

Human Rights Contributions and Pledges of the Kingdom of Thailand
Human Rights Council Election 2010

“No country is perfect on human rights. The most important thing in solving human rights problems is that we have to acknowledge their existence and dare to face up to them. ...I can reaffirm that this Government will address problems relating to freedom and liberty and human rights on the basis of accepting them as reality. This is the first crucial step so that every agency, including civil society, recognizes the need to cooperate in seriously solving the problems...if the Government or state officials do not learn how to respect human rights themselves, problems will never end. What I would like to see from now on is right understanding and right perspective, and to push ahead in the promotion and protection of human rights...”

I am confident that even if obstacles still remain in the economic, social, political or legal aspects, but if people are ready to reach out to one another as fellow human beings, that will be the beginning of our success in ensuring the effective enjoyment and safeguard of human rights and freedom and liberty.”

Abhisit Vejjajiva
Prime Minister of the Kingdom of Thailand

**Thailand's commitments, voluntary pledges and contributions
to the promotion and protection of human rights:
Election to the Human Rights Council for the term 2010-2013**

Thailand seeks its first time membership in the Human Rights Council for the term 2010-2013. On this occasion, the Royal Thai Government would like to present information on its pledges and commitments as well as contributions to human rights, as follows:

Thailand's Commitments and Pledges

As a member of the Human Rights Council in the period 2010-2013, Thailand is committed to advancing the cause of human rights at the national, regional and international levels :

At the national level, Thailand will :

- Strengthen efforts for the promotion and protection of human rights through, inter alia, supporting the work of the National Human Rights Commission of Thailand which is committed to fully exercising its power vested by the Constitution to advance the cause of human rights in the country while fully respecting its independent character;
- Strengthen the implementation of all human-rights related legislation and policies and expedite the review and amendment process of various pieces of legislation that contain elements of discrimination, particularly those concerned with the rights of vulnerable groups such as the elimination of violence against women and children, the equal status of persons with disabilities and the basic rights of marginalized groups;
- Strengthen law enforcement in line with international human rights standards and norms, particularly through the promotion of human rights education and training among law enforcement officers and security personnel;
- Promote human rights education in all types of education and at all levels both in schools and higher academic institutions in accordance with the World Programme of Human Rights Education and its Plan of Action;
- Strengthen the justice system and the rule of law to ensure fairness and non-discrimination while preventing impunity;
- Continue and strengthen the interfaith dialogue emphasizing respect for diversity and enhancement of reconciliation, cooperation and social harmony;
- Strengthen efforts to promote and protect the basic rights of the poor, particularly the right to health, the right to education, the right to equal access to justice as well as their community rights;

- Strengthen the implementation of the National Action Plan on Human Rights and the effectiveness of its monitoring mechanism and follow up processes;
- Continue active engagement and dialogue with civil society and encourage public participation to enhance human rights and a democratic environment in the country;
- Expedite efforts towards the withdrawal of the country's reservations in respect of CEDAW and ICCPR;
- Pursue feasibility studies and other efforts towards becoming a party to the International Convention for the Protection of all Persons from Enforced Disappearances;
- Pursue feasibility studies and other efforts towards becoming a party to relevant ILO Conventions in particular the Convention No. 87 : Freedom of Association and Protection of the Right to Organize Convention, the Convention No. 98 : Right to Organize and Collective Bargaining Convention and the Convention No. 111 : Discrimination (Employment and Occupation) Convention; and
- Cooperate and work closely with UN treaty bodies as well as intensify efforts to implement the treaty bodies' recommendations and ensure the submission of the National Reports under the human rights instruments to which Thailand is a party within the scheduled time line.

At the regional level, Thailand will :

- Strengthen its active contribution to the development of the ASEAN Intergovernmental Commission on Human Rights and the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children to effectively promote and protect human rights of people within ASEAN;
- Promote regional dialogue and cooperation for promotion and protection of human rights through various relevant fora;
- Raise awareness of the principles and the importance of human security; and
- Strengthen its cooperation with neighbouring countries to combat human trafficking and human smuggling, particularly their impacts on vulnerable groups, and continue to offer technical assistance in strengthening capacities of governments in the region to promote and protect rights of persons with disabilities.

At the international level, Thailand will:

- Maintain an active and constructive engagement in the work of the HRC and support its mechanisms in fulfilling its mandate and functions, particularly in assisting States to advance the cause of human rights; addressing gross violations of

human rights in a non-selective manner; raising public awareness on human rights; and promoting human rights of people worldwide;

- Continue constructive dialogue on human rights issues in the UN fora with all countries based on the spirit of cooperation and mutual respect;
- Support the Universal Periodic Review (UPR) to enable it to become an effective mechanism that can improve human rights situations on the ground;
- Engage constructively and work closely with HRC Special Procedures;
- Continue to cooperate with all countries to promote and protect the rights of women, the rights of the child, and the rights of persons with disabilities in compliance with the relevant international instruments in the global arena;
- Continue to promote gender equality between women and men and to cooperate with all relevant stakeholders to combat violence against women in all its forms, including human trafficking, sexual discrimination and discrimination against women prisoners; and
- Foster and support international dialogue on democracy, human security, as well as interfaith and intercultural dialogue to increase understanding, tolerance and reconciliation among faiths, cultures and traditions; and continue to foster the Global Partnership for Development, building on Thailand's role in various bilateral, sub-regional and regional cooperation frameworks, with a view to promoting realization of the right to development beyond Thailand.

Thailand's contributions on human rights

1. Freedom and liberty : Core values enshrined in the Constitution

- Thailand has a rich history as a land of freedom and has always embraced the value of diversity. Thailand was among the first 48 countries to endorse the Universal Declaration of Human Rights on 10 December 1948. The Royal Thai Government respects freedom and liberty of the people and has striven to promote and protect human rights as stipulated in the Universal Declaration of Human Rights. This is evident in the 2007 Constitution, which contains the principles of the Universal Declaration as well as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

- The Constitution enshrines human dignity as well as the rights and liberties of people. It ensures that people are equal before the law and shall enjoy equal protection under the law. Indeed, it specifies that “Unjust discrimination against a person on the grounds of the difference in origin, race, language, sex, age, disability, physical or health condition, personal status, economic or social standing, religious belief, education or constitutionally political view, shall not be permitted”. It also guarantees that the exercise of State power must be undertaken with regard to human dignity, rights and liberties of people. The provision on rights and liberties in this Constitution can be directly invoked to bring a lawsuit in case of human rights violation.

2. Human rights : National agenda of the Royal Thai Government

- The Royal Thai Government has declared human rights as one of its top national agenda to be pursued vigorously and seriously to ensure that justice, non-discrimination and fair treatment under the rule of law will be accorded to all groups of people. Such policy of the Royal Thai Government has created a conducive environment for the promotion and protection of human rights in the country. It provides clear guidance for all relevant officials to undertake their duties to promote and protect the rights of people

- In pursuing Thailand's human rights policy, the promotion of human rights education has been actively carried out particularly during the 60th Anniversary of the Universal Declaration of Human Rights and the International Year of Human Rights Learning. One notable project is the "Thailand Human Rights Caravan", the initiative jointly developed by Thailand and the UN Country Team, to advocate and disseminate knowledge about human rights among the general public, especially children in schools across the country.

- Human right education has also been advocated among law enforcement officers. Several human rights training activities have been organized in the armed forces and police academy focusing on how to translate international human rights obligations into more effective implementation in the context of security operations. In 2009, the Royal Thai Army has, for the first time, developed a human rights manual and human rights soldier cards to be distributed to armed forces personnel.

3. Democracy : A social order for the realization of human rights

- The Royal Thai Government has a strong commitment to democratic values with the firm belief that a democratic system can best ensure the people's rights and freedoms. The Government is enhancing a democratic environment based on the principles of the rule of law, transparency, accountability, good governance and public participation as well as enforcement of laws on the basis of equality, justice, righteousness and universally accepted norms. Equal treatment and reconciliation with opposing views is also high on the national agenda. Political differences are normal and tolerated as long as they are under the rule of law. With such democratic development, the Thai people are assured that they can attain full enjoyment of rights and freedoms in the society without any discrimination.

- Internationally, Thailand is among the founding members of the Asia Pacific Democracy Partnership, and continues to participate in the Community of Democracies, underlining that democracy is not only about elections but also about the real participation of the people. We focus on education and on cultivating a culture of democracy to ensure that democratic development will be moved forward by the people themselves.

4. National mechanisms : Avenues for protection and redressing human rights violations

a. The National Human Right Commission of Thailand was set up under the 1997 Constitution as an independent mechanism to proactively monitor and protect human rights, with representation from civil society and the public sector. The Commission's main duty is to examine and report to the government the commission or omission of acts, both in the public and the private sectors, which violate human rights or which do not comply with obligations under international human rights instruments to which Thailand is party, and to promote education and the dissemination of knowledge on human rights.

- In order to strengthen the Commission's work, the 2007 Constitution has given the Commission additional mandates for the protection of human rights. These are the power to submit cases to the Constitutional Court and the Administrative Court when it is found that the provisions of any law, rule, order or administrative act are detrimental to human rights, and the power to bring cases to the Court of Justice on behalf of victims of human rights violations.

- To ensure that the Commission's reports and its recommendations regarding cases of human rights violation will be pursued seriously, in February 2009, the Prime Minister appointed a Committee chaired by the Minister Attached to the Prime Minister's Office to follow up on the reported cases and to ensure that assistance is being provided to the victims. The Committee also has the function of following up implementation by concerned agencies of the Commission's recommendations.

b. The National Committee on Human Rights Policy and Plan of Action is being set up to monitor and follow up the National Human Rights Plan to ensure that each concerned agency has pursued actions to promote and protect human rights in accordance with the Plan.

c. The Parliamentary mechanisms on human rights include the Parliamentary Committee on Justice and Human Rights which conducts investigations, examinations, and hearings on issues of human rights violation and protecting community rights in the justice system; and the Parliamentary Committee on Vulnerable Groups Affairs which conducts investigations and studies to enhance the rights and welfare of children, youth, women, older persons and persons with disabilities.

d. The Rights and Liberties Protection Department under the Ministry of Justice serves to protect the rights and liberties of the people, promote awareness on individual rights and redress human rights violations by providing protection, assistance and remedies to witnesses, victims and defendants in criminal cases. The Department also provides legal counseling, advises people on how to claim their rights, receives complaints and coordinates to help victims of human rights violation.

e. Office of International Peoples' Rights Protection was established in 2006 under the Office of the Attorney General. It acts as a legal aid clinic by providing legal services which include legal advice, dissemination of legal knowledge, protection of civil rights and settlement of disputes both to Thai nationals and foreigners.

f. The Administrative Court was established under the 1997 Constitution with the judicial power to adjudicate cases of dispute between a government agency and private individuals or among State officials themselves. This judicial mechanism helps prevent and protect the rights of people from being abused by the exercise of administrative power.

g. The Constitutional Court was established under the 1997 Constitution and was given an additional mandate by the 2007 Constitution to make decisions as to whether any existing law contains articles that have adverse impacts on human rights and are contrary to or inconsistent with the Constitution, according to petitions submitted by the National Human Rights Commission or individual victims of human rights violation.

h. The Ombudsman was set up under the 1997 Constitution with the objective of protecting public interests from being abused by state agencies which fail to perform in compliance with the law or whose performance went beyond the powers and duties as provided by law. The Ombudsman investigates and inquires into complaints through fact finding, with the results of investigations being published in the Government Gazette and disclosed to the public. In some specific cases, the Ombudsman can also submit cases to the Constitutional Court or the Administrative Court.

5. Thailand : A state party to most of the core international human rights instruments

Thailand is now party to 7 core international human rights instruments, namely:

- (1) the International Covenant on Civil and Political Rights (ICCPR);
- (2) the International Covenant on Economic, Social and Cultural Rights (ICESCR);
- (3) the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and its Optional Protocol;
- (4) the Convention on the Rights of the Child (CRC) and its two Optional Protocols on the Involvement of Children in Armed Conflict and on the Sale of Children, Child Prostitution, and Child Pornography;
- (5) the Convention on the Elimination of All Forms of Racial Discrimination (CERD);
- (6) the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); and
- (7) the Convention on the Rights of the Persons with Disabilities (CPRD).

6. National Plans: Mainstreaming and integration of human rights

- As human rights are indeed universal, interrelated and interdependent, Thailand attaches equal importance to all rights, be it civil and political rights, economic, or social and cultural rights. This includes the Government's priority to enhance the right to development whereby people can be empowered and equipped with basic needs to live a decent life. Having in mind that human rights are cross-cutting issues that serve as the basis for social progress and people's well-being, the Royal Thai

Government has mainstreamed human rights into various national plans which place humans at the centre of development. Examples of such human rights mainstreaming are:

a. The 10th National Economic and Social Development Plan (2007-2011) The Plan has provided guiding policy for sustainable development by taking into account human development, human dignity, and community rights;

b. The National Security Policy (2007- 2011) The Policy places great importance on the rule of law, non-discrimination, human rights and peaceful methods in achieving national security. It also promotes solidarity and understanding between people of different religions and backgrounds; and

c. The Second National Plan of Action on Human Rights (2009-2013) The Plan of Action, which was formulated through nationwide consultations among all stakeholders including civil society, aims to enhance human dignity and strengthen human rights networks through increased human rights awareness at all levels.

7. Legal and policy frameworks : Special attention to vulnerable groups

- Thailand is strongly committed to the fulfillment of its obligations under the international human rights instruments to which the country is party through establishing various legal and policy frameworks, with a particular focus on the rights of vulnerable groups, as follows:

a. Children

1. The Criminal Code Amendment Act (No.16), 2003, stipulates that children under 18 shall not be sentenced to death or life imprisonment.

2. The Criminal Code Amendment Act (No. 21), 2008, increases the age of children from not yet over 7 years to 10 years of age that shall not be punished for an offence; children above 10 years but not yet over 15 years of age shall not be punished for an offence but be admonished by the court; and for children above 15 but not yet over 18 years of age committing an offence, if the court passes judgment inflicting punishment, the scale of punishment shall be reduced by one-half.

2. The Child Protection Act, 2003, aims to provide protection for children from all forms of abuse, exploitation, violence and gross negligence by clearly stipulating that any child below the age of 18 is protected by the State.

3. The Promotion of Child and Youth Development Act, 2007, contributes directly to the promotion of programmes and activities for children and youth at all levels.

4. The Labour Protection Act, 1998, increases the statutory minimum age for employment from 13 to 15 years of age to keep children in school longer and preventing early entry into the labour market. Employment of a child below the age of 15 is considered illegal. It also prohibits employment of a person below 16 to work in sea fishing and protect rights of the child in line with the 6 ILO Conventions and Instruments concerning child labour to which Thailand is a party.

- The Royal Thai Government is also fully committed to the realization of children's rights and welfare in line with the collective vision of "A World Fit for Children". The "National Agenda for Children and Youth" was announced in 2007 to implement such a noble vision. Various measures to promote, protect and develop children

throughout the country have already been put in place so that they can grow up in a safe and promising environment and become a productive force in the society.

b. Women

1. The Civil Code Amendment Act (No.16), 2007, provides women with equal rights to claim for divorce and compensation.
2. The Name Act B.E. 2548 (2005 Amendment), allows married women to choose whether to take the surname of the husband or to retain their original surname.
3. The Female Title Act, 2008, allows married or divorced women to choose titles as Miss or Mrs.
4. The Domestic Violence Act, 2007, establishes the definition of domestic violence, and provides compensation and rehabilitation for the victims and means to protect victims from domestic violence.
5. The Criminal Code Amendment Act (No.19), 2007, expands the definition of rape to cover raping of people of all sexes, all types of sexual penetration, and criminalization of marital rape and imposes more severe penalties on offenders who engaged in all forms of rape and sexual abuses.
6. The Criminal Procedure Code Amendment Act, 2007, suspends imprisonment sentence imposed on an offender who is pregnant or raising a child under the age of 3 and confines pregnant offenders or offenders with children under 3 years old in a suitable place other than prisons during a period of suspension.
7. The Labour Protection Act, 2008, guarantees equal standards of working conditions, benefits, welfare, wages and job promotion for female employees. It also stipulates the prohibition of sexual exploitation in the workplace.

- In addition, the Ministry of Social Development and Human Security has proposed a draft Gender Equality Bill to eliminate any discrimination on the grounds of sexual orientation. Currently the Bill is under the consideration of the Council of State.

- Gender equality and empowerment of women are also the focus of the National Plan on Women Development (2007-2011) which aims to promote opportunities for women to fully participate in the development process at all levels. The Plan also strives to promote and protect the rights and welfare of women in line with the obligations under CEDAW, the Declaration on the Elimination of Violence against Women (DeVAW), the Beijing Platform for Action and the MDGs.

- One notable activity to counter violence and discrimination against women is the Enhancing Lives of Female Inmates (ELFI) initiative under the guidance of Her Royal Highness Princess Bajrakitiyabha Mahidol. The initiative aims to uplift the treatment of women prisoners to international standards by proposing the ***“Draft United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders”***. Such initiative envisages the formulation and revision of prison and correctional management policies worldwide for the treatment of women prisoners to ensure that gender sensitivity and the specific needs of women in prisons are fully respected. It is hoped that, with the adoption of the draft United Nations Rules, women prisoners not only in Thailand but also those in correctional facilities around the world could benefit from this initiative.

c. Persons with Disabilities

1. The Persons with Disabilities Empowerment Act, 2007, is a comprehensive rights-based law for persons with disabilities and contains a strong anti-discrimination section.

2. The Persons with Disabilities Education Act, 2008, is intended for persons with disabilities to be able to access education services and other resources at all levels and to improve the Thai educational system to enhance their quality of life and independent living through empowerment.

3. The Third National Plan on Quality of Life Development of Persons with Disabilities 2007-2011 is an integrated approach and guideline for disability development practice for all authorities concerned.

4. The Mental Health Act, 2008, aims to protect the rights of persons with mental health conditions such as providing their access to healthcare and enabling them to participate in society with their full capacity.

- The Draft Ministerial Regulations, Measures and Conditions on Promotion of Information Service, Communication Service, Telecommunication and ICT Accessibility, all forms of related Assistive Devices and Public or Private Funded Media Service for Persons with Disabilities is being proposed by the Ministry of Communication and Information Technology for the consideration of the Cabinet. The Draft Ministerial Regulations are aimed at providing access to information and ICT services as stipulated in the Persons with Disabilities Empowerment Act.

- Thailand was actively involved in the drafting of the Convention on the Rights of the Persons with Disabilities (CRPD) since the beginning. It was among the first countries that signed the Convention on the date that the CRPD was open for signature. Certain laws and policies related to the equalization of opportunities for persons with disabilities have been put in place while various pieces of legislation in the country are still under review. Those that still contain elements of discrimination against PWDs will be pushed forward for amendments. The Sub-Committee on the Promotion and Support of the CRPD has also been set up to formulate and evaluate policies and programmes to carry out the objectives of the CRPD, while social awareness of the CRPD has been enhanced to promote and protect the human rights and fundamental freedoms of all persons with disabilities.

d. Elderly

- The Older Persons Act, 2003, stipulates that the elderly shall be entitled to protection, promotion, and support in various areas which include social welfare, medical services, education, occupation or occupational training, social activity, facilitation, assistance and subsistence allowance. The Elderly Fund has been established under the Act to support its implementation. The Fund has been allocated to various projects such as activities for the elderly in communities, the work of civil society regarding older persons, financial support for elderly occupation and assistance for elderly victims of any forms of human rights violation.

- The Second National Plan for Older Persons (2002-2012) provides a guideline for agencies looking to develop and implement support activities for older persons. The Plan consists of five broad strategies which include: preparation for quality ageing; promotion of older persons' well being; social protection for older persons; national management and personnel development for geriatric works; and research on the elderly, and monitoring and evaluation.

- The National Commission on the Elderly, chaired by the Prime Minister has been established to follow up the implementation of the National Plan and to oversee the policies and measures regarding older persons. In 2009, the Government has successfully initiated and implemented a universal monthly subsistence allowance scheme, from which 3.5 million older persons who have no pension can benefit to sustain their well being.

e. Migrants

1. The Labour Protection Act, 2008, guarantees registered migrants the same rights as Thai workers which include minimum wage equal to Thai labour, holiday, sick leave from work, overtime wages, clean accommodation and basic health insurance as well as basic education for their children.

2. The Employment of Aliens Act, 2008, ensures that all migrant workers whose status has been regularized through country-wide registration processes administered by the Ministry of the Interior and the Ministry of Labour will receive the same welfare and labour protection entitlements as those of Thai workers in accordance with the Labour Protection Act and the Social Security Act. The Act also imposes heavier penalties on employers who engaged in human trafficking and forced labour.

3. The Anti-Trafficking in Persons Act, 2008, includes the following key elements: 1) heavier penalties on all persons involved in human trafficking; 2) compensation which victims may claim from the offender for any damages caused by human trafficking; 3) shelter and other necessities including physical, psycho-social, legal, educational, and health care provided to victims; and 4) protection for both men and women, boys and girls regardless of their nationalities.

- The Royal Thai Government has stepped up cooperation on labour and anti-human trafficking issues through bilateral and multilateral agreements with countries in the Mekong sub-region. Memoranda of Understanding (MOUs) with neighbouring countries have been concluded to manage the flow of illegal migrants. Efforts have been intensified to curb human trafficking through the implementation of relevant laws. Awareness has been raised among law enforcement officers as well as employers of migrant workers' rights under these laws.

- The National Operation Centre on Prevention and Suppression on Human Trafficking was set up under the Ministry of Social Development and Human Security to ensure the efficiency of law enforcement. Furthermore, the Operational Guideline on the Prevention, Suppression, Assistance and Protection of Trafficked Persons for Labour Purposes has been developed to enhance capacity of line officials in dealing with labour exploitation of trafficked persons. Compensation for victims of exploitation has already been secured in some cases.

f. Ethnic Groups

1. The Civil Registration Act, 2008, provides all child born in Thailand with the right to birth registration, including children of displaced persons. This would further result in their entitlement to basic health services and education as well as in obtaining permission for temporary residence in the country without an illegal status.

2. The Nationality Act, 2008, stipulates that in granting Thai nationality to a person, consideration must be based both on the interests of national security and human rights, the first time that the human rights dimension has been taken into account in this respect. Under the Act, more ethnic persons born in Thailand could acquire citizenship. Outreach efforts have been undertaken to promote awareness regarding the right to birth registration and the right to citizenship of the highland minorities. Since the law has taken effect, thousands of individuals have gone through the process.

3. The Cabinet Resolution on Education for Unregistered Persons dated 5 July 2005, provides for the right to education at all levels for all children in Thailand that have no legal status. Accordingly, such children can enroll at public schools certified by the Ministry of Education. Outreach campaigns to raise awareness about the right to education of unregistered children is going on among officials concerned in targeted areas. The Ministry of Education under a UNICEF Thailand-supported project is also operating schools in several remote hill tribe areas under the notion that if the children could not reach the schools, the schools went to them.

4. The 2007 Constitution guarantees the right of traditional local communities such as persons on the Highlands to enjoy their own culture and traditions and right to preserve natural resources and local environment. They are also provided with assistance on agriculture and vocational training, education, healthcare services, basic infrastructure and alternative employment opportunities by the royally-sponsored development projects.

8. Justice : A key to achieve human rights for all

- Thailand is undergoing an ambitious process of improving the administration of justice, including in regard to the judicial process, with a view to ensuring that it is more efficient, transparent and fair to all groups. This will be carried out through: bringing laws up-to-date with the current socio-economic situation and the protection of individuals' rights; developing working systems and processes that could extensively and equitably deliver justice and protection of rights and liberty to the people; promoting greater participation of the people sector in the judicial process and increasing people's access to information concerning the judicial process, with a view to creating transparency and accountability in the use of state power; and ensuring no impunity.

- The Master Plan for the Administration of Justice (2009–2012) and the Strategic Plan for Development of Justice Process in the Southern Border Provinces of Thailand (2010-2014) have already been approved by the Cabinet. Such developments will ensure the rule of law, justice, non-discrimination and national reconciliation and also ensure no impunity in the justice system. Any cases of human rights violation will be fully investigated without exception in accordance with the laws. Moreover, the Law Reform Commission has been set up as required by the 2007 Constitution. The Commission which is under the Office of the Council of State acts as an interdisciplinary body to review and make recommendations for legal reform and amendment by taking into account of the opinions of all people affected by such laws.

9. Interfaith Dialogue : A key to ensure equal dignity of human beings

- The right of people to profess a religion, to observe religious precepts and to exercise a form of worship in accordance with individual belief is guaranteed and protected by the Constitution. Based on such freedom and liberty, interfaith dialogue has become an important element of State policy which has been promoted on several fronts. In Thailand, religious leaders of different faiths meet monthly to discuss issues of common interest and to enhance cooperation as well as mutual understanding among people of different faiths. The Government promotes such activities with a view to strengthening a harmonious society and deepening understanding and trust as well as tolerance among people with diverse cultural and religious backgrounds.

- The Southern Border Provinces of Thailand is home to 1.5 million Muslim people, or approximately 20% of the total Muslim population in Thailand. Interfaith dialogue with the Muslim population has been adopted as an important State policy to promote peace and harmony in the Southern areas in various fields. Muslim youth from the South are encouraged to visit communities in other parts of the country to learn about the exercise of democratic governance and how people of various faiths, cultures and religions can live in peaceful co-existence. Various seminars and meetings between Muslim religious leaders in the South and the State authorities have been held to exchange views and opinions on the basis of mutual understanding and trust.

- The peaceful and reconciliation approach based on His Majesty the King's advice to "understand, reach out, develop" has been adopted as a guideline for development in the Southern Border Provinces. The Royal Thai Government has also worked with stakeholders including legitimate representatives of the people to ensure transparency, accountability and justice as well as to foster betterment of the region.

10. Freedom of speech and expression : A tool for checks and balances

- Significant legislative instruments to promote and protect freedom of speech and expression in Thailand include :

- a. The 2007 Constitution, which guarantees freedom to enjoy the liberties to express opinions, make speech, write, print and publicize and liberties to assembly and association. It also prohibits the closure, interference or censorship of a newspaper or other mass media and bans on politicians' owning media outlets.

- b. The Printing Act, 2007, which repealed the Printing Act, 1941 that authorized state officials to control the printed media and prohibit its distribution. It also lifted all censorship provisions contained in the previous Act.

- c. The Official Information Act, 1997, which provides people with the right to access official information and enables them to scrutinize the work of government. The Act constitutes an important channel to increase the people's participation in public affairs, and is also a strong tool that can be used to counter corruption and hold the government accountable.

- Thailand is an open society with a vibrant community of both local and international media, human rights defenders, and NGOs in all areas, which actively work to promote human rights not only in Thailand but also in the region. The fact that many regional and international NGOs as well as international organizations have chosen Thailand as a regional centre for their activities reflects their recognition of the

geographical strategic importance of Thailand in the region and the conducive human rights environment the country can offer for their work. It is also a testament to the vibrant and strong democracy in Thailand.

- Regarding the question of lèse-majesté, this is part of Thailand's Criminal Code and accords protection to the monarchy in much the same way that provisions against libel protects ordinary people. The difference is that because the monarchy is a neutral and highly-respected institution, it does not enter into legal proceedings on its own behalf. Indeed, the Constitution does not allow the monarchy to comment or act in its own defence. In all instances, cases would be filed with the police and those charged would be treated in accordance with due process of law. Moreover, the lèse-majesté law was approved by the Parliament, which reflects the democratic will of the Thai people. There have been instances when the lèse-majesté law might have been too liberally interpreted and abused by individuals, leading the Government to emphasize that enforcement of the law must be carried out with caution. A review process is also underway to study aspects that should be improved and the best way to enforce the lèse-majesté law with fairness.

11. Right to development : Basic element for the full enjoyment of human rights

- Thailand attaches importance to the right to development and human security with a view to achieving the Millennium Development Goals (MDGs). Thailand is on track to meet all of its MDG commitments by or before 2015. The greatest development has been in the areas of hunger and poverty eradication, gender equality and maternal health. National income poverty incidence has been reduced steadily as a result of employment promotion and income generation projects.

- Thailand strives to enhance living standards through development, not only on a national level but also on an international level. By engaging in South-South development cooperation and taking a leading role in sub-regional and regional cooperation initiatives. Thailand is also contributing towards MDG 8 - Global Partnership for Development. During the world food crisis in 2008, Thailand was among those few countries committed not to intervene in the level of rice exports so as to help to alleviate the international rice shortage and ensure global food security. This reflects Thailand's concrete contribution to the realization of the right to food.

- Thailand has continued to strengthen its health system through the enactment of the National Health Security Act, 2002, which guarantees all Thai people the right to access quality health care services including HIV/AIDS treatment and prevention under the universal healthcare coverage scheme. The maternal mortality rate has declined rapidly in the past decade through greater access to healthcare and healthcare information in the remote areas.

- As Thailand is committed to an additional set of more ambitious targets, called MDG Plus, the Government's policy of 15-year free education for all children has been successfully implemented in 2009 starting from the kindergarten level through high schools and vocational colleges, both state and privately-run. This includes dispensing budget to support school uniforms, textbooks, tuition, school supplies, learning materials and extra-curricular activities. Such initiative promotes equal and fair educational opportunities for disadvantaged people.

12. Humanitarianism : Thailand's long-time contribution to the world community

- Thailand has long upheld a humanitarian tradition of hosting millions of refugees and displaced persons from neighbouring countries for over 50 years. The country continues to host more than 130,000 displaced persons in 9 temporary shelter areas along its western border and has been working closely with the United Nations High Commissioner for Refugees (UNHCR) and many other humanitarian organizations in providing protection, offering services and finding durable solutions for these displaced persons. Thailand has adhered strictly to international legal norms and humanitarian and human rights principles in applying measures and our immigration laws with respect to those who illegally enter the Kingdom. Due regard is given to their human dignity and the balance between protecting individuals' rights and maintaining national security.

- Thailand has provided humanitarian support to international relief and reconstruction efforts after natural catastrophe and crisis situations. Thailand was the first country to respond to the needs of victims of Cyclone Nargis in Myanmar, and was among those countries making financial contributions for emergency needs in the aftermath of the crises in the Gaza Strip. Thailand has sent troops and civilian personnel to join UN peace-building and humanitarian operations in many different regions, including in Timor-Leste, Aceh, Nepal, Iraq, Iran, Sudan and Darfur. Thailand's male and female personnel involved in such operations have proactively supported the UN's activities in peace restoration as well as development and technical assistance, with a view to promoting sustainable peace and stability in those countries.

13. Regional and International Contributions: Thailand's active role in advancing human rights worldwide

a. ASEAN human right frameworks

- As chair of the Association of Southeast Asian Nations (ASEAN) for 2008-2009, Thailand is committed to the realization of the establishment of an ASEAN Human Rights Body. Such commitment has led to the formation of the ASEAN Intergovernmental Commission on Human Rights (AICHR) as the first regional level human rights mechanism ever established in Asia. The AICHR has the key purposes of promoting and protecting human rights consistent with international standards, upholding the right of the people of ASEAN to live in peace, and adhering to the principles of democracy. With its terms of reference adopted by the ASEAN Foreign Ministers in July 2009 and a first meeting held in October 2009 in Thailand, the AICHR will be equipped with the means to chart the way forward to move ASEAN in its new chapter that would advance the cause of human rights in the region and pave the way for a genuine rule-based and people-centered ASEAN Community.

- Thailand is also committed to working with ASEAN countries to strive towards the establishment of the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children and the development of ASEAN mechanisms for the implementation of instruments in the areas of trafficking in persons and migrant workers.

b. Thailand's cooperation with International Human Rights Mechanisms and Fora

- Thailand has been playing an active part in the international human rights fora. Thai mandate holders have served in several human rights treaty bodies and special procedures which includes the Committee on the Rights of the Child, the Committee on the Elimination of Discrimination Against Women, the Special Rapporteur on the sale of children, child prostitution and child pornography, and the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea. These mandate holders have undoubtedly made valuable contributions to the promotion and protection of human rights worldwide. Thailand has extended good cooperation to international human rights mechanisms. UN mandate holders have been able to engage with the Thai competent authorities and a wide range of stakeholders when visiting Thailand.

- Thailand has played a generous host to around 32 UN offices, and cooperates closely with the South East Asia Regional Office of the High Commissioner for Human Rights (OHCHR). The country has always fully supported the activities of the OHCHR to protect and promote human rights in Thailand as well as in the Southeast Asian region.

- Representatives of civil society and international human rights organizations, such as Amnesty International (AI), Human Rights Watch (HRW) and the International Federation of Human Rights Organizations (FIDH) are regular visitors to Thailand, while many have chosen Thailand to be their regional headquarters. Thailand also hosts the Regional Delegation of the International Committee of the Red Cross (ICRC) and enjoys good cooperation with the ICRC on international humanitarian law and humanitarian issues.

- In recent years, Thailand has hosted numerous international and regional meetings on human rights and human security such as the Annual Workshop on Regional Cooperation for Promotion and Protection of Human Rights in the Asia-Pacific Region in 2001; the Intersessional Workshop on the development of national plans of action for the promotion and protection of human rights in the Asia-Pacific in 2004; the Helsinki Process Workshop in Anti-Human Trafficking in 2007; the Regional Workshop on Criminal Justice Responses to Trafficking in Persons : "Ending Impunity and Security Justice" in 2007; the Asia-Pacific Meeting on Armed Violence and Development in 2008; the Intergovernmental Group Meeting to review and update the Model Strategies and Practical Measures on the Elimination of Violence Against Women in 2008; and the Asia-Pacific Community Based Rehabilitation Congress for Persons with Disabilities in 2009.

- Thailand has also been a strong advocate of the human security perspective in national and international frameworks. Nationally, Thailand established the Ministry of Social Development and Human Security in 2002 to promote social justice and equality, and uplift security and quality of life of the people. Thailand's human security strategies mainly focus on empowering people and communities at the grassroot level for sustainable development. Internationally, Thailand is a member of both the Human Security Network (HSN) and the Friends of Human Security (FHS), seeking to ensure a balance between freedom from fear and freedom from want. As such, Thailand was proud to host the Human Security Network Ministerial Meeting in 2004.

c. Human Rights Council (HRC)

- Although Thailand is not yet a member of the HRC, the country has supported the work of the HRC since its inception. Thailand's statements and interventions from the first to the twelfth sessions of the Council manifest its commitment to the work of the Council and full cooperation in the strengthening of the HRC's institutional building process. Thailand has played an active role in the interactive dialogues with the High Commissioner for Human Rights and mandate holders. It is Thailand's strong determination to be able to make greater contributions to the work of the HRC in fulfilling its mandate and functions as stipulated in the resolution on its establishment.

- Thailand is committed to continuing to work closely and constructively with other countries, both members and non-members, to make the HRC an effective human rights institution based on the principles of impartiality, transparency, and constructive international dialogue and cooperation. Thailand also supports the functioning of the Universal Periodic Review (UPR) under which all countries are to be subject to a review without exception. It is Thailand's hope that the mechanism not only plays a stocktaking role in human rights policy of a country under review, but act to facilitate improvements and implementation of human rights policies and legal mechanism in areas that fall short of international human rights standard. Thailand will be under review in 2011 and is ready to engage in the examination process in an open and constructive spirit.

Why Thailand?

- Thailand is seeking the chance to be a first time member of the HRC, based on the principle of real inclusiveness of the Council and its consistent contributions to the cause of human rights at all levels. **Nationally**, Thailand recognizes its problems and has strong determination to fix them. **Regionally**, Thailand has played an active role in promoting and protecting human rights of people that leads to the establishment of the first regional human rights body in Asia. **Internationally**, Thailand has been a constructive force in promoting moderation and fostering the spirit of cooperation. The country is working with all sides in partnership and on the basis of the interests of all citizens around the world to receive protection from all forms of human rights violation. Thailand strongly believes that with its contributions, efforts and determination as reflected in concrete commitments and pledges towards the advancement of human rights, the country can be a meaningful member and an effective partner in the Human Rights Council.

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