persons Act, and the Protection of Vulnerable Persons Act.
91. Sierra Leone welcomed the 3<sup>rd</sup> National Human Rights Plan and the Universal Health Coverage Scheme and the National Plan for Older Persons.
92. Singapore welcomed the 3<sup>rd</sup> National Human Rights Plan, and Thailand's commitment to protecting persons in vulnerable situations.
93. Slovakia welcomed the Protection of Vulnerable Persons Act of and the amendment to the Criminal Code to criminalize child pornography while expressing concern about the death penalty applicable for various criminal offences.
94. Slovenia welcomed Thailand's commitment to mainstreaming human rights into the education system on different levels.<sup>95</sup> South Africa highlighted the achievement of several MDGs.
96. Spain noted that some legal provisions could undermine freedom of expression.
97. The State of Palestine noted efforts in the health sector to ensure high quality healthcare, and welcomed improvement and prioritization of education.
98. The Sudan welcomed the amendment to Anti-trafficking in Persons Act, and the Justice Fund Act of 2015 to ensure that everyone has an equal access to justice.
99. Swaziland welcomed the commitment of the Government and civil society organizations to upholding, observing and ensuring the consistency of national laws with international human rights standards.
100. Sweden was concerned about increased restrictions to freedom of expression in connection with the constitutional referendum, encouraging full cooperation with the UN in Thailand, and follow-through on its standing invitation to special procedures.
101. Switzerland expressed concern about the interim constitution that does not adequately respect and protect human rights.
102. Timor-Leste remained concerned at the inclusion of the death penalty in the Anti-Corruption Law.
103. Togo noted Thailand's commitment to tackling social and economic inequalities.
104. Turkey was concerned about Thailand's record on the protection of the rights of migrants, especially women and children at detention facilities.
105. Uganda noted concerns about human trafficking, especially in illegal fishing activities, including forced labour, and child pornography.

106. The United Arab Emirates praised the achievement of several MDGs, steps to promote the rights of workers and persons with disabilities, and to protect children from child labour, and the Women's Development Plan.
107. The United Kingdom of Great Britain and Northern Ireland encouraged Thailand to actively engage with the UPR process and support its civil society.
108. The United States of America was concerned by restrictions on freedoms of expression and peaceful assembly, and the broad powers given to the military under Article 44 of the interim constitution, including expanded internal policing responsibilities.
109. Uruguay welcomed positive progress on torture and enforced disappearances.
110. The Bolivarian Republic of Venezuela welcomed the 3<sup>rd</sup> National Human Rights Plan, the National Social and Economic Development Plan, and the allocation of more than 20 per cent of the national budget to education.
111. Viet Nam noted progress in poverty reduction, and the rights to work and health.
112. Yemen praised efforts to draft a new constitution.
113. Albania welcomed the ratification of the OP-CRC-IC and the 3<sup>rd</sup> National Human Rights Plan.
114. Algeria welcomed the 3<sup>rd</sup> National Human Rights Plan, and encouraged improving social protection of workers.
115. Argentina welcomed the progress in drafting a new constitution, and the actions aimed at promoting and protecting the rights of children.
116. A national referendum on the draft Constitution is scheduled on 7 August. Volunteers will be sent to disseminate the draft Constitution to enhance the public's understanding. Decision is entirely up to each Thai citizen. After the Constitution is adopted, relevant organic laws will be passed to pave way for general elections.
117. The Government has full respect for the right to freedom of expression and the right to assembly. However, given the political conflicts, some limitation are only in place to prevent further social divisiveness and political conflicts. The Government has no intention to impose restrictions to ordinary citizens who have well intention.
118. Section 44 of the Interim Constitution is invoked only under specific circumstances and has been used in a limited manner. Since its entry into force, the National Council for Peace and Order (NCPO) has exercised its power under this Section to maintain public order and to enhance bureaucratic efficiency where ordinary laws and regulations do not exist, such as in anti-human trafficking efforts, anti-drug policy, and civil aviation issues.
119. The purpose of NCPO Order No. 13/2559 is to enable military officers to render their assistance to the police to suppress organized crime such as extortion, human trafficking, child and labour abuse, gambling, and prostitution. This order does not deprive the right of defendants to file complaints against military officers in case of abuse of power.
120. The Thai Monarchy has always been the main pillar of the Thai Society. Section 112 of the Criminal Code gives protection to the rights or reputation of the King, the Queen and the Heir apparent or the Regent in a similar way libel law does for commoners. As with other criminal offences, proceedings on the lèse majesté cases are conducted in accordance with due legal process. The Computer Crime Act is under amendment to make clearer definitions in each section to prevent misinterpretation of the law.
121. Currently Thailand is hosting over 100,000 displaced persons from Myanmar and continues to host irregular migrants and asylum seekers from countries near and far.

Thailand has started its internal process to study on the possibility of setting up a screening mechanism to distinguish those with genuine protection needs from economic migrants.

122. The use of the military court is limited to serious offences, of which majority is the possession or the use of heavy firearms. The judges are equipped with similar knowledge and experiences, including human rights, and the defendants are entitled to same set of rights as in ordinary court. This is to ensure the right to fair trial in the judicial proceeding during this political transition of the country.

123. Thailand started providing basic education to every child regardless of nationalities and legal statuses in 2005. Since then, every school in Thailand must allow migrant children both legal and illegal, unregistered children and stateless children to enroll in Thai school with no cost to enjoy the right to education equally to Thai children.

124. The Ministry of Education has placed high priority to instill human rights concept to children, particularly in primary and secondary levels. In the curriculum, there exists a separate subject on civic education, which includes rights and responsibilities of Thai citizens. Capacity building is also provided to teachers.

125. Australia encouraged continued effort to reduce impunity and protect the rights of victims and vulnerable communities. Australia was concerned about limitations on freedom of expression and assembly, extension of law enforcement powers to military personnel and using military courts to try civilians.

126. Austria was concerned about the special powers of the NCPO that limit human rights and the rule of law, the minimum age of criminal responsibility, and the safety of journalists.

127. Azerbaijan welcomed strengthening of the normative and institutional framework for human rights protection, especially on gender equality, anti-human trafficking, access to justice, anti-corruption and protection of vulnerable persons.

128. Bahrain welcomed increased awareness-raising and respect of human rights.

129. Bangladesh noted Thailand's challenges, including a middle-income trap, widening inequality and unfair distribution of income.

130. Belgium was concerned about the situation of fundamental freedoms and the precarious situation of human rights defenders.

131. Bhutan welcomed the National Economic and Social Development Plans and the Sufficiency Economy.

132. The Plurinational State of Bolivia acknowledged the achievements made since the first UPR.

133. Botswana noted the Gender Equality Act, the amendments to the 2008 Anti-Trafficking in Persons Act and to the Criminal Code to criminalize child pornography.

134. While appreciating the Gender Equality Act and anti-human trafficking efforts, Brazil expressed concern about the NCPO orders, the *lèse-majesté* law, the Public Assembly Law, and the expansion of the death penalty.

135. Brunei Darussalam welcomed the Protection of Vulnerable Persons Act, and the allocation of more than 20 per cent of the national budget for education.

136. Cambodia appreciated achievements in economic development and poverty eradication, and the rights to work, health, and education, the protection of vulnerable groups, and the prevention of human trafficking.

137. Canada made recommendations.

138. Chad welcomed legislative and policy measures for human rights promotion and protection, and cooperation with international human rights mechanisms.
139. Chile welcomed the Gender Equality Act, the Protection of Vulnerable Persons Act, and the amendment to the Penal Code to criminalize child pornography.
140. China appreciated Thailand's investment in health and education, and measures to protect children, women, the elderly and migrant workers.
141. Colombia welcomed the 3<sup>rd</sup> National Human Rights Plan.
142. The Congo appreciated the high importance attached to the protection of human rights and combating socio-economic inequalities.
143. Costa Rica was concerned that an elected government was deposed by the military. It also expressed concern about the trial of civilians in military courts, and the indefinite application of state of emergency laws.
144. France welcomed the signing of the ICCPED.
145. Sri Lanka noted the drafting of a new constitution, and the sustained progress in achieving most MDGs.
146. Nepal noted the *de facto* moratorium on the death penalty in place since 2009, and the 3<sup>rd</sup> National Human Rights Plan that aims to abolish it. It also praised Thailand's consistent progress in socio-economic development.
147. Myanmar welcomed measures to improve the social welfare services for all workers, including migrant and foreign workers.
148. Armenia appreciated the steps taken to ensure access to healthcare services, and to reduce maternal and infant mortality rates.
149. A draft Act on Prevention and Suppression of Torture and Enforced Disappearance will set up the specific offence of torture and enforced disappearance, based on the definitions stipulated in the CAT and ICCPED, with the criminal punishment dependent upon the grave nature of crime. The Act also creates measures to facilitate an effective investigation as well as enhance remedial measures such as financial assistance and physical and psychological remedy for the victims.
150. Thailand has been working closely with various international organizations and civil society to raise awareness on the OP-CAT among the concerned agencies in order to prepare them to be ready to implement it in an effective manner. Currently, the Ministry of Justice plans to submit for Cabinet's consideration to ratify the OP-CAT.
151. Thailand is aware of its duty to ensure that human rights defenders and lawyers can carry out their work in a safe and enabling environment. The adoption of the draft Act on Prevention and Suppression of Torture and Enforced Disappearance combined with the Ratification of ICCPED will strengthen the protection of human rights defenders.
152. The Ministry of Justice started studying the possibility of abolishing the death penalty five years ago. The country's intention was reaffirmed in the Third National Human Rights Plan. Despite different public sentiment, the Ministry of Justice continues efforts to seek the possibility to abolish the death penalty.
153. On combatting child sex tourism, the Department of Tourism, the Ministry of Tourism and Sports and UNODC continues to implement the 2nd Phase of its PROJECT CHILDHOOD: Enhancing law enforcement capacity for national and transnational action to identify and effectively act upon travelling child-sex offenders in Thailand.

154. With regard to child, early and forced marriage, the minimum age allowed for entering into marriage under the Civil and Commercial Code is 17 years old, or lower, if permitted by a court decision. For those under 20 years of age, consent of the parents is needed.

155. The right to preserve cultural heritage was made concrete as Thailand is becoming party to the UNESCO Intangible Cultural Heritage Convention.

156. A number of primary schools offering nine years of compulsory education located in the border and marginalized areas have been given special assistance by the Ministry of Education to provide multilingual teaching to ethnic children speaking non-Thai languages.

157. Thailand will take a realistic approach and make sure that the recommendations it decides to accept correspond with its capacity to implement them. The Government is determined to work closely with all stakeholders in the follow-up stage. It also intends to raise awareness of the review outcome and the recommendations to be accepted to the wider public.

## II. Conclusions and/or recommendations\*\*

**158. The recommendations formulated during the interactive dialogue/listed below have been examined by Thailand and enjoy the support of Thailand:**

**158.1. Continue to consider ratification of international instruments (Pakistan);**

**158.2. Continue its accession to the core international human rights instruments (Azerbaijan);**

**158.3. Continue the efforts undertaken for the ratification of international human rights instruments and for the harmonization of the national legislation (Djibouti);**

**158.4. Withdraw its interpretative declaration on the ICERD and its reservation to article 4 (South Africa);**

**158.5. Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Portugal);**

**158.6. Ratify the Optional Protocol to the International Covenant on Civil and Political Rights (OP1-ICCPR) (Austria) (Poland);**

**158.7. Consider the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT) (Georgia) (Kazakhstan);**

**158.8. Speed up the study on the possibility of ratifying the OP-CAT (Mozambique);**

**158.9. Sign and ratify the OP-CAT (Honduras);**

**158.10. Ratify the OP-CAT (Austria; France; Guatemala; Montenegro; Poland; Portugal; Turkey; Uruguay); Early ratification of the OP-CAT (Norway);**

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\*\* The conclusions and recommendations have not been edited

- 158.11. Ensure that the UN Convention against Torture is fully implemented into the national legislation (Romania);
- 158.12. Reform penal laws to define torture in accordance with article 1 of the CAT and declare its non-derogable nature (Spain);
- 158.13. Ratify the OP-CAT and establish a national preventive mechanism accordingly (Czech Republic); Ratify the OP-CAT and establish an independent, effective and well-resourced National Preventive Mechanism (Denmark); Ratify the OP-CAT and set up a national preventive mechanism to prevent torture (Morocco);
- 158.14. Consider ratifying the International Convention on the Rights of All Migrant Workers and Members of Their Families (ICRMW) (Egypt) (Philippines);
- 158.15. Continue efforts to strengthen legal framework, including considering ratification of ICRMW (Indonesia);
- 158.16. Take the necessary measures for the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) (Japan);
- 158.17. Expedite the ratification of the ICPPED signed in 2012 (Kazakhstan); Accelerate the process of ratifying the ICPPED (Togo);
- 158.18. Ratify the ICPPED (Argentina) (Austria) (France) (Panama) (Slovakia) Ratify and accede to ICPPED (Sierra Leone); Immediately ratify the ICPPED (Belgium);
- 158.19. Ratify the ICPPED and pass national law criminalizing enforced disappearance and torture and recognizing the rights of victims (New Zealand);
- 158.20. Criminalize in national legislation enforced disappearance in conformity with international standards and ratify the ICPPED (Uruguay);
- 158.21. Consider ratifying the 1951 Convention relating to the Status of Refugees (Kazakhstan);
- 158.22. Ensure that human rights defenders in Thailand are treated in accordance with the UN General Assembly Declaration on Human Rights Defenders (New Zealand);
- 158.23. Give priority to the implementation of the Palermo Protocol and the prosecution of persons benefiting from human trafficking (Norway);
- 158.24. Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons (Uganda);
- 158.25. Ratify the ILO Convention on Work in Fishing (Romania);
- 158.26. Incorporate key human rights principles in the new constitution in line with the obligations of Thailand under international human rights law (Uganda);
- 158.27. Ensure that the constitutional framework is in compliance with its international obligations, in particular under the ICCPR (Switzerland);
- 158.28. Continue to consider protection and promotion of human rights in the new constitution (Pakistan);

- 158.29. **Encourage public debate on the draft Constitution (Republic of Korea);**
- 158.30. **Adopt a definition of torture which is fully in compliance with article 1 of the CAT; its inclusion as a specific crime in Thailand's legislation; and undertake prompt, thorough and impartial investigation of all allegations of torture and ill-treatment (Slovakia);**
- 158.31. **Continue to provide adequate human and financial resources to fully implement its domestic laws protective of women's rights (Philippines);**
- 158.32. **Accelerate the adoption process of the Law on the Prevention and Punishment of Torture and Enforced Disappearances (Congo);**
- 158.33. **Enact the Prevention and Suppression of Torture and Enforced Disappearance Bill to criminalize torture in accordance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Canada);**
- 158.34. **Update the 1936 Law on Prisons and include provisions on alternative sanctions in order to decongest prisons (Morocco);**
- 158.35. **Amend the Prison Act of 1936 with a view to a suitable reform of the Thai penitentiary system (Congo);**
- 158.36. **Accelerate its efforts to achieve remaining MDG targets, as well as achieve the SDGs (Azerbaijan);**
- 158.37. **Establish strategies and allocate resources aimed at achievement of SDGs, especially those related to poverty eradication, equal access to resources, rights to education and health care and rights of the vulnerable groups (Viet Nam);**
- 158.38. **Take further steps to ensure that the National Human Rights Institution is in conformity with the Paris Principles (Egypt);**
- 158.39. **Adopt appropriate measures of a legislative and political nature, including allocation of financial resources, in order to align its national human rights institution with the Paris Principles (Honduras);**
- 158.40. **Continue support the work of the National Human Rights Commission in line with the Paris Principles (Indonesia);**
- 158.41. **Ensure the independence of the National Human Rights Commission (Paraguay);**
- 158.42. **Ensure that the National Human Rights Commission of Thailand is an independent institution and functions in full compliance with the Paris Principles (Poland);**
- 158.43. **Introduce legal changes to ensure that its National Human Rights Commission is fully compliant with the Paris Principles (New Zealand);**
- 158.44. **Provide the National Human Rights Commission with all the necessary resources in order to guarantee that it is fully compliant with the Paris Principles (Portugal);**
- 158.45. **Improve the functioning of the National Commission of Human Rights to regain its A status (Senegal);**
- 158.46. **Reform its National Human Rights Commission to regain its A status and promote and protect human rights (Australia);**

- 158.47. Strengthen the National Commission of Human Rights in accordance with the Paris Principles (France);
- 158.48. Continue efforts to strengthen national human rights institutions and mechanisms (Nepal);
- 158.49. Develop, enact and implement a national action plan on business and human rights in order to implement the UN guiding Principles on Business and Human Rights (Sweden);
- 158.50. Further expand human rights education and training programmes (Armenia);
- 158.51. Continue implementing the Human Rights Plan of Action and continue training officials on aspects of the Plan (Fiji);
- 158.52. Continue to implement the programmes and policies enunciated in the National Human Rights Plan (Philippines);
- 158.53. Implement the third National Human Rights Action Plan (2014-2018) (Senegal);
- 158.54. Strengthen the implementation of the third National Human Rights Plan of Action by all relevant Government agencies (Cambodia);
- 158.55. Continue its efforts aimed at strengthening the development of children and youth (Kuwait);
- 158.56. Ensure birth registration for all children born on its territory, especially those who are not registered due to the economic status of their parents, ethnicity and immigration status (Namibia);
- 158.57. Further strengthen efforts towards birth registration for all, with a view to effectively reaching out to disadvantaged and vulnerable groups (Turkey);
- 158.58. Establish a special unit for the protection of children's rights (Uganda);
- 158.59. Redouble Government's commitment to raising awareness amongst officials and the public at large about human rights and the process of the Universal Periodic Review (Cuba);
- 158.60. Engage civil society in the follow-up implementation process of the UPR recommendations (Poland);
- 158.61. Continue its active engagement with the human rights mechanisms of UN for the promotion and protection of human rights (Azerbaijan);
- 158.62. Advance women's empowerment, and greater representation of women in all sectors (Lao People's Democratic Republic);
- 158.63. Effectively implement the Protection of Vulnerable Persons Act to ensure better protection for its vulnerable population (Brunei Darussalam);
- 158.64. Effectively implement the Gender Equality Act of 2015 (South Africa);
- 158.65. Promote a culture of equality through the equal participation of all members of the society and, in particular the participation of women in rural areas (Djibouti);



- 158.66. Prevent discrimination in all cases without taking consideration of grounds such as religious beliefs or national security (Spain);
- 158.67. Continue to undertake efforts to narrow the income gap within its society and improve good governance in pursuit of a comprehensive socioeconomic advancement (Malaysia);
- 158.68. Continue to adopt gender-responsive policies and programmes to cultivate a conducive environment for women's development and empowerment (Malaysia);
- 158.69. Continue its efforts to eliminate discrimination against women (Bangladesh);<sup>1</sup>
- 158.70. Improve access to health, education and social welfare for vulnerable groups, including for those in rural areas, ethnic minorities, women, migrants and refugees (Japan);
- 158.71. Continue to strengthen measures to effectively reduce discrimination and all forms of violence against women (Chile);
- 158.72. Review the imposition of death penalty for offences related to drug trafficking (Slovenia);
- 158.73. Reconsider the abolition of the death penalty as a sentence for various crimes (Ecuador);
- 158.74. Take steps towards abolishing the death penalty (Georgia);
- 158.75. Take measures to abolish the death penalty (Madagascar); Take measures aimed at abolishing the death penalty (Togo); Take concrete steps towards abolishing the death penalty (Brazil);
- 158.76. Promptly investigate and prosecute all allegations of torture and extrajudicial killings (New Zealand);
- 158.77. Define and legally classify enforced disappearance (Spain);
- 158.78. Accelerate the approval of the bill submitted to the Council of Ministers on prevention of enforced disappearances and repression of torture (Chile);
- 158.79. Make efforts to address the issue of enforced disappearance, such as ensuring accountability (Republic of Korea);
- 158.80. Establish a policy that allows to decrease the high levels of overcrowding conditions in detention centres (Paraguay);
- 158.81. Continue to work at the provincial level to execute memoranda of understanding to combat violence against women and children (Fiji);
- 158.82. Establish an effective policy and legal framework to prevent and contrast all forms of discrimination and violence against women, including domestic violence, in order to ensure that women victims of violence receive adequate support and offenders are brought to justice (Italy);

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<sup>1</sup> The statement as read during the interactive dialogue is as follows: "Continue its efforts to eliminate discrimination."

- 158.83. Step up efforts to effectively combat violence against women and children (Kazakhstan);
- 158.84. Intensify efforts to promote policies in the area of prevention, sanction and eradication of all forms of violence against women, including measures aimed at promoting their rights regardless of its religion, race, sexual identity or social condition (Mexico);
- 158.85. Continue its efforts to implement the policies and strategies for the Prevention and Responses to Violence against Children and Youth (Sudan);
- 158.86. Ensure effective implementation of recent measures to prevent and contrast violence against children, both online and offline (Italy);
- 158.87. Take concrete measures to eliminate child labour and child sex tourism (Kyrgyzstan);
- 158.88. Take concrete measures to combat child sex tourism (Maldives);
- 158.89. Guarantee effective implementation of regulation to eliminate abusive child labour practices, including measures to ensure that children remain in the educational system (Mexico);
- 158.90. Adopt concrete measures to eradicate child labour, abuse and sexual exploitation of children, including its involvement in sexual tourism (Panama);
- 158.91. Continue to mitigate and address issues concerning the worst forms of child labour and provide appropriate rehabilitation for the victims (Malaysia);
- 158.92. Effectively implement its Policies and Strategies for the Prevention and Responses to Violence against Children and Youth (2015-2021) to prevent and curb violence against children, including at the provincial level (Singapore);
- 158.93. Multiply efforts to combat child sex tourism, especially by adopting a comprehensive regulatory framework (Turkey);
- 158.94. Take necessary measures to better combat sexual exploitation of children (Algeria);
- 158.95. Take further legal proceedings to prevent violence against children, young people and tackle it, and intensify efforts to address child labour (Bahrain);
- 158.96. Continue to step up its protection of children's rights and eliminate child labour (China);
- 158.97. Step up the fight against child pornography to better protect children (Congo);
- 158.98. Continue its efforts to eradicate child sex tourism including through strengthening the relevant penal legislative frameworks (Egypt);
- 158.99. Continue in its efforts to prevent, punish and eradicate forced labour, labour exploitation, including the issue of trafficking in persons, particularly for women and children who are involved in cases of sex tourism and pornography (Ecuador);
- 158.100. Continue to strengthen the works towards preventing and combatting child pornography and human trafficking, as well as implement assistance programmes for victims (Argentina);

- 158.101. Strengthen Government measures to eradicate forced labour, especially to prevent either child or enforced labour in the specific sectors of fishing and canning companies, as well as to ensure that employers violating labour rights are duly prosecuted (Albania);
- 158.102. Take concrete measures to eradicate child labour, and ensure boys and girls primary and secondary school completion (Kazakhstan);
- 158.103. Carry out measures to prohibit corporal punishment of children in all settings, including the home (Bolivia (Plurinational State of));
- 158.104. Prohibit corporal punishment of children in all settings (Slovenia);
- 158.105. Adopt legislation prohibiting corporal punishment of children in all settings (Madagascar);
- 158.106. Explicitly prohibit in law any form of corporal punishment or other cruel or degrading punishment of children in all settings (Sweden);
- 158.107. Criminalize the recruitment and participation of children in armed forces and non-state armed groups (Panama);
- 158.108. Ensure that Section 4 and Section 6 of the Trafficking Victims Protection Act 2008, specifically defining the term “wrongful exploitation”, comply with Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and increase the role of labour inspectors in identifying victims of human trafficking and prevent abusive working conditions, in line with the recommendations made by the 2012 report of the Special Rapporteur on trafficking in persons, especially women and children (Greece);
- 158.109. Adopt suitable measures and mechanisms, including the allocation of financial resources to prevent and combat effectively trafficking in persons (Honduras);
- 158.110. Continue efforts to combat Illegal, Unreported, Unregulated fishing, including illegal labour in the fisheries sector, taking into account its human rights and extraterritorial dimensions (Indonesia);
- 158.111. Further intensify its efforts to combat human trafficking and ensure protection to victims of human trafficking (Iran (Islamic Republic of));
- 158.112. Redouble efforts to combat trafficking in persons and smuggling of migrants (Panama);
- 158.113. Take all necessary legislative and enforcement measures to eradicate trafficking rings and prosecute perpetrators (Singapore);
- 158.114. Strengthen measures to prevent and protect from trafficking in persons (Algeria);
- 158.115. Redouble efforts to combat forced labour and sexual trafficking (Bolivia (Plurinational State of));
- 158.116. Reinforce the fight against human trafficking (France);
- 158.117. Step up efforts and legislation to combat human trafficking (Lebanon);
- 158.118. Re-enforce all laws related to combatting human trafficking (Libya);

- 158.119. **Protect the human rights defenders and investigate any reported cases of intimidation, harassment and attacks against them (Luxembourg);**
- 158.120. **Stop all forms of harassment and intimidation of human rights defenders and effectively implement measures aimed at preventing violence and crimes against them (Czech Republic);**
- 158.121. **Investigate and ensure justice to all reported cases of intimidation, harassment and attacks of human rights defenders and journalists (Botswana);**
- 158.122. **That all alleged attacks on human rights defenders are promptly and thoroughly investigated, and that perpetrators are held accountable (Norway);**
- 158.123. **Ensure that the rights of the human rights defenders are properly respected and perpetrators are brought to justice (Romania);**
- 158.124. **Ensure that impartial, independent and transparent investigations into all allegations of human rights violations by security forces are conducted, in particular in the South of the country, and that those responsible are brought to justice (Switzerland);**
- 158.125. **Raise the age of criminal responsibility to 12 or above (Sierra Leone);**
- 158.126. **Increase the minimum age of criminal responsibility in line with internationally accepted norms, and ensure that children who are deprived of their liberty are separated from adult prisoners (Uruguay);**
- 158.127. **Raise the minimum age of criminal responsibility (Chile);**
- 158.128. **Bring the age of criminal responsibility of minors to 12 years (France);**
- 158.129. **Ensure that the minimum age of marriage is 18 for both boys and girls (Sierra Leone);**
- 158.130. **Ensure that the right to freedom of expression is fully respected and its exercise facilitated, including with respect to the drafting and adopting of the new Constitution (Czech Republic);**
- 158.131. **Respect fully press freedom and freedom of expression in accordance with international law (Guatemala);**
- 158.132. **Further improve its human rights situation, including by ensuring civil and political rights such as freedom of expression and political activities (Japan);**
- 158.133. **Enhance the rights of expression and opinion (Lebanon);**
- 158.134. **Fully respect freedom of press and expression (Republic of Korea);**
- 158.135. **Bring national legislation on freedom of expression in compliance with international law (Albania);**
- 158.136. **Adopt rules and programmes to ensure freedom of expression and opinion (Chile);**
- 158.137. **Ensure the protection of freedom of opinion and expression (France);**
- 158.138. **Guarantee the rights to freedom of expression and assembly and ensure an inclusive debate among all stakeholders with regard to the upcoming referendum and the enactment of a new constitution (Austria);**

- 158.139. Condemn and investigate all violence against journalists, inform UNESCO of the actions taken to prevent the killing of journalists and notify UNESCO of judicial inquiries conducted (Netherlands);
- 158.140. Inform UNESCO on the actions taken to prevent the impunity of the perpetrators of the killings of journalists, and notify UNESCO of the status of the judicial inquiries conducted (Austria);
- 158.141. Take measures to ensure the rights of peaceful assembly, freedom of expression and freedom of assembly, especially in the context of peaceful protests (Costa Rica);
- 158.142. Invigorate measures to safeguard the freedoms of press, speech, and broad participation from various sectors in political and public life (Colombia);
- 158.143. Take measures to enhance women's participation in public and political decision-making (India);
- 158.144. Continue its efforts to ensure adequate protection for vulnerable persons living in difficult conditions (United Arab Emirates);
- 158.145. Extend for all access to the rights to healthcare, social security, and minimum wage without ethnic distinction or linguistic barriers (Paraguay);
- 158.146. Continue its efforts to ensure that the universal health care scheme covers disadvantaged groups, including persons with disabilities and persons living in remote rural areas that still face obstacles in accessing basic health-care services (State of Palestine);
- 158.147. Continue with its efforts to address the widening inequality and unbalanced distribution of income among people (Bhutan);
- 158.148. Address the issue of human rights in the pursuit of economic growth in local areas (Nigeria);
- 158.149. Implement measures to promote and protect the rights of peasants and other people working in rural areas (Bolivia ( Plurinational State of));
- 158.150. Increase its efforts to ensure the right to the highest attainable standard of health also to sex workers by ensuring them access to health care and services and comprehensive sexuality education (Finland);
- 158.151. Continue to develop the health system through the strengthening of the right to enjoy health for all segments of the society (Iraq);
- 158.152. Facilitate access to health services for all the population in the Thai territory (Madagascar);
- 158.153. Accelerate its efforts to achieve the targets on reducing infant mortality rate and achieving universal health care scheme, including improving of the maternal health in remote areas (Bhutan);
- 158.154. Further strengthen measures to ensure equal access to health services for all, while giving special attention to the needs of children, women and the elderly (Sri Lanka);
- 158.155. Continue the reduction of maternal and infant mortality rates, and continue with the national plan for the development of children and youth (Bahrain);
- 158.156. Reduce infant mortality rate and improve maternal health care in remote areas (Nigeria);

- 158.157. Reinforce the harm reduction measures targeting drug users in order to avoid adverse health effects, including increased HIV infections and hepatitis (Colombia);
- 158.158. Continue the policy of providing education for all, and work towards strengthening and developing the education sector in the country (Kuwait);
- 158.159. Continue efforts to implement the policy of Education for All, especially children, at all levels (Qatar);
- 158.160. Continue to strengthen measures to provide education of good quality, including the progressive expansion of compulsory education and enrolment for both girls and boys (United Arab Emirates);
- 158.161. Continue to pursue successful education programmes for all with an emphasis on the most vulnerable segments of its population (Venezuela (Bolivarian Republic of));
- 158.162. Continue its efforts to ensure that all children have access to education at all levels and all categories (Brunei Darussalam);
- 158.163. Continue its efforts in strengthening policies and measures to promote and protect the human rights of its people, in particular those of vulnerable groups such as women, children, poor people, and migrants (Cambodia);
- 158.164. Continue its efforts to ensure that all children have access to free basic education, and to improve the overall quality of education, including by ensuring that teachers are well trained and fully qualified (State of Palestine);
- 158.165. Ensure equal access to education of vulnerable people including women, children and persons with disabilities (Lao People's Democratic Republic);
- 158.166. Continue and pursue its efforts to enable children to complete their education and protect them from exploitation, and adopt environmentally sustainable development (Yemen);
- 158.167. Achieve the remaining target of boys and girls primary and secondary education, and address the quality and inequality in education (Nigeria);
- 158.168. Continue to address the promotion and protection of the rights of persons with disabilities by reducing stigma and discrimination against them in the society (Iran (Islamic Republic of));
- 158.169. Promote implementation of the Fourth National Plan on Empowerment of Persons with Disabilities 2012-2016 (Qatar);
- 158.170. That Thailand's legislative reforms in relation to persons with disabilities be backed by a more effective system of implementation and monitoring (New Zealand);
- 158.171. Raise public awareness on the rights of persons with disabilities (Sudan);
- 158.172. Take effective steps to address educational needs of disabled children (India);

- 158.173. Continue to develop the capacity of special institutions that take care of persons with disabilities, including those health and education institutions (Iraq);
- 158.174. Ensure inclusive and free primary education for all children, including those with disabilities (Maldives);
- 158.175. Put in place legislations to protect migrant workers from abuse and exploitation (Uganda);
- 158.176. Review its labour and migration laws to accommodate the demands for cheap, low or semi-skilled labour and thereby provide for safe migration options (Bangladesh);
- 158.177. Continue its efforts to protect the rights of migrants and foreign workers, particularly to further enhance their safety and welfare (Myanmar);
- 158.178. Continue the progressive measures taken to promote the rights of migrant workers and their health (Sri Lanka);
- 158.179. Address harsh living conditions in immigration detention centres (India);
- 158.180. Implement in totality, once adopted, the 12<sup>th</sup> National Plan for the Economic and Social Development (2017-2021) and the 20 Years National Strategy (Cuba);
- 158.181. Monitor enforcement of environmental legislation to protect the rights of local communities and prevent environmental degradation (Maldives).
159. The following recommendations will be examined by Thailand which will provide responses in due time, but no later than the thirty-third session of the Human Rights Council in September 2016:
- 159.1. Consider ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (OP2-ICCPR) with a view to abolish the death penalty (Namibia);
- 159.2. Ratify the OP2-ICCPR (Austria; Montenegro; Panama; Poland; Portugal; Slovenia; Spain); Accede to the OP2-ICCPR (Turkey);
- 159.3. Withdraw reservation to article 22 of the CRC (France);
- 159.4. Ratify the International Convention on the Rights of All Migrant Workers and Members of Their Families (ICRMW) (Guatemala); Sign and ratify ICRMW (Turkey); Ratify and accede to the ICRMW (Sierra Leone);
- 159.5. Ratify the Convention Relating to the Status of Refugees and its 1967 Protocol (Portugal);
- 159.6. Ratify the Genocide Convention (Austria); Accede to the Convention on the Prevention and Punishment of the Crime of Genocide (Armenia);
- 159.7. Ratify other main relevant international instruments such as the Rome Statute of the ICC (Poland);
- 159.8. Ratify the Rome Statute of the International Criminal Court (Costa Rica) (Latvia) (Slovenia) (Panama); Ratify the Rome Statute and Agreement on the Privileges and Immunities of the ICC (Austria);

- 159.9. **Comply with its obligations under the ICCPR by putting an immediate end to the use of arbitrary detention (Denmark);**
- 159.10. **Consider ratifying ILO Convention No.189 (Philippines);**
- 159.11. **Ratify ILO Convention 169 and 189 (Sierra Leone);**
- 159.12. **Give direct constitutional recognition to the rights enshrined in the International Covenant on Economic, Social and Cultural Rights and to guarantee the enforceability by courts (South Africa);**
- 159.13. **Restore the protection of civil and political rights by ensuring that the Constitution meets Thailand's international human rights obligations and end the present prosecution of civilians in military courts (Netherlands);**
- 159.14. **Lift undue restrictions on the exercise of fundamental freedoms, particularly section 61 of the referendum law and NCPO Order number 7/2557, to allow all Thai people to participate fully in the political reform processes, including efforts to produce a new constitution (United States of America);**
- 159.15. **Repeal all orders of the National Council for Peace and Order that are inconsistent with its international human rights obligations (Australia);**
- 159.16. **Carry out the necessary legal reforms to fully abolish the death penalty and accede to the OP2-ICCPR (Mexico);**
- 159.17. **Create an independent body to investigate all torture allegations, including in Thailand's Deep South, and bring perpetrators to justice (Canada);**
- 159.18. **Eliminate mandatory minimum sentences for lèse majesté (United States of America);**
- 159.19. **Propose concrete dates for visits by the Special Rapporteurs on freedom of opinion and expression, and freedom of association and assembly respectively (Norway);**
- 159.20. **Adopt a comprehensive anti-discrimination law which includes all grounds for discrimination (Slovenia);**
- 159.21. **Consider taking all necessary steps to establish a de jure moratorium, with a view to fully abolish the death penalty (Italy);**
- 159.22. **Establish a formal moratorium on the death penalty with a view to ratifying the Second Optional Protocol to the International Convention on Civil and Political Rights (Australia); Establish an official moratorium on executions, and sign and ratify the Second Optional Protocol to the ICCPR and aim to abolish the death penalty (Germany);**
- 159.23. **Immediately establish a moratorium on executions with a view to abolishing the death penalty (Iceland); Establish a moratorium on the death penalty as in interim measure towards the abolition of the capital punishment (Portugal); Establish a moratorium on executions with a view to abolishing the death penalty (Bolivia (Plurinational State of));**
- 159.24. **Abolish the death penalty by law (Denmark); Abolish the death penalty (Honduras); Abolish immediately the death penalty (Slovakia); Implement the full abolition of the death penalty (Paraguay);**
- 159.25. **Repeal the application of the death penalty in all areas (Chile);**



- 159.26. Eliminate the death penalty for crimes that cannot be considered as most serious crimes such as the economic ones (Spain);
- 159.27. Consider eliminating the clause that expands the use of the death penalty for economic crimes (Timor-Leste);
- 159.28. Eliminate the death penalty in the new anti-corruption law, repeal the provision that extended the use of the death penalty to economic crimes, and ratify the OP2-ICCPR (Uruguay);
- 159.29. Repeal the clause expanding the use of the death penalty for economic crimes (Albania);
- 159.30. Commute the death sentences with a view to abolishing the death penalty (France);
- 159.31. In line with the rules 83-85 of the UN Standard Minimum Rules for the Treatment of Prisoners, “the Nelson Mandela rules”, to create an external, independent inspection body that has access to all categories of prisoners in all places of detention that are under the Ministry of Justice (United Kingdom of Great Britain and Northern Ireland);
- 159.32. End the practice of forced detention of dissenters in the so-called “re-education camps” and investigate all allegations of torture and ill-treatment therein (Czech Republic);
- 159.33. End the use of attitude adjustment sessions and the establishment of training camps (New Zealand);
- 159.34. End arbitrary arrests and detentions and ensure that suspects have access to justice and a fair trial (New Zealand);
- 159.35. Further address all forms of gender-based violence and abuses by revising the relevant provisions of the Penal Code, Criminal Procedure Code and Domestic Violence Victim Protection Act (Kyrgyzstan);
- 159.36. End the prosecution of civilians in military courts, transfer all cases of civilians facing proceedings before military courts to civilian courts, order a retrial in civilian courts for all civilians convicted of an offence in military courts, and amend the martial law and the Military Court Act to prohibit the prosecution of civilians in military courts (Greece);
- 159.37. Cease the use of military barracks as detention centres for civilians (Paraguay);
- 159.38. Cease trying civilians in military courts and transfer all such cases to civilian courts (New Zealand);
- 159.39. Cease trials of civilians in military courts (Norway);
- 159.40. Immediately return civilian prosecutions to civilian courts and rescind NCPO Order 3/2558 and 13/2559 (United States of America);
- 159.41. Work towards ending the prosecution of civilians in military courts and transfer all cases of civilians facing proceedings before military courts to civilian courts (Austria);
- 159.42. Repeal NCPO order 3/2015 and ensure that all civilians are tried before a civilian court and granted the right to fair trial in line with Thailand’s obligations as a State party to the ICCPR (Belgium);

- 159.43. End the prosecution of civilians in military courts and immediately transfer any cases of civilians facing proceedings before military courts to civilian courts (Canada);
- 159.44. Adopt measures to implement the legal principle of natural judge, so that civilians can be tried in ordinary courts (Costa Rica);
- 159.45. Ensure that all civilians are tried before civilian courts and are granted the right to fair trial, in line with Thailand's obligations under the ICCPR (Czech Republic);
- 159.46. End the trial of civilians in military courts and ensure that all civilians are tried before civilian courts and are granted the right to fair trial and to bail (Germany);
- 159.47. Repeal the Decree 3/2015 of the National Council for Peace and Order, and ensure that all civilians have the right to a fair trial and are brought before civilian courts (Luxembourg);
- 159.48. Maintain its effective protection of the family as the natural and fundamental unit of the society (Egypt);
- 159.49. Eliminate the legal provision that states that the age limit of marriage could be lowered to 13 years old in cases where children were sexually abused and could consequently marry the perpetrators (Timor-Leste);<sup>2</sup>
- 159.50. Review its legislation in order to ensure that all legislation, including any laws regulating the internet access to information, comply with international human rights standards protecting freedom of expression and freedom of assembly (Finland);
- 159.51. Ensure that there are no restrictions on freedom of expression especially for the media and human rights defenders, and that no one faces threats and harassment, including attitude adjustment, for expressing their views and that all legislation affecting freedom of expression is compatible and implemented in line with Thailand's international obligations as recommended by the UN Special Rapporteur on Human Rights Defenders in 2016 (United Kingdom of Great Britain and Northern Ireland);
- 159.52. Amend article 112 of Thailand's Criminal Code to remove prison terms for offences stemming from the legitimate exercise of the right to freedom of opinion and expression and ensure that the prohibited acts are unambiguous and that sanctions are proportionate to the act committed (Belgium);
- 159.53. Repeal Order 3/2015 by the National Council for Peace and Order and the 2015 Public Assembly Act, and stop the use of the 2007 Act on Computer-Related Offences as well as Criminal Code Articles 112, 326, and 328 to restrict freedom of expression (Canada);
- 159.54. That steps be taken to abolish the *lèse-majesté* legislation and the 2007 Computer Crimes Act, and the immediate implementation of public and transparent proceedings in cases concerning these laws (Norway);

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<sup>2</sup> The statement as read during the interactive dialogue is as follows: "Eliminate the legal provision that states that the age limit of marriage could be lowered to 18 years old in cases where children were sexually abused and could consequently marry the perpetrators."

- 159.55. Review the Penal Code articles 112 (Lèse-majesté), 326 (defamation), and 328 (slander) as well as 14 and 15 of the 2007 Computer Crimes Act, and align them to the human rights international obligations (Spain);
- 159.56. Amend article 14 of the Computer Crimes Act to ensure it cannot be used to prosecute cases of alleged defamation (Sweden);
- 159.57. Amend the “lèse majesté” law to bring it in line with international human rights standards, allow media to function independently and free of prior censorship or interference by law enforcement agencies and release all those who have been jailed for exercising their rights to freedom of expression (Latvia);
- 159.58. Guarantee and respect the right to freedom of expression, association and assembly putting an end to arbitrary detentions and arrests and any act of harassment against political actors and civil society, including human rights defenders (Switzerland);
- 159.59. Ensure that the right of freedom of opinion is respected, including by reviewing Art 112 of the Penal Code, and ensure a safe environment that promotes the rights of all people to freely associate and assemble without hindrances (Germany);
- 159.60. Remove undue restrictions and infringements to the enjoyment of freedoms of expression, association and peaceful assembly (Botswana);
- 159.61. Repeal all legislation which undermines the freedom of expression and assembly and ensure that all measures regarding these freedoms are consistent with Thailand’s obligations under international law (Italy);
- 159.62. Immediately end all infringement on the rights to freedom of expression, association and peaceful assembly under section 44 of the 2014 interim constitution, the Computer Crimes Act, and articles 112 and 116 of the Penal Code - and unconditionally release persons detained or imprisoned for exercising these rights (Iceland);
- 159.63. Repeal existing legislation that restricts freedoms of expression and of assembly in accordance with Thailand’s obligations under international human rights law (Brazil);
- 159.64. Instil a human rights-based approach regarding the protection of migrants and asylum-seekers, including the cessation of pushbacks to the sea, while refraining from deportation and formally prohibiting detention of children (Turkey);
- 159.65. Ratify the 1951 Convention Relating to the Status of Refugees and implement legislation providing asylum seekers and refugees with legal status in line with international standards, especially abiding the principle of *non-refoulement* (Germany);
- 159.66. Put an end to arbitrary detention of refugees and asylum seekers, and stop detention of children on the grounds of migration control (Luxembourg);
- 159.67. Provide access to legal status for asylum seekers and refugees without discrimination (Canada);
- 159.68. Give legal status to refugees and asylum seekers (France).

**160. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.**

### **III. Voluntary pledges and commitments**

161. Thailand will:

- 1) become party to ICCPED, ICCPR-OP1, OPCAT, Marrakesh Treaty, ILO Convention No. 188, and study the possibility to become party to ICRMW;
- 2) take steps towards revising legislations to be in line with its international human rights obligations and recommendations by treaty bodies, namely:
  - the Criminal Code, to increase the minimum age of criminal responsibility to 12 years of age;
  - the Civil and Commercial Code regarding the restrictions for certain persons with disabilities to enter into marriage;
  - Penitentiary Act 1936;
  - Section 17 of Gender Equality Act 2015;
  - Section 15 of the Persons with Disabilities Empowerment Act 2007;
- 3) submit a midterm update on the implementation of the accepted recommendations.
- 4) continue to promote human rights education and raise public awareness.
- 5) promote human rights principles and practices in the business sector.
- 6) promote cooperation with civil society and the international community in the follow-up of the implementation of the National Human Rights Plan and recommendations from the UPR; and
- 7) reaffirm its standing invitation to all special procedures of the Human Rights Council.

## Annex

### Composition of the delegation

The delegation of Thailand was headed by Permanent Secretary, Ministry of Justice, Mr. Charnchao CHAIYANUKIJ and composed of the following members:

- Mr. Thani THONGPHAKDI, Ambassador and Permanent Representative, Permanent Mission of Thailand;
- Mr. Sasiwat WONGSINSAWAT, Deputy Permanent Representative, Permanent Mission of Thailand;
- Mrs. Saowanee KHOMEPATR, Chief Inspector General, Office of the Permanent Secretary, Ministry of Social Development and Human Security;
- Pol. Gen. Sutep DECHRUGSA, Advisor, Royal Thai Police;
- Mrs. Korbkul WINITNAIYAPAK, Executive Director, Office of International People's Rights Protection, Office of the Attorney General;
- Ms. Raweevan ASAWAKUL, Senior Expert Public Prosecutor, Office of International People's Rights Protection, Office of the Attorney General;
- Mrs. Kanchana PATARACHOKE, Deputy Director-General, Department of International Organizations, Ministry of Foreign Affairs;
- Mrs. Janchom CHINTAYANANDA, Deputy Director-General, Rights and Liberties Protection Department, Ministry of Justice;
- Ms. Duriya AMATAVIVAT, Assistant to Permanent Secretary for Education, Ministry of Education;
- Ms. Siriwan ARUNTIPPAITUNE, Director of Strategy and Plan, Department of Older Persons, Ministry of Social Development and Human Security;
- Mrs. Sopa KIATNIRACHA, Director, Labour Standard Development Bureau, Department of Labour Protection and Welfare, Ministry of Labour;
- Mr. Ukrisdh MUSICPUNTH, Director, Foreign Affairs Division, Office of the Permanent Secretary, Ministry of Justice;
- Mrs. Jatuporn ROJANAPARNICH, Director, International Cooperation Group, Office of the Permanent Secretary, Ministry of Social Development and Human Security;
- Mrs. Chuleerat THONGTIP, Minister-Counsellor (Labour), Permanent Mission of Thailand;
- Ms. Kanjana POOLKAEW, Director, Woman and Child Labour and Protection Network, Department of Labour Protection and Welfare, Ministry of Labour;
- Mr. Pasakorn PHETNAIHIN, Justice Officer (Senior Professional Level), Rights and Liberties Protection Department, Ministry of Justice;
- Pol. Col. Apicha THAWORNSIRI, Superintendent, Criminal Affairs Division, Office of Legal Affairs and Litigation, Royal Thai Police;
- Mr. Sakdinath SONTISAKYOTHIN, Chief of Foreign Relations Section, Planning and Information Division, Department of Employment, Ministry of Labour;

- Ms. Wanrapee KAOSAARD, Justice Officer, Senior Professional Level, Office of Plan and Strategy, Office of the Permanent Secretary, Ministry of Justice;
- Mrs. Chutapan PHAISANJAROERVONG, Governing Officer, Senior Professional Level, Southern Border Provinces Administrative Centre, Ministry of Justice;
- Lt. Col. Sanee PROMWIWAT, Judge, Bangkok Military Court, Military Judicial Office;
- Mr. Phanpob PLANGPRAYOON, Minister-Counsellor, Permanent Mission of Thailand;
- Ms. Jitvipa BENJASIL, Counsellor, Social Division, Department of International Organizations, Ministry of Foreign Affairs;
- Mr. Parinthorn APINYANUNT, Counsellor, Permanent Mission of Thailand;
- Mr. Trin SRIWONG, Social Development Officer, Department of Children and Youth, Ministry of Social Development and Human Security;
- Mrs. Phatcharamont PITIPANYAKUL, Social Welfare Officer, Department of Empowerment of Persons with Disabilities, Ministry of Social Development and Human Security;
- Ms. Nareeluc PAIRCHAIYAPOOM, Justice Officer, Professional Level, Rights and Liberties Protection Department, Ministry of Justice;
- Mr. Nut PAYONGSRI, Computer Technical Officer, Professional Level, Ministry of Information and Communication Technology;
- Ms. Ratchanin PONGUDOM, Foreign Relations Officer, Ministry of Education;
- Pol. Maj. Thanradee DONAVANIK, Inspector, Criminal Affairs Division, Office of Legal Affairs and Litigation, Royal Thai Police;
- Ms. Benjaporn NIYOMNAITHAM, First Secretary, Permanent Mission of Thailand;
- Ms. Chalengkwan TAVARAYUTH, Second Secretary, Social Division, Department of International Organizations, Ministry of Foreign Affairs;
- Mr. Jatupon INNACHIT, Second Secretary, News Division, Department of Information, Ministry of Foreign Affairs;
- Ms. Arisa SUKONTASAP, Third Secretary, Social Division, Department of International Organizations, Ministry of Foreign Affairs;
- Ms. Chattraphon DITTHASRIPHON, Justice Officer, Practitioner Level, Rights and Liberties Protection Department, Ministry of Justice;
- Ms. Phanaranche NARAKHAME, Justice Officer, Practitioner Level, Rights and Liberties Protection Department, Ministry of Justice.