

Joint Civil Society Report

List of Themes

to be considered by the

Committee on the Elimination of Racial Discrimination (CERD)

For the review of the combined fourth to eighth periodic reports of Thailand
(CERD/C/THA/4-8)

At the 102nd session of the CERD Committee
(Geneva – Postponed 2020)

Submitting Organisations:



Table of Contents

1. Acronyms	3
2. Introduction	4
3. Article 1 of the Convention: Definition of Racial Discrimination	6
4. Article 2 of the Convention: Domestic Legislation	7
5. Article 4 of the Convention:	9
6. Article 5 and 6 of the Convention	10
6.1. People from Isaan (Khon Isaan)	10
6.2. Farmers and Peasants	13
6.3. Indigenous Peoples	15
6.4. Malayu Muslims in Southern Thailand	20
6.4.1. Malayu Women	24
6.5. Refugees and Asylum Seekers	27
6.6. Migrant workers	30
6.7. Marginalised Women	35
6.7.1. Women living with HIV and racial discrimination	35
6.7.2. Trafficking in women and racial discrimination	36
6.8. COVID-19 and racial discrimination	37
7. Assessment of the Implementation of Concluding Observations received in November 2012	41
8. Endnotes	58



1. Acronyms

BHR	Business and Human Rights
BRN	Barisan Revolusi Nasional
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
COVID-19	Novel Coronavirus
CSO	Civil Society Organisation
DLPW	Department of Labour Protection and Welfare
DSI	Department of Special Investigation
FPIC	Free Prior and Informed Consent
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
IDC	Immigration Detention Centre
IO	Information Operation
ISOC	Internal Security Operations Command
JPF	Justice for Peace Foundation
LGBTI	Lesbian, Gay, Bisexual, Transgender, and Intersex
MNRE	Ministry of Natural Resources and Environment
MoI	Ministry of Interior
MoL	Ministry of Labour
MoU	Memorandum of Understanding
MSDHS	Ministry of Social Development and Human Security
NBTC	National Broadcasting and Telecommunications Office
NCPO	National Council for Peace and Order
NGO	Non-Governmental Organisation
NLA	National Legislative Assembly
P-Move	People's Movement for a Just Society
SSO	Social Security Office
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNHCR	United Nations High Commissioner for Refugees
UPR	Universal Periodic Review
WGJP	Working Group on Justice for Peace

2. Introduction

This List of Themes Report is prepared by Manushya Foundation, the Justice for Peace Foundation, the Thai CSOs Coalition for the Universal Periodic Review (UPR), and the Thai Business and Human Rights (BHR) Network. This List of Themes Report provides an inclusive and accurate overview of the most challenging issues faced by local communities and marginalised groups in Thailand related to racial discrimination. These communities and groups include: people from Isaan (Khon Isaan); Farmers and Peasants; Indigenous Peoples; Malayu Muslims in Southern Thailand; Malayu women; Refugees and Asylum seekers; Migrant workers, and Marginalised women, including women living with HIV, drug users, and women victim of human trafficking. This report highlights the challenges they face with respect to racial discrimination in their daily life, but as well particularly during the Novel Coronavirus (COVID-19) situation.

This List of Themes is informed by communities on the ground facing racial discrimination, particularly by members of the Thai CSOs Coalition for the UPR, and members of the Thai BHR Network. Further, this Report includes information sourced from various authorities including UN human rights mechanisms and entities, government notifications, intergovernmental bodies, submissions by civil society, news articles, reports, studies, and other analysis.

About Manushya Foundation

Manushya Foundation was founded in 2017 and serves as a bridge to Engage, Mobilise, and Empower Agents of Change by connecting people through inclusive coalition building and by developing strategies focused at placing local communities' voices at the center of human rights advocacy, domestic implementation of international human rights obligations and standards, and domestic policies that affect them. Manushya Foundation strengthens the solidarity and capacity of communities and grassroots to ensure that they can constructively raise their own concerns and provide solutions in order to improve their livelihoods and the human rights situation on the ground. Since its creation, Manushya Foundation has been supporting the creation of intersectional coalitions/movements of local and marginalised communities to be at the center of human rights responses and decision-making processes concerning them; including effective engagement in UN human right mechanisms, such as the UPR process and relevant treaty bodies.

About Justice for Peace Foundation

Justice for Peace Foundation (JPF) was founded in June 2006 as Working Group on Justice for Peace (WGJP) before registered to foundation in 2009 under the Ministry of Interior (Moi). JPF is a network of human rights and peace activists to strengthen non-violent efforts to protect human rights, to promote access to justice, and to end impunity. JPF engages in human rights monitoring and advocacy while encouraging grassroots activism and supporting victims of human rights violations in their fight for justice.

About the Thai CSOs Coalition for the UPR

Created in February 2016, the Thai CSOs Coalition for the UPR comprises local communities and national civil society organisations from all human rights sectors and across Thailand. The coalition is as of today the widest coalition of Thai CSOs ever brought together to contribute to the UPR process and other UN human rights monitoring mechanisms as well as development obligations. The formation of the Thai CSOs Coalition for the UPR has enabled local communities from different regions of Thailand, experiencing similar challenges (such as land evictions, land grabbing, abusive working conditions), to meet each other and build solidarity, creating momentum and commitment to work together as a strong national movement to hold the government accountable on its international human rights obligations. The Thai

CSOs Coalition for the UPR engages in a constructive manner by proposing solutions rather than naming and shaming.

About the Thai Business and Human Rights Network

The Thai Business and Human Rights Network is an informal, inclusive and intersectional coalition of human rights defenders, community leaders, researchers, academics, and non-governmental organisations from the local, national and regional spheres, who are joining hands to ensure local communities are central to the business and human rights response in Thailand. The Network engages in advocacy, dialogue, and monitoring of business and human rights commitments made by the Royal Thai Government, in particular in engaging in the development and monitoring of the National Action Plan on Business and Human Rights.

Contact details for Manushya Foundation:

Ms. Emilie Pradichit, Founder and Director

emilie@manushyafoundation.org

Contact details Justice for Peace Foundation:

Ms. Angkhana Neelapaijit, Founder

angkhana.neelapaijit@gmail.com

3. Article 1 of the Convention: Definition of Racial Discrimination

Manushya Foundation, JPF, the Thai CSOs Coalition for the UPR, and the Thai Business and Human Rights Network would like to draw the attention of the CERD Committee on the shortcomings of the definition of racial discrimination in the Thai Constitution of 2017, which is not aligned with the definition of racial discrimination in Article 1 of ICERD.

Article 1 (1): In this Convention, the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

1. Discrimination laid out in the Constitution is not defined, is not inclusive of discrimination on all grounds, and there are no limitations set for 'just' discrimination

Constitution of 2017, Article 27:

"All persons are equal before the law, and shall have rights and liberties and be protected equally under the law. Men and women shall enjoy equal rights. Unjust discrimination against a person on the grounds of differences in origin, race, language, sex, age, disability, physical or health condition, personal status, economic and social standing, religious belief, education or political view which is not contrary to the provisions of the Constitution, or on any other grounds shall not be permitted.

Measures determined by the State in order to eliminate an obstacle to or to promote persons' ability to exercise their rights or liberties on the same basis as other person or to protect or facilitate children, women, the elderly, persons with disabilities or underprivileged persons shall not be deemed as unjust discrimination under paragraph three. Members of the armed forces, police force, government officials, other officials of the State, officers or employees of State organisations shall enjoy the same rights and liberties as those enjoyed by other persons, except those restricted by law specifically in relation to politics, capacities, disciplines or ethics".¹

While the Thai government includes in the Constitution of 2017 in Article 27 that unjust discrimination shall not be permitted, some challenges can be observed in the Section. First of all, the term discrimination has not been defined. Secondly, the Section is not inclusive of all the grounds of discrimination mentioned in the Convention and leaves out discrimination based on colour, descent, national and ethnic origin. In the Constitution a distinct is also made between 'just' and 'unjust' discrimination. While it is explained that measures to eliminate obstacles or promote people's ability to exercise their rights or liberties are not considered as 'unjust' discrimination no limitations are set for such 'just' discrimination.

4. Article 2 of the Convention: Domestic Legislation

Manushya Foundation, JPF, the Thai CSOs Coalition for the UPR, and the Thai Business and Human Rights Network would like to draw the attention of the CERD Committee on the shortcomings of the Thai government to address racial discrimination in domestic legislation.

Article 2 (1) (d): Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organisation

2. No legislation has been enacted to eliminate discrimination against all persons

Under Article 27 of the Constitution of 2017 (provided in 1. Article 1 of the Convention) equality and non-discrimination are guaranteed. However, the Thai government has not enacted any legislation specifically eliminating discrimination against all persons. Even though the Thai government signed the Convention to End All Forms of Discrimination Against Women (CEDAW) in 1995, so far, the National Legislative Assembly (NLA) has only enacted the Gender Equality Act of 2015. However, this Act only applies to women, and the Act still poses many challenges and fails to provide genuine safeguards to ensure gender equality. For example, Article 17 paragraph 2 of the Act allows gender-based discrimination if it is done so for safety and wellbeing, if it serves religious principles or national security.² Therefore, religion, national security or safety can be cited as grounds to permit gender-based discrimination in Thailand. Not having enacted effective legislation to tackle issues of racial discrimination, the Thai government has not fulfilled its obligations under Article 2 of the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD), which states that State Parties shall condemn racial discrimination and undertake to pursue all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races.

3. Community rights of ethnic minority groups and indigenous peoples have been reduced in the Constitution of 2017, compared to the Constitution of 2007, so they are guaranteed less constitutional protection against discrimination

In Article 66 of the Constitution of 2007 (provided below), the community rights of local communities were emphasised: they had the right to conserve or restore their customs, local wisdom, arts or good culture, as well as the right to participate in the management and maintenance of natural resources. While these rights are significant to protect the livelihoods and lifestyles of indigenous peoples and ethnic minority groups, these rights are no longer recognised and provided for in the Constitution of 2017, particularly Article 41 (provided below). As these rights are no longer guaranteed, indigenous peoples and ethnic minorities are guaranteed less constitutional protection against discrimination. First of all, indigenous groups and ethnic minorities are often living in and adjacent reserved forest areas and national parks and are reliant on the natural resources in the forest. While these groups make a livelihood in forest areas and greatly contribute to forest conservation, the government and people in cities often blame these groups for destroying forest areas. Further, indigenous peoples and ethnic minority groups are often discriminated against because of their culture and customs. As their right to conserve or restore their culture and customs is no longer guaranteed in the constitution of 2017, they have less protection when they are being discriminated against.

Constitution of 2007, Article 66:

“Persons assembling as to be a community, local community or traditional local community shall have the right to conserve or restore their customs, local wisdom, arts or good culture of their community and of

the nation and participate in the management, maintenance and exploitation of natural resources, the environment and biological diversity in a balanced and sustainable fashion.”³

Constitution of 2017, Article 41:

“A person and community shall have the right to: (1) be informed and have access to public data or information in possession of a State agency as provided by law; (2) present a petition to a State agency and be informed of the result of its consideration in due time; (3) take legal action against a State agency as a result of an act or omission of a government official, official or employee of the State agency.”⁴

5. Article 4 of the Convention:

Manushya Foundation, JPF, the Thai CSOs Coalition for the UPR, and the Thai Business and Human Rights Network would like to draw the attention of the CERD Committee on the shortcomings of the Thai government to implement Article 4 of ICERD, despite lifting its reservation on Article 4 since 2016.

While the government has lifted its reservation on Article 4 since 2016, it has made no practical efforts to tackle hate speech against particular ethnic groups. The government claims that it punishes hate speech and negative stereotypes of certain ethnic groups, as sedition or defamation under the Criminal Code. However, in reality those punished under these articles are people who criticise the government and monarchy. Instead of preventing negative stereotypes and hate speech, the government itself contributes to disseminating negative stereotypes on ethnic groups.

Article 4 (a) State Parties shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof

4. ISOC run a propaganda campaign to create division in Thai society

Thai authorities, particularly the Internal Security Operations Command (ISOC), the political arm of the Thai military with the Prime Minister as chair,⁵ in particular, run a propaganda campaign to create division in Thai society and disrupt the peace process in the Southern part of Thailand, through Information Operations (IO) spending a budget of about 30 billion baht from taxpayers' money.⁶ These IOs were said to operate as trolls on social media defaming and dehumanising human rights defenders, while also attacking women peace activists and creating hate amongst Buddhists and Muslims through a suspicious online blog.⁷ Various pro-democracy activists have also been placed on a watchlist that was shared with various social media accounts, with records of conversations from a messaging app where users discussed using websites and fabricated social media accounts to target government critics.⁸ ISOC admitted that the documents to support the allegations were true, but they claimed that it was merely used for a public relations operation and that the IOs were merely addressing fake news.⁹

Article 4 (c) State Parties shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination

5. Indigenous peoples are negatively portrayed by the government

It is a widespread misconception that indigenous peoples are engaged in drug trade and pose a threat to national security and the environment. This misconception causes a negative perception of the general public about indigenous peoples and causes discrimination, which is one of the underlying reasons for the continued challenges of statelessness among indigenous groups.¹⁰

6. Women from Isaan are being stereotyped as 'mia farang' (white foreigners' wife)

Due to underdevelopment of the region and persisting poverty, women from Isaan are forced to find other ways to overcome obstacles and hardships they face and to provide for their families. Some decide to do so through marriage migration. While women from Isaan marry foreigners in order to be able to take care of their families, the government perceives this differently. In August 2018, the Ministry of Social Development and Human Security (MSDHS) opened an education center for Isaan 'mia farang' in Khon Kaen, which 'especially target Isaan women and girls who do not value studying but like to work in bars and massage parlours instead.'

6. Article 5 and 6 of the Convention

Manushya Foundation, JPF, the Thai CSOs Coalition for the UPR, and the Thai Business and Human Rights Network would like to draw the attention of the CERD Committee on the rights violations related to ICERD, faced by marginalised communities and local groups in Thailand, including people from Isaan, Farmers and Peasants, Indigenous Peoples, Malayu Muslims, Malayu women, Refugees and Asylum seekers, Migrant workers, and Marginalised women, including women living with HIV and trafficking victims. Lastly, the authors would like to draw the attention of the CERD Committee on the impacts of Covid-19 on above mentioned groups, as they have been left out of any beneficial government response, due to their ethnicity, descent, or nationality.

6.1. People from Isaan (Khon Isaan)

The Northeastern region of Thailand, also called 'Isaan' is the most populated region of the country, and counts over 22 million people or 33 percent of the total population of Thailand. The people in the region refer to themselves as 'Khon Isaan' (Isaan people) rather than as Thai. The people are from Lao descent, and are also referred to as 'Lao Isaan.' The people from Isaan distinct themselves from Thai people through their cultural and linguistic differences. For example, their mother tongue is Lao.

Discrimination against Isaan people is nothing new in the country. In 1904, when Thailand reclassified all ethnic Lao within its borders as Thai, they were classified as 'an inferior sort of Thais' and they have been treated as second class-citizens to inhabitants of Bangkok and central provinces.¹¹ This perception of Isaan people persists. While Isaan is the most populated region of Thailand, it remains the poorest, due to the discrimination against them.

Manushya Foundation, JPF, the Thai CSOs Coalition for the UPR, and the Thai Business and Human Rights Network would like to draw the attention of the CERD Committee on the rights violations People from Isaan experience related to ICERD.

Article 5 (d) (iv) The right to marriage and choice of spouse

7. Women from Isaan are being stereotyped as 'mia farang' (white foreigners' wife)

Due to underdevelopment of the region and persisting poverty, women from Isaan are forced to find other ways to overcome obstacles and hardships they face and to provide for their families. Some decide to do so through marriage migration. While women from Isaan marry foreigners in order to be able to take care of their families, the government perceives this differently. In August 2018, the Ministry of Social Development and Human Security opened an education center for Isaan 'mia farang' in Khon Kaen, which 'especially target Isaan women and girls who do not value studying but like to work in bars and massage parlours instead.' The urban middle-class Thai also negatively perceives women from Isaan who marry foreigners and stereotypes them as 'immoral materialists' who would threaten 'Thai traditional values.'¹² However, women from Isaan should be free to choose their spouse without being judged or stereotyped by the government and others.

Article 5 (e) (i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration

8. People from Isaan are employed in low paid jobs and the informal sector

The Thai government does not distribute resources and wealth evenly to its population. While Isaan is the largest region, most of the fiscal budget is allocated to Bangkok.¹³ Due to chronic underdevelopment of

the region and limited job opportunities, poverty forced many Isaan people to migrate to Bangkok to seek employment. However, due to discriminative stereotypes against them, they are employed in low-paid jobs, mainly as taxi drivers or construction workers, and many women end up working in the sex industry.¹⁴ Working in such jobs, Isaan people earn low incomes and suffer from challenging working conditions and limited protection by labour laws.

Article 5 (e) (i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration, and (iii) The right to housing

9. People from Isaan's land rights are violated and they face evictions from their ancestral lands

In 2014, the National Council for Peace and Order (NCPO) implemented the Forest Reclamation Policy, Thailand's solution to climate change to tackle problems as forest destruction and trespassing on public land. The NCPO enforced NCPO Order 64/2014 to implement the Policy. With the implementation of Order 66/2014, the NCPO declared that its operations would only affect wealthy investors as the Order states that 'government operations must not impact the poor and landless who had lived on the land before the enforcement of Order 64/2014. Nevertheless, numerous villagers and community members, most of them located in Isaan, who have been living in forest areas for decades are severely impacted by this policy and have been evicted from their ancestral lands, while no wealthy investors have been charged. For example, in the Sai Thong National Park Case in which fourteen villagers of Sab Wai village, located in Sai Thong National Park in Northeastern Thailand, were unfairly treated as criminals. In this case, in 2015, the villagers were charged under NCPO Order 64/2014 for trespassing and encroachment of national park area. Despite the protection the villagers should be guaranteed under NCPO Order 66/2014, between May and July 2019, they were found guilty by the Appeal Court and were imprisoned, ordered to pay high fines, and to vacate their land. Their cases are currently being considered by the Supreme Court.

While NCPO Order 64/2014 has been repealed in July 2019, the content of this NCPO Order is embedded in the National Park Act of 2019. The new act extends protection to forest parks, botanical gardens and arboretums and introduces new penalties for violators or intensifies existing ones. Those found to have been holding, building on, clearing, burning, degrading, or changing land in a protected area are punishable by imprisonment for 5 to 20 years and/or a fine of THB 400,000 to 2 million. The new National Park Act does not mention indigenous peoples or traditional livelihoods and classifies all forest dwellers as illegal encroachers and criminals regardless of how long they had occupied the land. It also grants forest officials the powers to legally search without warrant any properties they suspect of encroaching on protected forest land and destroy it. While the new law in theory allows people who traditionally lived in or near parks to access them and use some resources, the power to grant permission to do so rests with the authorities.¹⁵

Risking land eviction and not being able to access their right to land, people from Isaan who make a livelihood through farming activities experience violations of their right to housing and right to work. When being evicted from their land, they are not offered alternate land and have nowhere to go, as well, without land they are unable to continue farming activities to make a livelihood, violating their right to work and free choice of employment.

Article 5 (e) (v) The right to education and training

10. Children from Isaan face challenges in accessing education

Since the early 20th century, the Thai government sought to consolidate its control over Isaan through a programme of ‘Thai-ification.’ Consequently, the national school system demanded teaching to be conducted only in Thai language, while the mother tongue of people in Isaan is Lao. Consequently, Isaan children are denied the opportunity to access basic learning in their mother tongue, which has the potential to result in poor Thai and Lao language skills.¹⁶

Article 6

11. People from Isaan do not have access to remedies

In Isaan, where people are largely dependent on natural resources and the environment, such as on the Mun river, people are negatively affected by infrastructural development projects, such as the construction of the Pak Mun Dam. The construction of this Dam has changed the ecosystem of the Mun River, significantly decreasing the number and type of fish species migrating from the Mekong river. Consequently, fishing communities in ten provinces in Isaan have been affected by drastic reductions in fish populations and face food insecurity; a situation which has been ongoing for 26 years. However, no measures have been taken to solve the problem, and communities have been denied compensation for their loss of livelihood.¹⁷ Compensation has been declined because of discrimination against Isaan people from Lao descent. When community members filed their complaint and requested compensation, the government official who received the complaint did not want to listen to the community members because they spoke in Lao. The official claimed that he was unable to understand their language (even though it is very similar to Thai and Thai people generally understand Lao) and that he would send translators. However, the government never made an effort to send translators or assist the community members. Consequently, communities have never received compensation for their loss of livelihood. Resulting from discrimination, people from Isaan are unable to access their right to seek just and adequate reparation for any damage suffered, and the Thai government has failed to assure their right to effective remedies.

6.2. Farmers and Peasants

Agriculture accounts for a major part of Thailand’s development, and the sector has created many job opportunities. Countrywide, Thailand counts over 13 million farmers and peasants, who make up approximately 20 percent of the total population and are located anywhere outside of Bangkok. Problematically, farmers and peasants, who are described as ‘rural poor who are easily being manipulated by corrupt politicians’¹⁸ are looked down upon and are discriminated against, and approximately 40 percent of farming households lives below the poverty line.¹⁹ Farmers and peasants belonging to indigenous groups or who are from Isaan face additional layers of discrimination as they are being discriminated due to their economic status as well as due to their descent or ethnicity.

Manushya Foundation, JPF, the Thai CSOs Coalition for the UPR, and the Thai Business and Human Rights Network would like to draw the attention of the CERD Committee on the rights violations Farmers and Peasants experience related to ICERD.

Article 5 (c) Political rights, in particular the right to participate in elections-to vote and to stand for election-on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service

12. Farmers and peasants’ right to consultation and participation are violated

In recent years, the government passed numerous legislations affecting the livelihoods of farmers and peasants. For example, in 2019 the government passed forest-related acts, including the National Park Act of 2019. While this act severely affects the rights of farmers and peasants, they have not been consulted in the drafting process of the law and their participation has been denied. The People’s Movement for a Just Society (P-Move), a grassroots network in Northeastern Thailand working on land rights, actively aimed to provide its input to new legislations, including the National Park Act of 2019 and the Wildlife Conservation Act of 2019 as both bills would heavily restrict communities’ rights. In March 2019, P-Move went to the Parliament while the NLA deliberated amendments to the National Park Act, a law opposed by the movement. The movement demanded participation in the deliberation process but was only allowed to observe for fifteen minutes and was then sent away.²⁰ Farmers and peasants have been denied their right to take part in public affairs and decision-making that affects them.

Article 5 (e) (i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration, and (iii) The right to housing

13. While being dependent on their land to make a living, farmers and peasants rights to land are threatened

In 2014, the NCPO implemented the Forest Reclamation Policy, Thailand’s solution to climate change to tackle problems as forest destruction and trespassing on public land. The NCPO enforced NCPO Order 64/2014 to implement the Policy. With the implementation of Order 66/2014, the NCPO declared that its operations would only affect wealthy investors. The Order states that ‘government operations must not impact the poor and landless who had lived on the land before the enforcement of Order 64/2014. Nevertheless, over 1,800 peasants and farmers, who have been living in forest areas for decades are severely impacted by this policy and have been evicted from their ancestral lands, while no wealthy investors have been charged.

While NCPO Order 64/2014 has been repealed in July 2019, the content of this NCPO Order is embedded in the National Park Act of 2019. The new act extends protection to forest parks, botanical gardens and arboretums and introduces new penalties for violators or intensifies existing ones. Those found to have

been holding, building on, clearing, burning, degrading, or changing land in a protected area are punishable by imprisonment for 5 to 20 years and/or a fine of THB 400,000 to 2 million. The new National Park Act does not mention indigenous peoples or traditional livelihoods and classifies all forest dwellers as illegal encroachers and criminals regardless of how long they had occupied the land. It also grants forest officials the powers to legally search without warrant any properties they suspect of encroaching on protected forest land and destroy it. While the new law in theory allows people who traditionally lived in or near parks to access them and use some resources, the power to grant permission to do so rests with the authorities.²¹

Risking land eviction and not being able to access their right to land, farmers and peasants who make a livelihood through farming activities experience violations of their right to housing and right to work. When being evicted from their land, they are not offered alternate land and have nowhere to go, as well, without land they are unable to continue farming activities to make a livelihood, violating their right to work and free choice of employment.

6.3. Indigenous Peoples

Although the Thai government voted in favour of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), it does not officially recognise indigenous peoples and only acknowledges the existence of ‘ethnic groups/minorities’ and ‘hill tribes,’ which account for 6.1 million people or nine percent of the total population of the country. Thai law only recognises nine ‘hill tribes,’ which amount to 1.2 million people. Persons belonging to other indigenous groups are automatically considered as illegal migrants, even though they have lived in Thailand for decades.

While under the Directive Principles of State Policies, the State is required ‘to promote and provide for different ethnic groups to have the right to live in the society according to the traditional culture, custom, and ways of life on a voluntary basis, peacefully and without interference, insofar as it is not contrary to public order or good morals or does not endanger the security of the State, health or sanitation,’ ambiguous restrictions are placed on the duty of the State to promote and provide the right of ethnic groups to live as per their traditional culture and ways of life in the name of public order and State security, among others. Due to their ethnicity and lack of legal status, indigenous peoples in Thailand face multiple layers of discrimination. Women even more so, being indigenous, lacking legal status, and being women.

Manushya Foundation, JPF, the Thai CSOs Coalition for the UPR, and the Thai Business and Human Rights Network would like to draw the attention of the CERD Committee on the rights violations indigenous peoples experience related to ICERD.

Article 5 (b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution

14. Forced evictions, harassment, and escalating violence against indigenous peoples in Kaeng Krachan National Park

As addressed by CERD several times, since 2011, local officers of the National Park, Wildlife and Plant Conservation Department have used violence and harassed indigenous Karen groups in Kaeng Krachan National Park in order to force them off their ancestral lands. Authorities were responsible for the destruction of the houses and property of more than 20 Karen families. These human rights abuses have resulted in loss of identity and traditional way of life of the Karen community. Seeking justice and effective remedy, villagers sued involved government authorities, and in 2018, the Supreme Administrative Court ordered authorities to pay 45,000 Baht in damages to each Karen villager whose house was burnt down. However, the Court also ruled that it would not allow villagers to return to their land because they do not obtain official land claims.

15. Indigenous peoples are disproportionately subject to enforced disappearance and extra judicial killings

Indigenous peoples who fight for their land and community rights are being harassed and threatened. In some cases, environmental activists belonging to indigenous groups have even been murdered or enforced disappeared. In 2012, JPF conducted research on enforced disappearances in Thailand²² and documented 40 incidents that involved the enforced disappearance of 59 people.²³ JPF found that indigenous groups and ethnic minority groups are disproportionately victim of such disappearances: 86 percent of the 59 people belong to indigenous groups and ethnic minority groups, particularly Malayu Muslims and hill tribe communities. Additionally, 94 percent of the victims were men.

A prominent case of enforced disappearance of indigenous peoples in Thailand is the disappearance of the Karen activist Porjalee ‘Billy’ Rakchongcharoen, who collected information on evicted forest dwellers in order to file a lawsuit against the Department of National Parks, Wildlife and Plant Conservation under the Ministry of Natural Resources and the Environment (MNRE). In April 2014, he

was arrested by Chaiwat Limlikit-aksorn for having wild honey in his possession, and was last seen on 17 April 2014 near Kaeng Krachan National Park in Phetchaburi Province. On 3 September 2019, the Department of Special Investigation (DSI) announced that Billy's remains were found in the national park where he was last seen in 2014. In November 2019, Chaiwat Limlikit-aksorn turned himself in at the DSI to answer a charge of murdering Billy, but he denied all charges. As of now, nobody has been punished: in Thailand enforced disappearances are treated with impunity as enforced disappearance is not recognised as a crime in the Thai legislative framework. Judicial remedy and the right to truth are systematically denied as government agencies seek to hide rather than reveal the truth about enforced disappearances.

Indigenous peoples are not only victims of enforced disappearance but also victims of extra-judicial killings. On 17 March 2017, Chaiyaphum Pasae, a young activist belonging to the Lahu indigenous group, was shot dead at a military checkpoint in Chiang Dao district in Chiang Mai province, located in Northern Thailand. On 6 June 2018, the Chiang Mai Provincial Court ruled on the extra-judicial killing case that the bullet that had killed Chaiyaphum was fired by a soldier. The army had accused Chaiyaphum of possessing drugs or hand grenades and attempting to stab authorities, but the Court refused to consider Chaiyaphum's relatives' claims that the accusations made by the army were untrue. Instead, the judge stated that the Court was only asked to find the cause of Chaiyaphum's death, and the Court would submit the case report to a public prosecutor who would decide whether the soldier who killed Chaiyaphum would be indicted or not.²⁴

16. Indigenous women are disproportionately victims of human trafficking

Being denied citizenship, facing land evictions, having limited access to education, limited employment opportunities, and lacking access to justice and effective remedy, indigenous women often fall victim to human trafficking. Even though the government enhanced its awareness-raising efforts on trafficking, they have not reached indigenous peoples in remote areas who remain unaware of the issue and how to prevent it from happening. Women of indigenous groups are regularly trafficked to work in spa and massage parlours abroad.²⁵ Problematically, due to their lack of legal status, indigenous women are less likely to report trafficking cases and seek assistance or remedy.

Article 5 (c) Political rights, in particular the right to participate in elections-to vote and to stand for election-on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service

17. Indigenous peoples' Free, Prior, and Informed Consent (FPIC) is being violated

Indigenous peoples are not consulted nor participated in decision-making processes related to investments in land and trade agreements, which severely affects their livelihood as they are dependent on their land.²⁶

In 2019, the government registered the Kaeng Krachan National Park with the United Nations Educational, Scientific and Cultural Organisation (UNESCO) World Heritage Committee without having previously consulted with the indigenous Karen communities residing in the park, who would be impacted by such decision. If the National Park would be considered as UNESCO World Heritage, the land rights of the Karen community in Kaeng Krachan National Park will be violated, impacting their livelihood and culture.



Article 5 (d) (i) The right to freedom of movement and residence within the border of the State

18. Indigenous peoples fear being detained

Indigenous peoples without citizenship fear being detained by police officers at any time. Especially in Chiang Mai Province in Northern Thailand indigenous peoples are at risk of being inspected by authorities, due to the many checkpoints in the region.²⁷

Article 5 (d) (iii) The right to nationality

19. Indigenous peoples face challenges accessing citizenship

According to non-governmental organisation (NGO) Plan International, more than one million people in Thailand could be stateless, most them belonging to indigenous groups. At least 50 percent of them has a legitimate claim for citizenship, however, many lack relevant paperwork and proof of their eligibility is thus complicated to obtain. Citizenship is guided by the Nationality Act of 2008. The system and procedure to apply is complicated and lengthy, which is worsened by corruption among local officers and their discrimination, prejudicial stereotypes, and biases against indigenous peoples: indigenous peoples have been requested to pay illegal fees in order to start citizenship procedures and have been threatened with arrest. While indigenous peoples could prove through DNA tests that they are related to Thai citizens and are eligible for Thai citizenship, these tests are expensive and unaffordable for indigenous peoples. Indigenous peoples also face challenges registering themselves due to inadequate state services, such as a lack of roads from remote areas to registration offices, and because indigenous peoples lack financial resources for their travel. Moreover, women are unable to travel by themselves and are reliant on others to accompany them. As well, insufficient information about the necessity and benefits of citizenship is provided by authorities; many indigenous peoples are unaware of their right to obtain citizenship.²⁸

Denial of citizenship restrict indigenous peoples' enjoyment of all other human rights and fundamental freedoms, and increases their risks and vulnerabilities of exploitation and discrimination. Due to lack of legal status, indigenous peoples are unable to access public services such as healthcare and education, they cannot access employment, cannot own land, move around freely, and they are unable to access justice and remedy when their rights are being violated. These challenges are further explained below.

Article 5 (e) (i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration, and (iii) The right to housing

20. Indigenous peoples' right to land is violated and they face evictions from their ancestral lands

In 2014, the NCPO implemented the Forest Reclamation Policy, Thailand's solution to climate change to tackle problems as forest destruction and trespassing on public land. The NCPO enforced NCPO Order 64/2014 to implement the Policy. With the implementation of Order 66/2014, the NCPO declared that its operations would only affect wealthy investors. The Order states that 'government operations must not impact the poor and landless who had lived on the land before the enforcement of Order 64/2014. Nevertheless, indigenous peoples in Northern Thailand, who have been living in forest areas for decades are severely impacted by this policy and have been evicted from their ancestral lands, while no wealthy investors have been charged. While NCPO Order 64/2014 has been repealed in July 2019, the content of this NCPO Order is embedded in the National Park Act of 2019. The new act extends protection to forest parks, botanical gardens and arboretums and introduces new penalties for violators or intensifies existing ones. Those found to have been holding, building on, clearing, burning, degrading, or changing land in a protected area are punishable by imprisonment for 5 to 20 years and/or a fine of THB 400,000 to 2 million. The new National Park Act does not mention

indigenous peoples or traditional livelihoods and classifies all forest dwellers as illegal encroachers and criminals regardless of how long they had occupied the land. It also grants forest officials the powers to legally search without warrant any properties they suspect of encroaching on protected forest land and destroy it. While the new law in theory allows people who traditionally lived in or near parks to access them and use some resources, the power to grant permission to do so rests with the authorities.

In Southern Thailand, indigenous peoples living in coastal areas as well face land evictions due to disputes with luxury resorts and other tourism establishments. An example is the Urak Lawoi community living in Sireh Island who have lived on their land for decades without official land titles, which enabled private and public actors to receive land titles for the land the Urak Lawoi lives on. Consequently, the Urak Lawoi community was sued by official land owners. The community won the case in the Court of First Instance because they are recognised as ethnic minority by the government, and because they had historic evidence of their early presence in the area. However, they lost the case in the Appeal Court due to judicial interference and community manipulation. The community won the case in the Supreme Court, and they are currently awaiting their land title.²⁹

Risking land eviction and not being able to access their right to land, indigenous peoples who make a livelihood through farming or fishing activities experience violations of their right to housing and right to work. When being evicted from their land, they are not offered alternate land and have nowhere to go, as well, without land they are unable to continue farming activities to make a livelihood, violating their right to work and free choice of employment.

Article 5 (e) (i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration and (vi) The right to equal participation in cultural activities

21. Cultural rights of Indigenous Peoples are being violated

Indigenous peoples face threats to their cultural rights and they face challenges preserving their traditions and ways of life. First of all, they are driven off their ancestral lands and are forced to move to other areas, and indigenous peoples' cultural sites are being destroyed. For example, in Phang Nga province in Southern Thailand, an indigenous Moken community's traditional cemetery was encroached on by mining activity and shrimp farms. Besides that, the government has also put a halt on traditional ways of farming of indigenous peoples, such as the slash-and-burn technique because it would cause air pollution. For example, the government put a 60-day ban on outdoor burning in Phayao province in Northern Thailand in February 2019.³⁰

Article 5 (e) (iv) The right to public health, medical care, social security and social services

22. Indigenous peoples face challenges accessing healthcare services

In remote areas where indigenous peoples live healthcare services are often unavailable due to lack of state-funded development of public welfare services in these locations. Consequently, indigenous peoples have to travel far distances to access healthcare services. Besides that, healthcare facilities are often inaccessible for indigenous peoples because services are not provided in indigenous languages, and services offered are not culturally appropriate and in line with indigenous traditional practices. Moreover, indigenous peoples experience discriminatory attitudes towards them of hospital personnel: they are being treated as burdensome, ignorant, and uneducated. Further, indigenous peoples without citizenship or official ID cards are not covered by Thailand's Universal Healthcare System and have to pay high costs to receive medical services, which they cannot afford. In Omkoi district in Northern Thailand, indigenous peoples reported that they had to pay 20,000 Thai Baht (\$626) for a treatment. Indigenous women face additional challenges accessing healthcare,



particularly in cases of reproductive health as hospitals do not offer specialised services needed for indigenous women, and lack specialised services and staff. In hospitals, a lack of recognition is given to traditional midwives of indigenous peoples: midwives are not allowed to enter the delivery rooms at hospitals even though they could provide important support to indigenous women, who have to deliver in a place where they lack trust and confidence.³¹

Article 5 (e) (v) The right to education and training

23. Indigenous peoples face challenges accessing education

While under Thailand's Education for All Policy of 1999 and the Cabinet Resolution on Education for Unregistered Persons of 2005, every child is entitled to 15 years of free education regardless of their legal status or nationality, indigenous children continue to face challenges accessing education. For instance, indigenous children do not have sufficient access to education in their mother tongue or multilingual education. Particularly children from poor and remote areas and from indigenous and ethnic minority groups underperform at school or drop out of schools. Additional challenges are faced by indigenous children who lack legal status, as officials at public universities charge stateless and undocumented students higher tuition fees and these students are commonly denied university student loans.³²

Article 6

24. Indigenous women face human rights violations due to cultural and traditional customs and are unable to access justice and effective remedies

Within indigenous groups, discussing personal matters such as sexual life and domestic violence is still considered a taboo, and when indigenous women face domestic violence, they often do not seek redress through the judicial system.³³ Indigenous women face social stigma while registering their complaints, particularly regarding sexual and gender-based violence. Moreover, the justice system lacks gender sensitivity, and law enforcement officials often have negative and discriminatory attitudes and stereotypes towards indigenous women, leading to a failure to register and investigate complaints. Consequently, women do not have access to justice and are unable to seek adequate reparation for any damage suffered.

6.4. Malayu Muslims in Southern Thailand

Over 80 percent of the population in Thailand's Southern Border Provinces, including Pattani, Yala, and Narathiwat is of Malayu descent. Since 2004, ongoing armed conflict in the area has resulted in death, injuries, losses of income and livelihood, and deprivation of human rights. Mainly women and children have become victims of the conflict.³⁴

To control the conflict, the Thai government has enforced special security laws in the area, providing authorities with the power to conduct, cordon, arrest, and detain individuals without obtaining a warrant of the Court. Special security laws include (1) the Emergency Decree on Public Administration in the State of Emergency, which allows warrantless detention for 30 days during which detainees are held at unofficial detention centers, lacking independent monitoring and facilitating torture and ill-treatment of detainees, and (2) the Martial Law of 1914, which provides military full power to search, requisition, destruct, or alter any place. Items that can be seized or searched include messages, letters, telegraphs, parcels, books, newspapers, and poems. Under the Martial Law anyone can be detained for up to seven days without warrant,³⁵ and security officers cannot be held responsible for any injuries or damages caused by them during the operations. The application of these laws disproportionately targets the Malayu Muslim population and serves to place barriers between Buddhist Thais and Malayu Muslims, strengthening ethnic and religious divisions in the area.³⁶ Being from Malayu descent, Malayu Muslims in Southern Thailand are severely discriminated against, causing significant challenges to the enjoyment of their human rights and fundamental freedoms.

Manushya Foundation, JPF, the Thai CSOs Coalition for the UPR, and the Thai Business and Human Rights Network would like to draw the attention of the CERD Committee on the rights violations Malayu Muslims experience related to ICERD.

Article 5 (b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution

25. Malayu Muslims are disproportionately subject to torture and cruel inhumane treatment, enforced disappearance, and extra judicial killings

In 2012, JPF conducted research on enforced disappearances in Thailand³⁷ and documented 40 incidents that involved the enforced disappearance of 59 people.³⁸ JPF found that indigenous groups and ethnic minority groups are disproportionately victim of such disappearances: 86 percent of these 59 people belong to indigenous groups and ethnic minority groups, particularly Malayu Muslims and hill tribe communities. Additionally, 94 percent of the victims were men.

The Muslim Attorney Center Foundation found that in the Southern Border Provinces, between 2016 and 2018, in 133 cases victims and their relatives have been tortured by security officials in order to extract confessions. In 2018, the Hearty Support Group reported 20 cases of alleged torture and cruel, inhumane treatment under special enforcement laws. Examples of such treatments include being forced to stand in a fixed position for four days and four nights in a row, staying naked, being soaked in dirty water, and being subjected to waterboarding.

Since 2011, the Thai government is in the process of drafting the Law on the Prevention and Suppression of Torture and Enforced Disappearance,³⁹ which was approved by the NLA during its first reading.⁴⁰ If passed, government authorities, including military officials, would no longer be able to use torture and enforced disappearance, even during war situations. However, various government officials lobbied against this law because torture is a method used to extract confessions which is built into the Thai security system.⁴¹ Civil society organisations (CSOs) also expressed their concerns about the law: (1) definitions of 'crimes of torture and enforced disappearance' are incomplete; (2) provisions concerning cruel, inhuman and degrading treatment or punishment are absent; (3)



inadequate provisions related to the liability for crimes; and (4) insufficient safeguards against torture and enforced disappearance. At this moment, there is no legal framework in Thailand criminalising torture or punishing perpetrators of torture. Judicial remedy and the right to truth are systematically denied as government agencies seek to hide rather than reveal the truth about enforced disappearances.

In June 2017, the government established the Committee to Receive Complaints and Investigate Allegations of Torture and Enforced Disappearance', mandated to perform fact finding, provide assistance and remedies, and protect the rights of victims of torture and enforced disappearance.⁴² However, without legislating backing up the Committee and considering the control the military will have over the Committee, the Committee's independence and effectiveness are highly questioned.⁴³

Article 5 (b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution and (d) (i) The right to freedom of movement and residence within the border of the State

26. Malayu Muslims are stereotyped as insurgents and are disproportionately targeted, surveilled, and detained under special security laws

Malayu Muslims are randomly stopped by authorities to take photos of their ID cards and car plate numbers,⁴⁴ and at checkpoints set up in the region, Malayu Muslims are disproportionately stopped and questioned as officers presume that they are insurgents. Moreover, the large majority of people detained under special security laws is Malayu Muslim, and over 80 percent of the arrests of 'suspected insurgents' made are based entirely on a third-party accusation or on the assumption of state officials.⁴⁵ Families of suspected insurgents are also discriminated against and face increased harassment and surveillance as they are labeled by state officials as 'insurgent families,'⁴⁶ a practice that has increased in 2019.⁴⁷ For example, a woman and her six-year old son were taken to the 33rd Taskforce Military Camp together with eight detainees, allegedly because the women denied authorities to collect her and her son's DNA sample. The woman was interrogated about her husband, and was then released. This violates the right of women and children who do not pose an actual threat. Further, during investigations, soldiers and police officers use bilingual persons as interpreters, rather than professional ones, which can cause miscommunication.⁴⁸

Article 5 (c) Political rights, in particular the right to participate in elections-to vote and to stand for election-on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service, (d) (i) The right to freedom of movement and residence within the border of the State, and (d) (viii) The right to freedom of opinion and expression

27. Malayu Muslims are subject to racial profiling

Security officials conduct random profiling through collecting DNA samples from Malayu Muslims, which will be added to the security database as security forces claim that these samples are helpful to convict suspected insurgents. However, this practice amounts to racial profiling and the samples are used as a form of intimidation against women and children. From January to September 2019, the Cross Cultural Foundation documented at least 139 cases of forced DNA collection.⁴⁹ In February 2019, teachers from a school in Yala province rejected to provide their DNA samples, but the police insisted that they needed the samples and ordered the teachers to visit the police station to give their samples. In the same month, security officers searched the house of a villager and questioned her about the whereabouts of her sons. The officers swabbed DNA samples from her cheek without obtaining free, prior and informed consent, and she was requested to sign a consent form after the DNA sample was already forcibly obtained. Further, 19,000 DNA samples were also collected during the yearly military conscription; however, conscripts were not informed how their DNA samples would be used, how

they would be processed, which agencies would store them, and who would be able to access them. Conscripts were not aware that they were allowed to refuse to provide their DNA sample and therefore signed consent forms.⁵⁰

Besides that, starting in February 2018, the National Broadcasting and Telecommunications Office (NBTC) has ordered all mobile service providers to collect fingerprints or face scans from SIM card registrants. This process was required of all new SIM card users, with the old SIM card users having to re-register, and the data must then be sent to a central repository at NBTC.⁵¹ In the restive South of Thailand, this policy is enforced more strictly. Introduced through announcements in the Royal Gazette on 9 April 2019 and 21 June 2019, new identification measures through facial scanning and biometrics came into force on 31 October 2019 in the three southern provinces of Yala, Pattani and Narathiwat as well as three districts of Songkhla province.⁵² According to this announcement, those who do not have their SIM cards registered and their faces scanned by the service providers AIS, TrueMove H or DTAC, will not be able to use mobile phone services. These new measures are particularly used by authorities to monitor the use of phones to denote bombs.⁵³ Concern has been expressed on the human rights implication of such an action including violation of privacy, restriction of freedom and racial profiling of the Muslim population, particularly in a region where security forces have been accused of civilian torture and DNA samples have been forcibly taken from individuals without their consent.⁵⁴

ISOC, the political arm of the military that has been accused of pushing Thailand towards being a totalitarian state⁵⁵ files this information into a database. Civil society activists believe that this information could be misused, leading to restrictions on privacy, online freedom and discrimination against the Muslim majority population.⁵⁶ The ISOC spokesman justified their actions by saying that the data collection was not meant to violate people's rights but is for their benefit, in order to protect them from insurgents or those committing fraud.⁵⁷

28. Places of detention do not conform with international standards

Since May 2014, hundreds of people have been detained in unknown and unofficial locations without detention safeguards.⁵⁸ ISOC designated six locations as official holding centers, however, there are also unofficial ones and detainees are often moved between locations. Consequently, family members are unaware of their whereabouts.⁵⁹ In holding centers, detainees are kept in rooms of 1.5 by 2 meters without bathroom and prayer room, they have been denied to see a doctor or lawyer, and they are often not allowed to receive visitors. In Ingkhayuthboriharn Camp in Pattani Province, detainees were allowed visitors only for five minutes, in some cases they were prohibited to talk, and some detainees were denied visits at all. If visits are allowed, officials remain present and listen to the conversation. These conditions do not conform to international standards as the Nelson Mandela rules prescribe visits to be at least 30 minutes during which privacy should be respected.⁶⁰ Many detainees have only been released after signing restrictive conditions limiting their freedom of expression and movement, with imprisonment, fines, and freezing of assets as penalties for violating the conditions.⁶¹

Article 5 (d) (viii) The right to freedom of opinion and expression

29. CSOs who aim to register as foundations with names including the word 'Patani' are denied registration

According to the Civil and Commercial Code, a CSO may register as a foundation (the most common form of CSOs in Thailand) with the Ministry of Interior if (1) it works for the public benefit; (2) its board of directors includes at least three Thai nationals; (3) it provides a bank statement with a balance of at least 200,000 Thai Baht (\$6,000), and (4) it does not contradict the law, good morals or national security. However, even when these requirements are met, CSOs can experience difficulties registering. Registration officials often reject CSOs in Southern Thailand because they perceive organisational names as "misleading." Rejected organisational names include the Malay word Patani,

which refers to the Muslim Malayu minority in the South and which registration officials associate with the separatist movement.

Article 5 (e) (i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration

30. Malayu Muslims' access to employment is impeded due to discrimination against them

When Malayu Muslim-students pursue their studies in predominantly Arab or Malay speaking countries, state officials tend to question them upon return to Thailand because they suspect them to have joined insurgency. This belief has spread amongst the country, and employers are reluctant to hire Malayu Muslims. Some employers specify in their vacancies that they are only open to Buddhists and in some work places women are not allowed to wear hijab or are forced to wear uniforms with short sleeves and short skirts, which forces women to resign. Consequently, they are unable to find employment in their field of study and end up as farmers or teachers in Islamic schools or they decide to seek employment across the border in Malaysia. Discrimination against Malayu impeded access to employment and caused issues at the workplace.⁶²

Article 5 (e) (v) The right to education and training

31. Private schools, providing education in the local Malay language are forced to close down by ISOC

Textbooks designed by the Ministry of Education, which are used in government schools, do not refer to Malayu history and culture. Instead, Malayu identity is ignored even though this is against the government's claim to 'maintain diversity in the education sector.'⁶³ Consequently, CSOs in the area run private schools which provide education in Malay language and which include teachings about Malayu history and culture. In 2019, such school was visited by ISOC, which forced the school to close down because they suspected the school to have supported a group the government identifies as separatist group. This action of ISOC created fear amongst teachers, students, and parents, and it discredited similar schools in the area.

Article 6

32. Malayu Muslims do not have access to fair trial and justice

Especially in cases of alleged torture and ill-treatment, officials fail to investigate allegations, and victims and lawyers face difficulties gathering evidence, including accessing independent medical examinations to document the victim's injuries.⁶⁴

In Southern Thailand, whether bail is granted or not is not based on the Court's decision, but mostly on the status and family background of the person. Bail depends for 70 percent on guaranteed property, and for 30 percent on the amount that can be paid in cash. Consequently, most people are unable to be bailed out.

In October 2019 the government intervened in the judicial system, Kanakorn Pianchana, a judge in a Court in Yala province in Southern Thailand, shot himself in the chest after he had acquitted five Muslim men of murder and called for fairer judiciary. He mentioned that 'clear and credible evidence is required to punish someone, and if you are not sure, do not punish them.' He also noted that the judicial process needs to be transparent and credible. His suicide attempt was related to alleged government interference in the case.⁶⁵

From the above, it can be concluded that Malayu Muslims are not treated equally in the judicial system as they are being discriminated against, and consequently they are unable to seek redress, social justice, and adequate reparation for any damage suffered.



6.4.1. Malayu Women

While above challenges are experienced by all Malayu Muslims, Malayu women face multiple layers of discrimination, due to their descent and gender.

While Thailand is governed by the Civil and Commercial Code, the Southern Border Provinces Pattani, Yala, Narathiwat, and Satun are since 1946 governed by the Islamic Family and Inheritance Law of 1946, a law which has not officially been passed by the Parliament. While this law has been deemed irrelevant to present circumstances, its contents and administration remains unknown,⁶⁶ and the law is critiqued by local judges and academia, the government has not made any attempt to review and reform its content. Instead, the Ministry of Justice ordered this law to be applied in cases involving family and inheritance matters, with the assistance of Islamic scholars, who can only be men.⁶⁷ This law provides decision-making power to men while it discriminates against Malayu women, severely violating their human rights. Also, accessing justice in the Southern Border Provinces is challenging as the justice system in these provinces is rather complicated due to the adoption of a multicultural jurisprudence and justice system, which causes a lack of legal decisiveness. Besides that, there is a lack of strict enforcement of the Islamic law on family and inheritance matters,⁶⁸ especially when it comes to providing rights entitled to women. Due to the complicated legislative framework in the southern provinces, cultural stereotypes, and discrimination against women, women face difficulties accessing their rights and fundamental freedoms.

Manushya Foundation, JPF, the Thai CSOs Coalition for the UPR, and the Thai Business and Human Rights Network would like to draw the attention of the CERD Committee on the rights violations Malayu women experience related to ICERD.

Article 2 (d) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organisation

33. Gender-based discrimination is permitted if it serves religious principles, negatively affecting Malayu women

While the Thai government has undertaken steps to advance human rights of women and access to justice, for example through the Gender Equality Act of 2015 and the Domestic Violence Protection Act of 2007, significant challenges persist for Malayu women in southern Thailand. The Gender Equality Act of 2015, Section 17(2) allows gender-based discrimination if it is done for safety and well-being or if it serves religious principles or national security.⁶⁹ Consequently, Malayu women are not protected against discrimination and human rights violations they face due to religious beliefs or as a result of the violent conflict in the south.

Article 5 (b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution, and (d) (iv) The right to marriage and choice of spouse

34. Malayu women are denied decision-making power in their marriage and are subject to domestic violence

While the Thai Civil and Commercial Code provides for a minimum marriage age of 17 years, this does not apply to marriages among Malayu Muslims which are governed by the Islamic Family and Inheritance Law or customary practices.⁷⁰ Consequently, Malayu girls can be forced to marry as soon as they reach puberty. Further, under the Thai Civil and Commercial Code polygamy is prohibited while such marriages are allowed under the Islamic Family and Inheritance Law. Problematically, women who are second or third wife are unable to negotiate conditions in their marriage, they often experience domestic violence.⁷¹ Malayu women in the Southern Border Provinces are as well often



subject to domestic violence: in the Southern Border Provinces unemployment is prevalent and many men are addicted to drugs, when their wives refuse to give them money, they resort to violence.

Problematically, when Malayu women experience domestic violence and wish to divorce, they face challenges to file divorce applications as the process is difficult, time-consuming, and costly. Moreover, community religious leaders and Islamic Committee members often do not believe that domestic violence had occurred and they believe that women do not have religious knowledge and are unable to decide about such matters. Instead, they believe that only men should hold decision making power over marriage cases and dispute resolution.

Article 5 (d) (v) The right to own property alone as well as in association with others, and (vi) The right to inherit

35. Malayu women face challenges to access their right to own land and other properties

As mentioned above, family and inheritance matters are governed by the Islamic Provincial Council or Islamic Community leaders. However, their decisions are only customary practice and cannot be enforced. Muslim women who are divorced often do not obtain official documents proving their divorce. However, without such documents, they are unable to manage their properties, as they cannot approach the Land Office under the Mol to change the land title to their name.⁷²

Article 5 (e) (iv) The right to public health, medical care, social security and social services

36. Malayu women are denied access to sexual reproductive healthcare services

Most Malayu women lack knowledge of sex education and reproductive health, and unwanted pregnancy and teenage pregnancy are major issues in the Southern Border Provinces. However, due to the religious code and lack of counseling about maternity, health problems, and reproductive health, girls cannot find solutions to their problems.⁷³ Besides that, while there is a spread of HIV/AIDS in the area, women often refuse to undergo a Sexually Transmitted Infections screening as they fear that it is against their religion since doctors are mostly male.⁷⁴ In case tested HIV/AIDS positive, women are unaware of the availability of necessary vaccinations or treatments.⁷⁵ Further, Malayu Muslim women have confirmed that genital circumcision is still practiced among Malayu Muslim girls. Most girls are circumcised at birth by local midwives or gynecologists at state hospitals, while some girls are circumcised at the age of 2 or 3 years old. Many experience infections afterwards, posing a risk to their health.⁷⁶

Article 6

37. Women are unable to access justice or seek remedy through the judicial system for family related matters

When Malayu women report cases with respect to family issues at the police station, the police would only accept cases that involve violence against women, enabling them to sue their perpetrators in the Court. However, the police refuses to accept any other cases related to family matters, arguing that because these issues are governed by the Islamic Family and Inheritance Law, women should file their complaint at the Islamic Provincial Council instead of with the formal justice system. However, women are reluctant to do so as all council members are men,⁷⁷ and women are shy to tell them about problems they face, such as domestic violence, divorce lawsuits, and forced marriages. Women are shy to tell male council members about their issues because men often do not believe the women's stories and believe that men should have decision-making powers in the marriage.⁷⁸ As well, women are hesitant to share their problems because they fear the community people's judgment, usually with prejudice against women, which stems from their beliefs to conform to customs and practices. Consequently, there is a lack of safe space provided to women to testify, therefore their cases are not

heard, and evidence is not being presented entirely. Further, Malayu Muslim women are not able to access justice through the Islamic Family and Inheritance Law because there is a lack of enforcement of this law when it comes to providing rights that are entitled to women. For example, in cases when a marriage ends, most women do not get their fair share of the marriage property, and inheritance is not managed according to the spirit of Islam.⁷⁹ Not being able to file their cases with either the judicial system or the Islamic Provincial Council, women have no access to justice or remedy and do not receive adequate reparation for the damage they suffered.

38. Malayu women that are sexually harassed by soldiers do not have access to justice

In instances, Malayu women are sexually harassed and raped by soldiers. If women file a complaint about this, they can sue the soldier who harassed or raped them. However, many girls refrain from filing a complaint due to reputational harm that may be done to the family, and because punishments of perpetrators are weak: if found guilty the punishment includes relocation or job termination. In other cases, the offenders claimed that mutual consent was involved and the perpetrator was not found guilty.



6.5. Refugees and Asylum Seekers

As of March 2020, Thailand counted over 93,000 refugees. The majority of them belonging to ethnic minorities, mainly Karen and Karenni, from Myanmar. Refugees from Myanmar reside in temporary government-run shelters along the Thai-Myanmar border. Thailand counts approximately 5,000 urban refugees and asylum seekers from more than 40 countries.⁸⁰ Thailand is also a potential destination for Rohingya refugees fleeing Myanmar, which arrive to Thailand by sea. Despite hosting numerous refugees and asylum seekers, Thailand has not ratified the Convention on Refugees of 1951 and its 1967 Protocol relating to the Status of Refugees, neither holds domestic legislation addressing the protection of refugees' rights or their right to seek international protection. Consequently, refugees and asylum seekers have no legal status in Thailand. Instead they are considered illegal migrants and are treated accordingly: the Immigration Act of 1979 authorises their deportation and arbitrary detention. Lacking protection, legal status, and facing multiple layers of discrimination due to their nationality, race, and ethnicity, the rights and fundamental freedoms of refugees and asylum seekers are severely violated.

Manushya Foundation, JPF, the Thai CSOs Coalition for the UPR, and the Thai Business and Human Rights Network would like to draw the attention of the CERD Committee on the rights violations Refugees and Asylum seekers experience related to ICERD.

Article 5 (b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution, and (d) (i) The right to freedom of movement and residence within the border of the State

39. Police regularly conducts abusive raids to arrest asylum seekers and refugees, justified on grounds of the Immigration Act of 1979

The police regularly conduct mass raids during which it arrests asylum seekers and refugees. In 2017, 196 United Nations High Commissioner for Refugees (UNHCR) registered refugees and asylum seekers were arrested and detained in Immigration Detention Centres (IDCs). In 2018, authorities arrested 180 UNHCR persons of concern from Cambodia and Vietnam, including 45 children who were then separated from their families.

40. Refugees and asylum seekers are often subject to human trafficking

Thai authorities have abetted the process of trafficking in persons of Rohingya. Authorities forced Rohingya to pay up to 2000 Thai Baht (\$60) to traffickers and had as well transferred Rohingya who were held in state custody to trafficking camps in the Thai-Malaysian border area and Malaysia.⁸¹ In 2015, Thai authorities found over 30 bodies at abandoned human trafficking camps close to the Thai-Malaysian border. Police indicated that they were Rohingya who were starved to death or had died from abuses and diseases while being held by traffickers.

Article 5 (d) (i) The right to freedom of movement and residence within the border of the State, and (ii) The right to leave any country, including one's own, and to return to one's country

41. Thailand has an oppressive 'push back' policy for Rohingya asylum seekers arriving by boat

Thai authorities 'push back' boats carrying Rohingya refugees arriving to Thailand by sea. Authorities provide these boats with fuel, food, water, and other supplies if they agree to travel to other destination countries such as Indonesia or Malaysia. Any boat arriving at Thai shores is being seized and Rohingya on board are subject to indefinite detention. In May 2015, Thai authorities had refused to work with UNHCR to conduct refugee status determination screenings or to establish temporary shelters for them.⁸²

42. Refugees and asylum seekers' freedom of movement is largely restricted and they are regularly arrested

Due to their lack of legal status, refugees and asylum seekers risk being arrested, detained, and deported at any time. In the shelters along the Thai-Myanmar border, refugees are only allowed to leave the shelter after obtaining special permission.⁸³ Fearing such risks, urban refugees and asylum seekers fear leaving their apartments, even to buy food or other necessities.⁸⁴ While the government committed in January 2019 that it would no longer detain migrant children,⁸⁵ these children and their mothers remain detained in IDCs.

43. Refugees and asylum seekers in IDCs do not have access to adequate living standards

Asylum seekers, refugees, and undocumented migrants are detained in IDCs for indefinite and prolonged periods without external contacts and under inadequate conditions, including overcrowded cells and poor health and nutrition services. They are only provided honey, bread, and sanitary napkins, while they have to purchase basic necessities, even drinking water. Regulations allow cell sizes to have a minimum of 1.29 metres per person, therefore overcrowding is inevitable and some people have to sleep standing up.

44. Thai authorities violate the non-refoulement principle

Deportations and forced returns are commonly used by authorities to deal with asylum seekers and refugees, without judicial oversight or a proper assessment of protection needs. In 2013, Khmer Khrom asylum seekers were arrested and handed over to Cambodian officials at the Thai-Cambodian border. Upon return, they testified to being tortured by authorities to extract confessions.⁸⁶ Even in cases where forcible return did not apply, the failure to provide them with formal protection and rights has led to 'constructive refoulement.' In these cases, individuals have decided to return to their country of origin due to unbearable living conditions in Thailand and lengthy procedures.

Article 5 (d) (iii) The right to nationality (identity)

45. Birth registration in shelters on the Thai-Myanmar border is poorly implemented

While Thai authorities announced its policy to universal birth registration with retroactive effect for children born in shelters along the Thai-Myanmar border, the implementation of this policy remains limited and many children born in the shelters from unregistered parents are denied birth certificates.⁸⁷

Article 5 (e) (i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration

46. Refugees and asylum seekers are not allowed to work

To be able to work as a foreigner in Thailand, a valid visa and work permit are required, which refugees do not have. Desperate to earn income and provide for their families and to be able to afford basic necessities, some undertake employment in informal sectors such as agriculture, fishing industry, or domestic work.⁸⁸ However, migrants and asylum seekers often find themselves exploited by their employers and are being paid less than the minimum wage. Additionally, they face being arrested by authorities at any time.⁸⁹

Article 5 (e) (iv) The right to public health, medical care, social security and social services

47. Refugees and asylum seekers do not have access to adequate healthcare services

In shelters along the Thai-Myanmar border NGOs have limited resources to provide services to residents, and they are only referred to hospitals if their cases are considered as very serious.⁹⁰ Due

to the very minimal access to healthcare, diseases as malaria, dengue fever, and tuberculosis regularly occur and patients do not receive the required treatment.⁹¹ In urban areas, asylum seekers and refugees do not have the financial means to pay for healthcare services, and they fear being arrested while visiting hospitals or clinics. For asylum seekers who are detained in the IDC doctors can be summoned, however, advice and instructions provided by doctors are ignored by IDC guards and personnel.⁹² In 2017, a 16-year-old Rohingya refugee, Zainab Bi Bi, who was detained for three years in the Sadao IDC died due to inadequate medical assistance.

Article 5 (e) (v) The right to education and training

48. Children of refugees and asylum seekers do not have access to education

In shelters along the Thai-Myanmar border, residents depend largely on NGOs to provide services such as healthcare and education. However, as the situation in Myanmar seemed to have 'improved' donors have reduced their support and NGOs face challenges to provide required services to refugees.⁹³ Parents are unable to pay for tuition fees, which NGOs charge to be able to pay teachers' stipends.⁹⁴ Due to lack of education, the literacy rate within the shelters is about 60 percent.⁹⁵ Children of urban refugees are also unable to attend schools because parents do not have the financial means to pay tuition fees, and moreover, children risk being arrested or detained by authorities.⁹⁶

Article 6

49. Asylum seekers and refugees right to fair trial is violated

While the government provides some free legal aid services, such programs do not cover illegal migrants and detention cases. If arrested and presented before the Court there have been instances where no official interpreter was present, and fines were being negotiated and bribes collected. During a hearing of a Pakistani asylum seeker, observed by NGO Jubilee Campaign, an unofficial representative from the Pakistani community provided interpretation, and a Thai woman negotiated the terms of the fine, and seemed to be collecting bribes.⁹⁷ Without access to adequate legal aid or interpreters, many asylum seekers and refugees are unaware of their rights and cannot understand the charges against them.



6.6. Migrant workers

In general, migrant workers are victims of human rights abuses as the legal framework does not guarantee the same rights and protections to them as enjoyed by Thai citizens in the country and their rights are sometimes not considered important to protect. This is further exacerbated by the status of some migrant workers who remain undocumented and thus lacking the right to work and to access social security measures. Despite close connections in the culture as well as social practices, migrant workers from other countries in Southeast Asia that are the highest representation amongst the low-income migrant workers, face discrimination based on their race, colour, descent, nationality, and ethnic origin.

Manushya Foundation, JPF, the Thai CSOs Coalition for the UPR, and the Thai Business and Human Rights Network would like to draw the attention of the CERD Committee on the rights violations Migrant workers experience related to ICERD.

Article 5 (b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution

50. Lack of physical security for migrants along the border

Both documented and undocumented migrants are victims of violence and are subject to extortion, assaults, rape, disappearance and even death, resulting from the actions of employers, smugglers and government officials.⁹⁸ In a deplorable practice, there have also been instances documented of full body cavity searches conducted on migrant women by male soldiers.⁹⁹

51. Deportation of migrant workers results in further harm to them

Migrant workers experience stigmatisation and poor treatment prior to and during their deportation, including the confiscation of their belongings, and not being allowed to use the toilet while being deported. Moreover, being made to travel in overcrowded vehicles that ignore the safety of migrants by speeding have also led to the deaths of these individuals.¹⁰⁰ Deported migrants also end up financially damaged irreparably as they are deported without being paid wages and may end up with a huge debt, as a result of the fines and charges placed on them as a penalty.¹⁰¹

52. Challenges to migrants not having documentation

Undocumented migrant workers have been targeted, arrested or deported because of the absence of proper documentation at any time, from their homes, place of work, from public places and even from places of worship. Even documented workers fall victim to these arrests, either for not carrying their documentation, for not having their documentation as it is being processed even if their registration is with them, or if their documentation has been retained by their employer illegally.¹⁰²

53. Migrant activists are targeted for their human rights work

Migrants who have represented their communities to demand protection and respect for their rights have been targeted.¹⁰³ Migrant workers that have attempted to submit complaints either to the Department of Labour Protection and Welfare (DLPW) of the Ministry of Labour (MoL) or before the Courts face retaliation from their employers including in the form of defamation cases. They are sometimes even killed or victims of enforced disappearance.

Article 5 (d) (i) The right to freedom of movement and residence within the border of the State

54. Detention is used against migrants

With no set procedure for detention, migrants are often detained for an undetermined amount of time.¹⁰⁴ They are mistreated in immigration detention centres and also subjected to arbitrary detention.



55. Migrant children continue to be detained

Although at a higher risk of discrimination, violence and exploitation, children remain unprotected as they are not recognised as citizens by virtue of their birth in Thailand under the Nationality Act, particularly if the child's parents entered Thailand illegally. These children are only allowed to reside in Thailand and are still identified as illegally staying in Thailand and they can thus be arrested and detained under the Immigration Act.¹⁰⁵ To illustrate the harm this causes, on one occasion the children of legal migrant workers were detained for deportation only because their parents were unable to procure legal documents, and so these steps were planned, without any trial, without any child protection agencies present, and without their parents to accompany them.¹⁰⁶

There is no clear policy implemented at present on ending the detention of children, even though an Memorandum of Understanding (MoU) on the 'Determination of Measures and Approaches Alternative to the Detention of Children in Immigration Detention Centers' was signed on 21 January 2019.¹⁰⁷ Furthermore, there remain gaps in this MoU which fails to address family separation with migrant mothers only being released from immigration detention after paying a prohibitively high bail payment of 50,000 baht, with the bail provision not extending to fathers of these migrant children.¹⁰⁸ There is no uniform policy for the treatment of undocumented migrant children, so they are either sent to the immigration detention centre where their conditions and treatment are unknown and they are prepared for summary deportation, or they are sent to juvenile correction centres where they are discriminated against as compared to the Thai children. If they are in conflict with the law, they are detained at corrective centres not knowing about the trial or the period of time for which they would need to stay in Thailand.¹⁰⁹

Article 5 (e) (i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration

56. Documented migrant workers face challenges due to their employment and legal status

Deceptive employment practices are used in the recruitment process. Migrant workers are sometimes brought into Thailand by an agent who assists them with their job placement, which has also resulted in a few migrant women being pushed into sex work.¹¹⁰ Due to the language barrier and relying on an agent, these migrants are unable to understand their terms of employment which could result in exploitative work conditions. They are also forced to pay a high fee to a broker for the recruitment process,¹¹¹ often incurring huge debts in a migrant employment process that is highly corrupt.¹¹² For undocumented migrant workers a national identity verification process was introduced, which instead adds an extra layer of burden to them, since it is long and inefficient¹¹³ and they face extortion with migrant workers being made to pay 5 to 10 times the amount set during this process.¹¹⁴

Employment of workers from Myanmar, Cambodia and Lao PDR are carried out under MoUs that do not recognise domestic or care work, and so these migrants, particularly migrant women, would need to register under their employer.¹¹⁵ However, undocumented migrant workers are often not supported by their employers who do not want to engage in a complex, expensive process that is rife with corruption.¹¹⁶ There are also several barriers placed on migrant workers that are documented with restrictions placed on their status when linked to their employer, which does not allow them to change their employer category, nature or sector of work, or even from changing or travelling outside a province.¹¹⁷ Therefore, often those in abusive work environments are unable to leave for fear of losing their legal status, and those who do leave are unable to access remedy with the threat of arrest or deportation hanging over their heads.

57. Poor workplace conditions have a disproportionate impact on migrant workers

Even with working conditions being safeguarded in Thailand, migrant workers continue to face deplorable conditions. It is believed that they are specifically hired by businesses particularly through subcontracting companies to avoid any legal responsibility.¹¹⁸ With the informal sector being unregulated by law as a way to avoid government regulations and reporting obligations, migrant workers employed herein face violations.¹¹⁹ Migrant workers have their ID cards taken away by employers, who threaten to use them against the migrant workers and have them arrested if they report discrimination, poor sanitation and unsafe working conditions at the workplace.¹²⁰ With the Labour Protection Act protecting some sectors of workers to a lesser extent, such as those in agriculture, fishing and domestic work, migrant workers employed in these sectors face more labour violations.¹²¹ Other exploitative practices include the withholding of wages, payment below minimum wage, excessively long work days and non-payment of overtime wages.¹²² What remains daunting is the belief held by Thai employers that migrant workers do not need to be paid the same amount as their Thai counterparts, for fulfilling the same tasks.¹²³ Additionally, they are employed in unsafe work environments but not provided with safety trainings in their language.¹²⁴

Migrant women are even more vulnerable to abuse and exploitation as they receive lower wages than their male counterparts, have to work longer hours to prove themselves, have linguistic barriers, made worse by domestic violence and violence by government officials.¹²⁵ Also, as laws such as the Royal Decree on Managing the Work of Aliens place a higher burden on companies employing undocumented migrants, they often result in migrant women being fired from their jobs first.¹²⁶

As mentioned, within the migrant community, the well-established, unfair practice of providing a different wage to women and men still exists and women receive lower wages than men. As a result of this, transgender migrants do not dress as a woman even if they identify as such because they will be given the smaller salary given to women.

58. Discrimination against migrant sex workers

Sex work is criminalised in Thailand and sex workers are treated as second class citizens, if as citizens at all, with no protection under labour law and lacking social security benefits.¹²⁷ Socio-economic exclusion and prejudice compounds the intersectional discrimination sex workers already face as they belong to the marginalised migrant community.¹²⁸ Migrant sex workers are only able to obtain partial documentation as applicable to migrant workers and have thus at times been entrapped, arrested and charged even for just being in an entertainment venue during violent police raids¹²⁹ and these sex workers are then exploited and extorted by officials.¹³⁰ If the police agree to let all the sex workers off on the payment of a bribe, migrant sex workers are often made to pay more while also being interrogated for longer and asked to provide all their documentation.¹³¹ This is sometimes followed by unjustifiable prosecutions based on the nationality and immigration status of the migrant sex worker, with their identity revealed and facing heavier penalties than their Thai counterparts.¹³² There also remains a disturbing practice of the passports of undocumented migrant sex workers being stamped stating that they have been fined for engaging in prostitution.¹³³

Article 5 (e) (ii) The right to form and join trade unions

59. Migrant workers are not allowed to form unions

Migrants are unable to initiate access to remedy through collective bargaining for rights violations because the Labour Relations Act and the State Enterprise Labour Relations Act do not allow migrant workers to form unions, or to serve as a director, sub-committee member or advisor to the union; but instead they can only be members of a union.¹³⁴ This makes it difficult for migrant workers to negotiate with employers, with migrant employees also being punished for unionising, by firing them or deducting their salaries.¹³⁵

Article 5 (e) (iv) The right to public health, medical care, social security and social services

60. Access to healthcare and social security services are minimal or non-existent

Migrant workers are discriminated against and thus do not enjoy all rights provided for in the Social Security Act such as annual or traditional holidays, paid maternity or education, or sick leave.¹³⁶ Access to public healthcare services remains low amongst migrant workers due to legal, social and financial barriers. There is a gap in Thai legislation as the Thai National Health Insurance Act and the Social Security Act state that health insurance and social security cannot be applied to migrant workers who do not obtain proper documents.¹³⁷ Migrants face physical, attitudinal and procedural barriers to access healthcare services, such as healthcare facilities being distant with transportation costs being very high, cultural beliefs and health practices being different between service providers and migrants, and the health providers not having language skills to communicate, further complicated by the lack of mediators and interpreters.¹³⁸ Migrant workers are also required to voluntarily purchase health insurance, which is often challenging due to the poor coverage of costs incurred and the same premiums being asked of children under 7 years of age and adult migrant workers.¹³⁹ Some migrant workers are unaware of the process of obtaining insurance and unable to verify their insurance status, thus having to rely on their employer who often does not assist them in the process.¹⁴⁰ Access to the Workmen's Compensation Fund is also limited to those migrant workers who have a valid passport, proving to be another barrier.¹⁴¹ Migrant workers, especially those that are undocumented, do not have psychosocial support, which is required more so for these individuals who are placed in exploitative or abusive work conditions.¹⁴²

Additionally, migrant women have very poor access to reproductive education that is sensitive as well as little to no reproductive rights, specifically their right to maternity leave during pregnancy with those found pregnant often laid off and sent home, leading them to undergo unsafe abortions.¹⁴³

Also, transgender migrant women are unable to reveal their sexual orientation as they do not have access to adequate healthcare, including psychological support that will assist them in this process, and they are bullied by those within their communities due to the stigmatisation of different sexual orientation and gender identities.¹⁴⁴

Article 5 (e) (v) The right to education and training

61. Migrant children are deprived of their right to education

Migrant children are deprived of their right to education as they are left out of the school system because of the high costs, language barrier, need to travel far distances, and requirements for enrollment that are unreasonable or unnecessary.¹⁴⁵ Moreover, policies that subsidise education have been introduced, but these are only applicable to migrant children whose ID numbers are registered with the MoI, which is only 10 percent of all of migrant children.

Article 6

62. Migrant workers do not have access to remedy through the judicial system

Migrants who are victims of human rights abuses often face deportation, without allowing for investigation on the charges and trial in their cases completed except in the case of trafficking victims.¹⁴⁶ Migrant workers are also denied the due process under law due to discrimination, with no access to legal counsel or to a trusted interpreter, leading to an overall lack of trust in the justice system.¹⁴⁷ With respect to compensation under the 2001 Damages Act to compensate for crimes committed, the Compensation Committee has excluded undocumented migrants from benefitting under this process, even if they are victims of violations.¹⁴⁸

63. Migrant women are unable to seek remedy for the violations they face

With their rights violated for being migrants but also as women in these communities, migrant women are often the victims of more systematic and dangerous human rights abuses and they are often not able to access remedy in these situations. Migrant women who remain undocumented are often afraid to seek legal protection or remedy for gender-based violations such as those resulting from discrimination, sexual violence and domestic violence, as they fear arrest or deportation.¹⁴⁹ While not fearing deportation, documented migrant women still remain unable to access remedy primarily because of the rigorous process and legal requirements demanded from them as migrants.¹⁵⁰ Migrant women who are victims of gender based violence are also denied protection due to the negative perception of migrants, along with the linguistic barrier and the absence of sufficient support and services to assist them.¹⁵¹

6.7. Marginalised Women

Within the different community groups, women are subject to multiple layers of discrimination and marginalisation, resulting from their racial identity and gender. While women as a social category have protection under the law, there is no legislative recognition of the intersectional discrimination that some categories of women face. Women facing multiple layers of discrimination face the most marginalisation as they have little to no legal protection and even when they do, they have insufficient access to legal and social assistance that they have been guaranteed.

Manushya Foundation, JPF, the Thai CSOs Coalition for the UPR, and the Thai Business and Human Rights Network would like to draw the attention of the CERD Committee on the rights violations Marginalised women experience related to ICERD.

6.7.1. Women living with HIV and racial discrimination

Women that are migrant, indigenous women, lesbian, gay, bisexual, transgender, and intersex (LGBTI) or even drug users face social stigma resulting in marginalisation. By belonging to more than one category, they may face repeated discrimination in all facets of their life whether it is diagnosing and living with HIV even in accessing healthcare,¹⁵² or in their daily social circumstances¹⁵³ and their economic condition¹⁵⁴.

Article 5 (e) (i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration

64. Employment discrimination disempowers HIV+ women

Employment discrimination is another aspect that HIV+ women fall victim to. Thailand does not have a law that prohibits discrimination in employment,¹⁵⁵ which results in HIV+ persons being denied employment, facing mandatory HIV screening during the job application process, obligatory annual HIV screening tests, violation of confidentiality and their right to privacy at the workplace, loss of opportunity to advance in their job, and unjustified termination at employment.¹⁵⁶ Discrimination against LGBTI also takes place because of their perceived HIV status. Discrimination also extends to other economic situations, with HIV+ persons being denied loans because of their status as HIV+.¹⁵⁷

Article 5 (e) (iv) The right to public health, medical care, social security and social services

65. Poor access to healthcare services remains the primary challenge faced by HIV+ women

Despite the existence of a Universal Healthcare System in Thailand, access to healthcare services is restricted as preventive care for HIV is ignored, providing the highest standard of physical and mental health for HIV patients is not being prioritised, and resources for testing and treatment are distributed inequitably, particularly to the community level public hospitals,¹⁵⁸ which these marginalised women already have difficulty accessing. Training programmes for medical personnel and at the community level do not have enough funding, thus failing to educate them on discrimination and misconceptions on HIV+ persons.¹⁵⁹

Thailand has adopted a more punitive legal and socially exclusionary approach to dealing with people who inject drugs which prevents them from seeking healthcare even when they require it, although at present the country is working to address it by focusing on harm reduction and treatment of drug users.¹⁶⁰ Sex workers that are HIV+ also fail to access healthcare and social services due to stigma, discrimination and the fear of criminalisation in a profession that is not recognised.¹⁶¹ This is particularly worrying since lack of confidentiality in the healthcare system and poor labour protection in the entertainment industry raises the risk of exposure to HIV and causes its continued prevalence.

66. Barriers to safeguard the sexual and reproductive health of HIV+ women persist

Women who are HIV+ face negative societal responses, especially towards their reproductive health. For marginalised women such as migrant women and indigenous women, the challenge is greater as they often do not have options or a support system particularly one providing psychological support for those who decide to continue or terminate a pregnancy.¹⁶² This is made more difficult by a system that does not recognise or provide them with appropriate information on HIV as well as sexual and reproductive health, so that these women can take decisions on their own reproductive health care needs.¹⁶³ Either the information provided is too general and not tailored to their social and economic situation or they are not provided with any information at all. Policies such as the criminalisation of abortion and the practice of unsafe abortion as the only resort leads to the decision not to have an abortion instead risking transmission from the HIV+ mother to her child.¹⁶⁴

67. Disclosure is forced on HIV+ women belonging to marginalised groups

HIV policies that encourage HIV status disclosure should respect the socio-cultural and contextual factors; and tailored to the needs of HIV-infected migrant women, including their sexual and reproductive needs.¹⁶⁵ At present, concealing HIV+ status is common amongst marginalised women with disclosure not conducive to the gender and socio-cultural norms within these communities,¹⁶⁶ also impacted by a poor healthcare and support system provided for these women by the government. This increases the risk of transmission between partners and from mother to child, affecting their financial ability as well as increasing discrimination against the family unit as a whole.

6.7.2. Trafficking in women and racial discrimination

With migrant women having insufficient access to information and limited economic means, they often fall victim to human trafficking. These women face the challenge of being discriminated as they have been trafficked, along with gender and other racial dimensions of discrimination that exist against them.

Article 5 (d) (i) The right to freedom of movement and residence within the border of the State

68. Migrant workers and trafficking victims are often conflated

Migrant sex workers are often automatically thought to be underage as well as victims of trafficking,¹⁶⁷ who are then taken into custody, subject to age determination tests and held in detention centres against their will.¹⁶⁸ This conflation of sex work ignores the fact that sex work could be the result of a practical decision made to work in the entertainment industry, even for migrant workers who see this as an opportunity to earn a higher income.¹⁶⁹ This view of identifying migrant sex workers as trafficking victims was also adopted to increase the arrest rate by the anti-trafficking police, to and raise the ranking on Thailand in the Trafficking in Persons report.¹⁷⁰

Article 6

69. Justice is not just delayed, but also often denied to migrant women

Migrant sex workers are often reluctant to report crimes or rights violations committed against them for fear that it could be used to prosecute them, particularly those who are undocumented.¹⁷¹ Rather than being seen as a source to obtain a remedy, the justice system is seen as a tool to be used against them. There have been cases, where women who went to report a crime were instead arrested using the Immigration Act, the Alien Working Act, the Entertainment Places Act, the Anti-Trafficking in Persons Act, and the Prevention and Suppression of Prostitution Act based on their identity documents or the lack thereof, their right to work or the legality of their work.¹⁷² Moreover, those that have supported the prosecution of trafficking cases have instead been detained for lengthy periods and often even prosecuted for their profession.¹⁷³



6.8. COVID-19 and racial discrimination

The coronavirus pandemic and its impact in Thailand has resulted in the pre-existing challenges faced by marginalised groups escalating and becoming amplified. Inequality has emerged with a vengeance amidst the pandemic, with a poor COVID-19 response exacerbating pre-existing vulnerabilities of the most marginalised groups and individuals. Examples of this include an overall lack of food security, inability to afford adequate housing,¹⁷⁴ and the arrest of the homeless for violating the curfew,¹⁷⁵ most of whom belong to marginalised groups.

Manushya Foundation, JPF, the Thai CSOs Coalition for the UPR, and the Thai Business and Human Rights Network would like to draw the attention of the CERD Committee on the rights violations marginalised groups and local communities experience related to ICERD during Covid-19.

6.8.1. Impact of COVID-19 on migrants

Article 5 (d) (i) The right to freedom of movement and residence within the border of the State

70. Migrants in IDCs are vulnerable to COVID-19 due to overcrowding

While during Covid-19 in April 2020 the Thai government made efforts to reduce overcrowding in prisons as it had released 8,000 prisoners imprisoned for minor offenses. However, the government has also failed to protect irregular migrants, refugees and asylum seekers, especially those who have been detained in the overcrowded and unhygienic IDCs, for whom the risk of transmission remains very high as social distancing is impossible.¹⁷⁶ This was of particular concern owing to 42 detainees, including a pregnant Burmese worker, at the Songkhla IDC facility on the Malaysian border testing positive for COVID-19 on 25 April 2020.¹⁷⁷¹⁷⁸ Then, on 4 May 2020, it was again reported that 17 Rohingya women and a ten-year-old boy tested positive for Covid-19. With children and their families, persons with disabilities and older persons still being held in detention; the negligence of the government in failing to introduce community-based, non-custodial alternatives to detention for these migrants has been criticised.¹⁷⁹

Article 5 (e) (i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration, and (iii) The right to housing

71. Migrants and stateless people have been left behind in the COVID-19 response

The Thai government's response to COVID-19 has failed to fully provide for the migrants and stateless, particularly impacting those affected by all the borders closing. While imposing a lockdown, the Thai government exempted the migrant workers employed in construction sites, thus exposing them to harm without providing information on the health risks or safety measures.¹⁸⁰

The government has also left migrants out of the beneficiary policies and measures that Thai citizens are entitled to,¹⁸¹ however, only recently they have established a COVID-19 information hotline in three languages, a provision for unemployment claims with the Social Security Office (SSO), and a 62 percent coverage of the daily wage for ninety days in the case of migrant workers whose employers have temporarily suspended their business.¹⁸² Nevertheless, those who have lost their job receive no unemployment support from the SSO as their employers have failed to notify the SSO office about their termination.¹⁸³ Also, for those still employed it may be impossible for the government to provide these benefits for a long period, since they do not have the financial means to support it.¹⁸⁴ As a result, migrant workers dependent on the salary are unable to send money back home to support their family members, and risk starvation as well as homelessness,¹⁸⁵ particularly for those unemployed¹⁸⁶ and undocumented¹⁸⁷ that have been abandoned along the border.

6.8.2. Impact of COVID-19 on indigenous peoples

Article 5 (d) (i) The right to freedom of movement and residence within the border of the State, and (iv) The right to public health, medical care, social security and social services

72. Indigenous peoples continue to be deprived any protection in Thailand

Indigenous peoples have been the first to lose their jobs in the city and on their return home, they have food no means to earn a living or access to healthcare.¹⁸⁸ Residing far away, with restrictions on movement and a lockdown imposed, indigenous peoples are running out of food and basic necessities since the store selling these items shuts early and does not have enough supply of what is required.¹⁸⁹ Indigenous communities in Northern Thailand have also had to bear the brunt of forest fires with air pollution contributing to the increase in forest fires and further damage to the health of these indigenous peoples, which also makes them more susceptible to COVID-19.¹⁹⁰

Instead without sufficient government or external support, indigenous communities are helping each other. For instance, the fishermen of Rawai in Phuket who were unable to sell their fish because of the lockdown are exchanging the fish with rice from Karen communities in the North, through a programme that is being facilitated by an association for indigenous peoples.¹⁹¹ Indigenous communities have also adopted their own traditional lockdown practices and put out information on the COVID-19 pandemic in their traditional languages, such as in Hmong.¹⁹²

6.8.3. Impact of COVID-19 on farmers and peasants

Article 5 (e) (i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration

73. Farmers and peasants struggling to access to water to cultivate land during Covid-19 lockdown

In Thailand, farmers and peasants are largely affected by Covid-19 as they are unable to sell their produce. In April 2020, the government announced that financial aid of 5,000 Thai Baht (\$150) for at least three months would be provided to those who have been affected. While being severely affected and struggling to make end meets during this difficult period, farmers were ineligible for receiving the financial aid. Krungthai Bank explained that farmers are ineligible for the aid because a separate package is being designed to help them,¹⁹³ however, the director of the Fiscal Policy Office noted that the amount may not be equal to the 5,000 Thai Baht (\$150) paid to others, because farmers are not considered as directly affected by the Covid-19 pandemic, because it is not growing season at this moment.¹⁹⁴ However, on 29 April 2020, the Thai Cabinet extended the 5,000 Thai Baht (\$150) relief grant to 10 million farmers from May to July 2020. These farmers would need to be registered with relevant Government Departments.¹⁹⁵

With 6,255 villages in 24 provinces being declared as drought affected areas and only 26 percent of water in dams being usable, farmers and peasants do not have access to water for their subsistence and livelihood and people in general do not have access to clean drinking water for consumption.¹⁹⁶ This is particularly difficult as people are unable to leave their homes to get purchase water from elsewhere.

6.8.4. Impact of COVID-19 on people from Isaan

Article 5 (c) Political rights, in particular the right to participate in elections-to vote and to stand for election-on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service

74. The people of Isaan continue to be ignored during the COVID-19 pandemic

Using the declaration of an emergency as a shield, the Thai government has stopped all operations in the country but continues to process mining surveys and allows mining operations to continue without the consultation of those affected by these operations and barring their protests.¹⁹⁷ These steps unduly damage rural communities living and working near the proposed and operational mines in the Loei province, Nong Bua Lamphu province, Mukdahan province, Sakon Nakhon province and Chaiyaphum province in the Isaan region.¹⁹⁸ Instead of refraining from such actions, the police has proceeded to question and threaten an LGBT community rights defender with charges under the Public Assembly Act, the Emergency Decree, and the Communicable Diseases Act for recording a video statement protesting the actions of the government in support of the mining industry.¹⁹⁹

6.8.5. Impact of COVID-19 on Malayu Muslims

Article 5 (b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution

75. Malayu Muslims in Southern Thailand are not guaranteed security to their persons

In the restive Deep South, the Barisan Revolusi Nasional (BRN), a separatist group announced a ceasefire on humanitarian grounds so healthcare workers could respond appropriately to the COVID-19 pandemic but threatened a response in retaliation to any violence by the Thai security forces.²⁰⁰ However, the Thai security forces dismissed this declaration as irrelevant and proceeded to launch a raid in response intelligence received that alleged an impending attack, in which 3 insurgents and 1 army personnel were killed.²⁰¹ This once again could lead to a situation where violence is unpredictable and could affect anyone in the Malayu Muslim community, who have to stay on lock down especially during the auspicious month of Ramadan. This proves to be more of a threat by the lack of access to information that could be caused by the Internal Security Operation Command's (ISOC) actions to cut mobile network access in the Deep South for all SIMs that have not been registered with an app from the NBTC of Thailand, starting on 30 April 2020.²⁰²

6.8.6. Impact of COVID-19 on marginalised women

Article 5 (b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution

76. During COVID-19 women experienced increased domestic violence

During the lockdown, it is also believed that there is an increase in domestic violence, a decrease in reporting of abuse, and poor access of services for domestic violence survivors with difficulty in visiting hospitals for physical and psychological treatment as well as collection of evidence with respect to the abuse.²⁰³

Article 5 (d) (i) The right to freedom of movement and residence within the border of the State, (ii) The right to leave any country, including one's own, and to return to one's country, (e) (iii) The right to housing, and (e) (iv) The right to public health, medical care, social security and social services

77. Without legal recognition for their occupation, sex workers are rendered powerless

Of those impacted from the migrant and indigenous communities, sex workers remain the most at risk. With their profession not recognised as legal, sex workers have been left out of the government's COVID-19 response, including any financial relief programme by the government, rendering them without money, without food, homeless and without any hope in sight.²⁰⁴ This leaves sex workers with almost no choice since some of them cannot return to their provinces or countries, due to the stigma attached to their profession and that they are carriers of COVID-19.²⁰⁵ Migrant sex workers have been

trying to return home, and thus are staying at the border, with no available resources.²⁰⁶ They are also unable to access healthcare and social security as a result of their profession, and continue to face harassment from the police.²⁰⁷

Article 5 (e) (i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration

78. Women have been left out of COVID-19 response

Low income earners and informal workers tend to be women, who were the first to be impacted by a loss of income, with many of them also being left out from the government's financial aid programme because of a flawed AI algorithm that has classified them as ineligible.²⁰⁸

Article 5 (e) (iv) The right to public health, medical care, social security and social services

79. During COVID-19 marginalised women are unable to access sexual and reproductive healthcare services

Additionally, due to travel restrictions and viewing it as non-essential, women are also deprived of access to sexual and reproductive health services such as contraception and safe abortion.²⁰⁹ Even though some organisations such as Planned Parenthood provide assistance to women during the pandemic, through their support of sexual and reproductive health, these organisations disclose that they are hindered by not having any access to marginalised populations requiring their services the most, such as indigenous women and migrant women in border areas.²¹⁰ These challenges do not seem like they will be resolved anytime soon, with responses to the COVID-19 pandemic in Thailand failing to be gender responsive,²¹¹ harming migrant women, indigenous women, and women from Isaan as well as women from Southern Thailand.

7. Assessment of the Implementation of Concluding Observations received in November 2012

Concluding Observation	Commentary	Status
<p>Paragraph 7: The Committee urges the State party to take stock of existing legislation governing the elimination of racial discrimination, with a view to taking the most appropriate approach to give effect to all provisions of the Convention. The Committee also recommends that, in this regard, the State party take account of the relevant recommendations in the present concluding observations.</p>	<p>The government notes that while the Convention is not directly applicable to Thailand's domestic legislation, rights guaranteed under the Convention are laid out in the Constitution of 2017, particularly in Chapters 3, 5, and 6 which set out the rights and liberties of Thai people, the duties of the state to protect the people's rights, and the directive principles of state policy. The government specifically highlights Article 27 and Article 70. While rights and liberties of Thai people are guaranteed in the Constitution of 2017, as specified in Article 4 the Constitution only applies to Thai citizens. Therefore, the Constitution does not guarantee protection to and the rights of stateless persons, migrant workers, and refugees, who face multiple layers of racial discrimination. Moreover, these articles state that rights are guaranteed, except by virtue of the provisions of law specifically enacted for purpose of maintaining the security of the state, public order or good morals. This provision proves problematic as the government has enacted numerous laws and policies that limit or even contradict rights guaranteed in the Constitution, with indigenous peoples, people from Isaan, Malayu Muslims in Southern Thailand, and peasants and farmers being unable to access the rights guaranteed to them in the Constitution of 2017. Such laws and policies have led to increased discrimination against these groups, and also increases barriers to and placed obstacles to their inclusion. For example, under Article 28 of the Constitution, torture shall not be permitted, however, in Southern Thailand where special laws are enforced, torture is used to get Malayu Muslim detainees to confess. Under Article 32, people shall enjoy the rights to privacy, dignity, reputation, and family. However, in Southern Thailand, Malayu Muslims are forced to provide DNA samples without their consent and without being informed about what they would be utilised for, thus violating their right to privacy. Under Article 47, people have the right to receive public health services provided by the State and poor people should be able to access healthcare services free of charge. However, in reality, disadvantaged groups such as indigenous peoples cannot access healthcare services due to lack of citizenship or identity documents, absence of services in remote areas, language barriers, and discriminatory attitudes of hospital personnel. Under Section 54, it is the State's duty to provide quality education free of charge to every child. However, due to the failure to include ethnic groups' culture, traditions, history, and language in the curriculum, children belonging to these groups face barriers to access education. Under Section 56, the government shall ensure that basic utility services essential for subsistence of people shall be provided in a comprehensive manner. However, wealth is not distributed equally in the country as most of it is concentrated and invested in Bangkok. As a result, people from Isaan, farmers and peasants in other provinces, indigenous peoples in remote areas, and Malayu Muslims in the South, do not enjoy all basic utility services. Under Section 68 the government should ensure efficiency, fairness, and non-discrimination in the judicial system. However, in practice, the judicial system is not accessible for various groups, they might be unaware of the laws and remedies and they are unable to pay for Court expenses. Besides that, the judicial system is interdependent and government has interfered in cases, leading to suicide of a judge in October 2019, when he was forced to provide a death sentence to five Malayu Muslims, without sufficient evidence.</p>	<p>Not implemented</p>



	<p>The state points out that racial discrimination is particularly addressed in Article 27 and 70 of the Constitution of 2017. However, in Article 27, the term discrimination has not been defined, and is not inclusive of all the grounds of discrimination mentioned in ICERD, leaving out discrimination based on colour, descent, national and ethnic origin. In the Constitution, a distinction is also made between ‘just’ and ‘unjust’ discrimination. While it has been explained that measures to eliminate obstacles or promote people’s ability to exercise their rights or liberties are not considered as ‘unjust’ discrimination, no limitations have been set for such ‘just’ discrimination. The government also highlights Article 70, which promotes and provides protection to ethnic groups, to have the right to live according to their traditional culture, customs, and ways of life. However, due to government policies discriminating against them, such as the Forest Reclamation Policy and a ban on their traditional slash-and-burn farming technique, they are forced off their ancestral lands and unable to continue their traditional way of living.</p> <p>Further, the State notes that it endorsed a 20-year National Strategy on 13 October 2018. Under this strategy, the State aims to promote development based on social and cultural capital, valuing diversity, ethnicity, religion, culture, non-discrimination, and promotion of equal rights and dignity of ethnic groups, by giving importance to their knowledge, roots, preserving their identity, and a traditional way of life. While the State notes that it aims to facilitate social inclusion, and to remove barriers on and obstacles to disadvantaged groups through its National Reform Plans and 20-Year National Strategy, in reality, these plans have the potential to increase inequality in Thai society, particularly by ignoring the rights of ethnic groups. For example, the plans include the construction of large infrastructural projects, and increasing National Parks and National Reserved Forest Areas in order to enhance the country’s development. However, as the free, prior, and informed consent of local communities, indigenous peoples and ethnic groups is not obtained, such plans are likely to violate their rights and cause forced land eviction and limited access to natural resources which they are dependent on for their livelihood.</p> <p>Lastly, the State notes that discriminatory acts are prohibited under Article 22 of the Child Protection Act B.E. 2546 (2003) and Article 7 of the Child and Youth Promotion Act B.E. 2550 (2007). The latter states that children have the right to birth registration, development, protection and opportunity to participate without unfair discriminatory treatment due to birthplace, ethnicity, language, sex, age, disability, physical quality or health, personal status, economic or social status, religious belief and culture, education and training or political opinion. However, in practice children belonging to indigenous groups and children of migrants and refugees continue to face obstacles in registering their birth, amongst other aspects. This is caused by, for example, corrupt officers charging illegal fees and having discriminatory attitudes towards members of indigenous groups, and a lack of access roads from remote areas to birth registration offices.</p>	
<p>Paragraph 8: The Committee urges the State party to build on the momentum gained through the Universal Periodic Review commitment to lift reservations to international human rights treaties, and withdraw its interpretative</p>	<p>The state notes in its report that it lifted reservations to Article 4 of the Convention, effective since 7 October 2016. However, in reality, the state has not made any practical effort to effectively implement the provisions of this Article. The government claims that it punishes hate speech and negative stereotypes of certain ethnic groups, as sedition or defamation under the Criminal Code. However, in reality those punished under these articles are people who criticise the government and monarchy. Instead of preventing negative stereotypes and hate speech, the government itself contributes to disseminating negative stereotypes on ethnic groups. For example, people in Isaan</p>	<p>Partially implemented</p>



<p>declaration on the Convention.</p>	<p>are still referred to as ‘stupid,’ ‘mia farang,’ and ‘girls who do not value studying but like to work in bars and massage parlours instead.’ Also, indigenous groups, and poor farmers and peasants living near forests are referred to as forest-destroyers. Moreover, authorities, ISOC particularly, spreads propaganda to create division in Thai society and disrupt the peace process in the Southern part of Thailand through Information Operations, spending a budget of 30 billion Thai Baht of the taxpayers’ money.</p> <p>The media also continues to contribute to the spread of negative stereotypes on ethnic and marginalised groups, without facing any punishment for doing so. As noted in the State report, the media is governed by self-regulation and should be self-disciplinary in accordance with the law. So far, the media has only been charged for spreading negative perceptions of the government or the monarchy, but not for spreading negative stereotypes of certain ethnic groups.</p> <p>Finally, the government claims that despite its interpretative declaration, it is committed to the full implementation of ICERD, as all rights are guaranteed in the Constitution of 2017, and actions taken by the government, courts, and administrative agencies must comply with the Constitution, National Reform Plans, and the 20-Year National Strategy. However, as explained in paragraph 7, the Constitution is not applicable to all ethnic groups that are being discriminated against, such as migrant workers, refugees, and stateless persons. Other ethnic groups, such as Malayu Muslims in the South, indigenous peoples, people from Isaan, and peasants and farmers in the provinces face severe challenges accessing their rights laid out in the Constitution, as the government has enacted laws and policies that severely discriminate against them, contradicting provisions of the Constitution.</p>	
<p>Paragraph 9: The Committee urges the State party to introduce a definition of racial discrimination into its legislation, in accordance with article 1, paragraph 1, of the Convention, and to make it an offence punishable by law. To this end, it also recommends that direct and indirect discrimination, in all fields of public life, including those outlined in article 5 of the Convention, be defined in the State party’s administrative and civil laws.</p>	<p>The State notes that Article 25 of the Constitution on the prohibition against discrimination directs laws, measures, and actions to combat both direct and indirect discrimination in all areas of public life. In absence of legal provisions enabling the prosecution of acts of racial discrimination, Article 25 allows ‘any person whose rights or liberties protected under the Constitution are violated, can invoke the provisions of the Constitution to exercise his/her right and file a lawsuit or defend him or herself in Court. However, racial discrimination is only addressed in the Constitution of the Kingdom of Thailand of 2017, in Article 27, however the Constitution only applies to Thai citizens, and the definition of racial discrimination is not aligned with Article 1 of the Convention. Besides that, the term does not distinguish between direct and indirect discrimination. Thailand enacted laws and policies that negatively affects certain groups, causing indirect discrimination. Examples are the Forest Reclamation Policy, and the National Park Act of 2019, which disproportionately affect farmers in Isaan and indigenous groups. As well, Thailand continues to enforce special security laws in the Deep South, which disproportionately target Malayu Muslims.</p> <p>While the government claims that persons whose rights or liberties protected under the Constitution are violated can file a lawsuit or defend themselves in Court, members of minority groups face severe challenges in accessing the judicial system in order to seek social justice or effective remedy.</p> <p>Lastly, the government states that, while it has not adopted stand-alone legislation on racial discrimination, incitement of racial hatred and hate speech may be punished as sedition, defamation or insult under the Criminal Code. However, in reality, sedition, defamation, and insult are used to protect national security or the power of the government. Under the mentioned provisions, human rights defenders and activists</p>	<p>Not implemented</p>



	<p>critical of the government and the monarchy are punished. As explained in paragraph 8 the government has contributed to the spread of negative stereotypes of ethnic groups and hate speech, rather than overcoming the issue.</p>	
<p>Paragraph 10: The Committee recommends that the State party ensure that procedures are in place for the review of governmental, national and local policies and laws, with a view to guaranteeing that they do not have any discriminatory impact on any particular ethnic group.</p>	<p>In its State report, Thailand states that its national and local policies and laws have no discriminatory impacts on a particular ethnic group. However, in reality various laws and policies adversely affect various groups and have a discriminatory impact on them. Examples are the Forest Reclamation Policy, NCPO Order 64/2014, and the National Park Act of 2019, which disproportionately affect indigenous peoples and people from Isaan. Another example is the State Enterprise Labour Relations Act: Migrants are unable to initiate access to remedy through collective bargaining for rights violations because the Labour Relations Act and the State Enterprise Labour Relations Act does not allow migrant workers to form unions, or to serve as a director, sub-committee member or an advisor to the union; but instead they can only be members of a union. This makes it difficult for migrant workers to negotiate with employers, with migrant employees also being punished for unionising, by firing them or deducting their salaries.</p> <p>As explained in paragraph 7, plans executed under the country's 20-Year National Strategy, such as the Eastern Economic Corridor, establishment of Special Economic Zones, and increasing national parks, also disproportionately affect various ethnic groups.</p> <p>While the government claims that incitement, racial hatred, and hate speech may be punished under sedition, defamation or insult under the Criminal Code, or may be punished under the Broadcasting and Television Business Act of 2008 or the Consumer Protection Act of 1979, it must be noted that the mentioned provisions in these laws are used to protect national security, which means the security of the power of the government. Those being charged under the mentioned laws and provisions are those critical of the government and the monarchy.</p>	<p>Not implemented</p>
<p>Paragraph 11: Recalling its general recommendation No. 15 (1993) on article 4, which stipulates that the provisions of article 4 are mandatory and preventive, the Committee urges the State party to withdraw its reservation to article 4 of the Convention and to incorporate into its Criminal Code the offences prescribed by article 4.</p>	<p>The government notes in its report that it has lifted its reservation to Article 4, which took effect on 7 October 2016. However, in practice, the state has not made any practical effort to effectively implement the provisions of this Article. The government claims that it punishes hate speech and negative stereotypes of certain ethnic groups, as sedition or defamation under the Criminal Code. However, in reality those punished under these articles are people who criticise the government and monarchy. Instead of preventing negative stereotypes and hate speech, the government itself contributes to disseminating negative stereotypes on ethnic groups. For example, people in Isaan are still referred to as 'stupid,' 'mia farang,' and 'girls who do not value studying but like to work in bars and massage parlours instead.' Also, indigenous groups, and poor farmers and peasants living near forests are referred to as forest-destroyers. Moreover, authorities, ISOC particularly, spreads propaganda to create division in Thai society and disrupt the peace process in the Southern part of Thailand through Information Operations, spending a budget of 30 billion Thai Baht of the taxpayers' money.</p> <p>The media also continues to contribute to the spread of negative stereotypes on ethnic and marginalised groups, without facing any punishment for doing so. As noted in the State report, the media is governed by self-regulation and should be self-disciplinary in accordance with the law. So far, the media has only been charged for spreading negative perceptions of the government or the monarchy, but not for spreading negative stereotypes of certain ethnic groups.</p>	<p>Partially implemented</p>
<p>Paragraph 12: Recalling its general recommendation No.</p>	<p>The government notes in its State report that it highly values equality before law in its judicial system, and that all persons in Thailand whose rights are violated can seek</p>	<p>Not implemented</p>



<p>31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee recommends that the State party collect data on court decisions relating to racial discrimination, with a view to assessing the effectiveness of laws and policies aimed at eliminating racial discrimination. The Committee requests that the State party include such information in its next periodic report.</p> <p>Moreover, drawing attention to its general recommendation No. 26 (2000) on article 6 of the Convention, the Committee recommends that the State party raise the public's awareness of the Convention as well as of laws adopted pursuant to the Committee's recommendation in paragraph 7 above, and ensure that members of ethnic groups can avail themselves of legal remedies.</p>	<p>judicial and non-judicial redress and remedies. To demonstrate this, the government included various judgments of cases in its report. However, members belonging to ethnic groups in Thailand face severe challenges accessing the judicial system. Moreover, due to their lack of legal status, stateless persons, undocumented migrants, and refugees face even more challenges accessing remedy as they are unable to file cases. For more details of the lack of access to justice experienced by members of each group, kindly refer to paragraph 28 of this table or to the challenges laid out in Article 5 and 6 of this submission.</p> <p>In its report, the government also notes that legal assistance is provided free of charge by CSOs, such as Muslim Attorney Centre Foundation and the Cross-Cultural Foundation. However, in reality, CSOs struggle to assist their beneficiaries in need due to limited funding and human resources, and because Thai people losing their trust in the judicial system. In 2019, the Muslim Attorney Center Foundation was forced to close down due to insufficient financial resources.</p> <p>To eliminate racial discrimination, the government notes in its state report that ministries, and public and private institutions have taken numerous actions to assist victims of racial discrimination and offer assistance to members of disadvantaged groups, particularly the poor and migrant workers. For example through providing legal advise, disseminating legal knowledge, assisting accused persons in criminal cases, providing professional interpreter services to those arrested or charged during interviews and trials, and providing financial assistance to accused and injured in criminal cases in terms of bail, lawyer and Court fees, and other expenses related to trial. Despite government's efforts, local communities may be unaware of these services or services have proven ineffective. While the government claims that ministries made efforts to assist migrant workers regardless of their legal status, migrant workers who have sought legal protection or remedy for violations of rights resulting from discrimination continue to face deportation, without allowing for investigation on the charges and trial in their cases completed, except in the case of trafficking victims. They are also denied due process under the law due to discrimination, with no access to legal counsel or a professional trusted interpreter. While the government provides free legal aid services, these do not cover illegal migrants and detention cases.</p> <p>The government also claims in its state report that financial support is provided to accused and injured in criminal cases in terms of bail, lawyer and Court fees, and other expenses related to trial. In practice, if financial support is sought, local communities apply to the Justice Fund under the Ministry of Justice, however, the process is lengthy and many cases get rejected. In 2019, poor villagers in Isaan who were unfairly charged under the Forest Reclamation Policy and were imprisoned were able to be bailed out with the assistance of the Justice Fund, however, this was because their case received national and international attention and was extensively promoted on social media.</p>	
<p>Paragraph 13: The Committee urges the State party to accord equal civil and political rights to all citizens irrespective of the mode of acquisition of the citizenship.</p>	<p>With respect to whether equal civil and political rights are provided to all citizens irrespective of their mode of acquisition of citizenship, the government explains in the state report that the Constitution includes in Article 95 that Thai who received nationality through naturalization, must hold the Thai nationality for a minimum of five years before being granted the right to vote. Article 97 states that only those who obtained Thai citizenship by birth have the right to stand for elections. Therefore, the government fails to provide equal civil and political rights to all citizens irrespective of the mode of acquisition of citizenship.</p>	<p>Not implemented</p>



<p>Paragraph 14: The Committee urges the State party to take effective measures to address the obstacles encountered in the acquisition of citizenship by those who qualify for it, including with regard to obtaining the required documentation from local authorities. Bearing in mind its general recommendation No. 30 (2004) on discrimination against non-citizens, the Committee also recommends that the State party strengthen its efforts to facilitate the registration of births, including by allowing late registration as well as registration through the health-care system. The Committee further encourages the State party to accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.</p>	<p>The government states in its report to address problems of statelessness through implementing various strategies, and programs, and by issuing two Cabinet Resolutions. However, while the government has committed to zero statelessness in 2024 and has amended various laws and enacted resolutions, about one million people in Thailand remain stateless in 2020, and they continue to encounter obstacles in acquiring citizenship. The system and procedure to apply for citizenship are lengthy and complicated, officers are corrupt and have biases against indigenous peoples and other stateless persons. Indigenous peoples face other challenges, such as a lack of roads from the remote area where they live to the registration office, causing that they are unable to register themselves and their new born children. Further, local authorities do not collaborate to provide stateless persons with the necessary paperwork to file for citizenship. Even though 50 percent of the stateless persons has a legitimate claim for citizenship, they lack relevant paperwork. The government pointed out that it uses DNA tests to proof the right to citizenship of stateless persons, however, such tests are expensive and indigenous peoples are unable to afford them.</p> <p>The government as well noted to have amended the Civil Registration Act, effective from 15 April 2019, including provisions relating to stateless and rootless children. Under the amendment, the registrar would examine the place of birth of a child within 90 days from the notification date of the child’s birth. If the registrar is unable to do so, it shall issue a profile registration and identification document for the child and the child can then apply for Thai nationality after proving to have resided in Thailand for ten consecutive years. This is problematic, as children whose birth place cannot be identified within 90 days can only apply for citizenship after 10 years. This means that for at least ten years the child will not be able to access public services such as education and healthcare.</p> <p>Lastly, Thailand has not ratified either the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, which were recommended to ratify in the concluding observation.</p>	<p>Not implemented</p>
<p>Paragraph 15: The Committee recommends that the State party review the policy of categorisation of the various groups in its territory guided by the principle of self-identification contained, inter alia, in general recommendation No. 8 (1990) and revise its terminologies in order to avoid discrimination against these groups. Moreover, referring to the State party’s support for the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, the Committee encourages the State party to affirm in its legislation the rights of indigenous peoples, in line with the Declaration, and also</p>	<p>In its state report, the government notes that it has adopted UNDRIP, and has granted equal rights to all ethnic group, and actively promoted their cultural identities and livelihood. However, while Thailand ratified the UNDRIP in 2007, it does not recognise indigenous peoples in its territory. Instead, they are referred to as ethnic minorities. While there are numerous groups, the government only recognises ten of them officially. Consequently, domestic legislation in Thailand is not aligned with provisions of UNDRIP, and indigenous peoples are unable to enjoy the rights they are guaranteed in the Convention.</p> <p>The government also notes that it adopted an effective approach to each group without discrimination. For example, they note to have abandoned names and use names preferred by concerned groups in honour of their right to self-identification. However, in order to guarantee self-identification to indigenous groups, using their preferred names is insufficient. Indigenous groups continue to face severe human rights violations and do not have the right to self-determination and to preserve their traditional culture and ways of life due to restrictive government policies. They are disproportionately affected by the Forest Reclamation Policy, driving them off their ancestral lands and forcing them to move to other areas. Besides that, indigenous peoples’ cultural sites are being destroyed. For example, in Phang Nga province in Southern Thailand, an indigenous Moken community’s traditional cemetery was encroached on by mining activity and shrimp farms. Besides that, the government has also put a halt on traditional ways of farming of indigenous peoples, such as the slash-</p>	<p>Not implemented</p>



<p>to consider acceding to International Labour Organization Convention No. 169 (1991) on Indigenous and Tribal Peoples in Independent Countries.</p>	<p>and-burn technique because it would cause air pollution. For example, the government put a 60-day ban on outdoor burning in Phayao province in Northern Thailand in February 2019.</p> <p>Lastly, Thailand has not ratified ILO Convention No. 169 on Indigenous and Tribal Peoples in Independent Countries, which was recommended to ratify in the concluding observation.</p>	
<p>Paragraph 16: Notwithstanding Constitutional Court decision No. 33/2554 of November 2011, the Committee urges the State party to review the relevant forestry laws in order to ensure respect for ethnic groups' way of living, livelihood and culture, and their right to free and prior informed consent in decisions affecting them, while protecting the environment.</p>	<p>In its state report the government notes that its conservation of forest biodiversity and integrity are grounded in its commitment to promote and protect the rights of local people, ethnic groups and communities and foster their economic and cultural relationship to land and natural resources through transparent and participatory means. However, in recent years, the Forest Reclamation Policy and NCPO Order 64/2014 have aggressively been used to criminalise and evict local communities, particularly indigenous groups and people from Isaan. While NCPO Order 64/2014 has been repealed in July 2019, the content of this NCPO Order is embedded in the National Park Act of 2019. While the government claims that the National Park Act of 2019 will enhance the livelihood of those living near and inside forest areas in reality, it will violate their rights even more. The new act extends protection to forest parks, botanical gardens and arboretums and introduces new penalties for violators or intensifies existing ones. Those found to have been holding, building on, clearing, burning, degrading, or changing land in a protected area are punishable by imprisonment for 5 to 20 years and/or a fine of THB 400,000 to 2 million. The new National Park Act does not mention indigenous peoples or traditional livelihoods and classifies all forest dwellers as illegal encroachers and criminals regardless of how long they had occupied the land. It also grants forest officials the powers to legally search without warrant any properties they suspect of encroaching on protected forest land and destroy it. While the new law in theory allows people who traditionally lived in or near parks to access them and use some resources, the power to grant permission to do so rests with the authorities.</p> <p>As well, while the government claims to develop its policies through participatory measures, communities and groups that would be affected by the new forest laws have not been consulted in the drafting process of the law. Moreover, their participation has been denied. The People's Movement for a Just Society (P-Move), a grassroots network in Northeastern Thailand working on land rights, actively aimed to provide its input to new legislations, such as the National Park Act of 2019 and the Wildlife Conservation Act of 2019 as both bills would heavily restrict communities' rights. In March 2019, P-Move went to the Parliament while the NLA deliberated amendments to the National Park Act, a law opposed by the movement. The movement demanded participation in the deliberation process but they were only allowed to observe for fifteen minutes and were then sent away.</p> <p>In its state report, the government notes that in its National Reform Plan on Natural Resources and the Environment it aims to promote effective natural resources and environment management, minimising potential land conflicts and inequalities, and that it proposes reform plans to deal with issues of land-use designations, rights to reside and utilise protected and reserved forests and community rights. However, in through government plans, such as the 20-Year National Strategy it is likely that land disputes and conflicts would increase. In the Strategy is included that the government aims to increase the country's forested area to 55 percent of the total Thai territory by 2037. The forested area will include 35 percent of natural forest; 15 percent of forest plantations, and 5 percent of recreational areas. The government wishes to achieve</p>	<p>Not implemented</p>



	<p>this ambitious goal through the following strategies: (1) suppressing forest encroachment; (2) promoting the restoration of forested areas and the ecosystem; (3) communities’ participation in protecting forest resources and planting forests; (4) developing a tourism strategy to limit the number of tourists; (5) providing incentives to corporations doing business in the forest plantation industry; and (6) enhancing natural resources management by amending natural resources legislation.</p>	
<p>Paragraph 17: The Committee calls on the State party to continue efforts aimed at improving the enjoyment of economic and social rights by all ethnic groups, including by implementing special measures so as to speed up the achievement of equality in the enjoyment of human rights. In this regard, the Committee refers the State party to its general recommendation No. 32 (2009) on the meaning and scope of special measures in the International Convention on the Elimination of All Forms of Discrimination. Moreover, noting the State party’s intention to collect and produce disaggregated data on the implementation of its National Human Rights Plan of Action, the Committee recommends that the State party also collect data on the enjoyment of economic, social and cultural rights by ethnic groups.</p>	<p>In its state report the government notes to have undertaken measures in order to revive ethnic groups’ ways of life, promote, support and coordinate works related to special groups, including hill tribe people, and to promote public understanding and knowledge on ethnic groups in Thailand. Despite such efforts, Indigenous groups continue to face significant obstacles to the enjoyment of their human rights which are violated by the government and businesses, as described in Article 5 and 6 of this submission. Ethnic groups and indigenous peoples do not have any decision-making power, and their right to Free, Prior, and Informed Consent is violated. Moreover, the government plans that should lead to an ‘inclusive society’ cause more harm than benefit to indigenous groups’ livelihoods and cultural prevention. Whenever their human rights are violated, they do not have access to effective remedy or social justice.</p> <p>The government claims to promote a multicultural society, and disseminate knowledge of indigenous groups, their culture and their ways of living. However, in reality, the government only promotes indigenous groups for tourist purposes in order to attract tourists. Within the country, the government continues to spread negative stereotypes about indigenous peoples such as ‘drug-traffickers’ and ‘destroyers of the forest.’ The Thai education system as well neglects indigenous groups and students do not learn about indigenous groups’ culture, history, and lifestyles.</p> <p>Moreover, the government only addresses measures to promote the rights of ‘hill tribe people’ and neglects other ethnic groups that are discriminated against, including migrants, refugees, people from Isaan, marginalised women, farmerns and peasants living in the provinces, and Malayu Muslims in Southern Thailand. Consequently, as described in Article 5 and 6 of this submission, all these groups continue to face discrimination and barriers to the enjoyment of their economic, social and cultural rights.</p>	<p>Not implemented</p>
<p>Paragraph 18: The Committee calls on the State party to strengthen efforts to protect and conserve ethnic languages and to allocate the necessary resources for the promotion of the teaching of ethnic languages in schools.</p>	<p>In the State report, the government states that to protect and conserve ethnic languages, they have registered 27 local languages, enacted the 2016 Promotion and Conservation of Intangible Cultural Heritage Act, become party to the Convention for Safeguarding of the Intangible Cultural Heritage of 2003, and are preparing a draft Strategic Plan to drive forward the National Language Policy to maintain and promote Thai, local, and ethnic languages used in Thailand. The plan they believe will encourage ethnic children to study their own languages to improve the efficiency of their learning and promote equitable access to higher education through a bilingual system. The government also claims that some border primary schools have been provided assistance by the Ministry of Education, to provide bilingual teaching in their mother tongue and Thai language. However, despite these claims, at present, the Thai national school system demands that teaching be conducted only in Thai language, even with students belonging to different groups having their own mother tongue. As education is not provided in the mother tongue of ethnic groups, children belonging to these groups that do not know Thai face barriers in accessing education and are often left</p>	<p>Not implemented</p>



	<p>behind by the education system in the country. In the curriculum, there is also limited reference to ethnic groups and their distinct history, culture, and lifestyles.</p> <p>In Southern Thailand where the local language is Malayu, children who wish to be educated in their mother tongue are unable to attend government schools, instead they attend private school run by CSOs where they are able to learn their mother tongue and also learn about their cultural heritage and history.</p>	
<p>Paragraph 19: The Committee recommends that the State party take measures to eliminate negative stereotypes about ethnic groups and to raise awareness among media professionals of their responsibility not to disseminate stereotypes and prejudices and to avoid giving accounts of incidents involving ethnic groups in ways that stigmatise the group as a whole.</p>	<p>The government in the State report denies accountability by stating that ethics and standards of media are governed largely by a self-regulatory and self-disciplinary system in accordance with the law and that the right to freedom of expression of members of the Thai press and media are protected under the Constitution.</p> <p>The government also claims that it punishes hate speech and negative stereotypes on certain ethnic groups, on charges of sedition or defamation under the Criminal Code. However, in reality those penalised by these provisions are only those who express an opinion that is critical of the government and monarchy. Instead of preventing negative stereotypes and hate speech, the government by itself contributes to disseminating negative stereotypes on ethnic groups. For example, people in Isaan are still referred to as ‘stupid,’ ‘mia farang,’ and ‘girls who do not value studying but like to work in bars and massage parlours instead.’ Also, indigenous groups, as well as poor farmers and peasants living near forests are referred to as forest-destroyers. Moreover, authorities, such as the ISOC in particular has run a propaganda campaign to create division in Thai society and disrupt the peace process in the Southern part of Thailand, through Information Operations spending a budget of 30 billion Thai Baht of the taxpayers’ money.</p> <p>The media also continues to spread negative stereotypes on ethnic and marginalised groups, without facing any punishment for doing so. Although the media is believed to be governed through self-regulation, only information shared by the media that is critical to the government or the monarchy results in them being charged under the law with any harmful opinions shared on ethnic groups going unpunished.</p> <p>The government does not provide the media with guidelines on how to address communities and ethnic groups that have derogatory language used in reference to them. In the absence of government action in this respect, CSOs have started developing their own guidelines. For example, the Thai Transgender Alliance is in the process of developing its good practices guideline for media to follow. These guidelines provide how to address the LGBTQI community, in order to prevent a negative image of the community that could affect individual members and the community as a whole.</p>	<p>Not implemented</p>
<p>Paragraph 20: Bearing in mind the intersectionality of ethnicity and religion in certain circumstances and taking into account the Committee’s general recommendation No. 25 (2000) on gender-related dimensions of racial discrimination, the Committee urges the State party to take the necessary measures, including legislative</p>	<p>In its follow-up report on the concluding observations and in its state report, the government notes that it has undertaken measures to promote the inclusion of Thai women of Malay ethnic origin in the Southern Border Provinces. The measures taken aim among others, ensuring equal access to quality public services, capacity building, inclusive participation in a multicultural society, providing financial support to projects of local communities and organisations, empower Muslim women, promote gender equality through the Gender Equality Act of 2015, appointing a Muslim woman as Deputy Provincial Governor of Narathiwat province, providing assistance and remedy by the SBPAC to victims or their families for the loss of life, injury, disability, and damage to property, due to violations of perpetrators in the Southern Border Provinces or provision of assistance and remedy to injured persons and their families affected by the actions of government officers, improving the mediation system for the application</p>	<p>Not implemented</p>



<p>ones, to ensure, in accordance with the Convention, the equal treatment and non-discrimination of Malayu women.</p>	<p>of Islamic Law in family and inheritance matters and encouragement of women by appointing them to work as assistant mediators at Provincial Islamic Councils, and organising seminars and conferences to promote studies on the violence-induced impact on women in the Southern Border Provinces and collection of data on situations, conditions, and the role of women. Despite these measures suggested by the government, several challenges remain. To explain, Malayu women continue to face multiple layers of discrimination, due to their ethnicity, religion, and gender are marginalised, discriminated against, and face barriers to the enjoyment of their rights. Even in government efforts made to provide financial assistance, capacity building, and empowerment, Malayu women are underrepresented. Additionally, women seeking support for example in the case of HIV and AIDS or unwanted pregnancies are unaware of government assistance programmes available for their support.</p> <p>Women also continue experiencing gender-based violence and are unable to access remedies even if they do. The Southern Border Provinces are governed by Islamic law in family and inheritance matters rather than by the Civil Code. When their rights are violated, Malayu women are unable to access remedy and social justice. Their complaints with respect to family matters are not heard by the police, who refers these women to the Islamic Provincial Council. Additionally, Malayu women who report being sexually harassed or raped by soldiers do not have access to justice at all. Even if the perpetrator is found to be guilty, the punishment is limited to relocation or termination.</p> <p>Moreover, women and children continue to be questioned and surveilled, despite the fact that they do not pose a risk to national security, and their DNA samples are collected without their consent.</p>	
<p>Paragraph 21: Recalling its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee urges the State party to take concrete measures to eradicate the practice of identity checks and arrests based on racial profiling in the application of the special laws in the Southern Border Provinces. The Committee also recommends that, in addition to providing compensation to persons affected by incidents in the Southern Border Provinces, the State party:</p> <p>(a) Continuously assess the need for the special laws and establish an independent</p>	<p>In its follow-up report on the concluding observations, the government explains that the Emergency Decree does not permit arrests of suspects, or detention without time limitations or Court proceedings, and that suspects' families are allowed to visit on a daily basis. However, in reality, Malayu Muslims, who are disproportionately detained and arrested under Special security laws, are detained for unknown periods in detention centers in unknown locations. The government also states that detainees are allowed visits on a daily basis, however, detainees reported that they were denied visits and that if visits were allowed, officers would stay inside the room and listen to the conversations, violating the detainees' right to privacy.</p> <p>Further, the government states in its state report that racial profiling in the area is not being practiced. However, in recent years the government has increased the practice of racial profiling in the Southern Border Provinces: Malayu Muslims are randomly stopped by authorities to take photos of their ID cards and car plate numbers, and they are disproportionately stopped and questioned at checkpoints. Further, security officials randomly collect DNA samples from Malayu Muslims, which will be added to the security database. These samples are obtained without obtaining informed consent of the person. Besides that, starting in February 2018, the NBTC ordered all mobile to collect fingerprints or face scans from SIM card registrants. This policy is more strictly enforced in the South of Thailand. Introduced through announcements in the Royal Gazette on 9 April 2019 and 21 June 2019, new identification measures through facial scanning and biometrics came into force on 31 October 2019 in the three provinces of Yala, Pattani and Narathiwat as well as three districts of Songkhla. According to this announcement, those who do not have their SIM cards registered and their faces</p>	<p>Not implemented</p>



mechanism to monitor their enforcement;
(b) Review the special laws with a view to meeting international human rights standards, particularly those in regard to the prevention of torture;
(c) Thoroughly investigate all allegations of human rights violations and prosecute those found responsible.

The Committee requests that the State party provide in its next periodic report information on the impact of the strategies implemented by the Internal Security Operations Center as well as of the Development Plan for the Special Area in the Southern Border Provinces for 2009-2012, including on finding durable solutions to the conflict in the area.

scanned by the service providers AIS, TrueMove H or DTAC, will not be able to use mobile phone services particularly the monitor the use of phones to denote bombs.

Continuing, in its state report, the government notes that it has enacted the Organic Act on the National Human Rights Commission of 2017 to strengthen the NHRC in monitoring human rights violations and promoting human rights in the country. However, in reality, following the organic law on the NHRC, Commissioners were no longer able to work independently and they had been restricted in their work. In April 2019, the NHRC started an inquiry of Commissioner, Angkhana Neelapaijit, accusing her of political partiality because she spoke out against human rights problems that occurred under Thailand's military junta. Consequently, Commissioners Angkhana Neelapaijit and Tuenjai Deetes had resigned from their positions, effective from 31 July 2019. Following the developments in the NHRC in recent years, the Commission became less trusted by the public and received fewer cases.

In its state report, the government notes to have addressed alleged cases of torture, and that public officers found to be involved in torture and/or enforced disappearance will be prosecuted in accordance with the law. In practice, currently, there is no legal framework in Thailand criminalising torture or punishing perpetrators of torture. Thailand has still not passed its Law on the Prevention and Suppression of Torture and Enforced Disappearance, which is in the drafting process since 2011. If passed, government authorities, including military officials, would no longer be able to use torture and enforced disappearance, even during war situations. However, various government officials lobbied against the law; torture is a method used to extract confessions, built into the Thai security system. CSOs expressed their concerns: (1) definitions of 'crimes of torture and enforced disappearance' are incomplete; (2) provisions concerning cruel, inhuman and degrading treatment or punishment are absent; (3) inadequate provisions related to the liability for crimes; and (4) insufficient safeguards against torture and enforced disappearance.

In June 2017, the government established the Committee to Receive Complaints and Investigate Allegations of Torture and Enforced Disappearance', mandated to perform fact finding, provide assistance and remedies, and protect the rights of victims of torture and enforced disappearance. However, without legislating backing up the Committee and the control the military will have over the Committee, its independence and effectiveness are highly questioned.

The government states in its follow-up report that ISOC had set up a human rights division and provided training prior to their operations on the ground. However, on the ground detainees continue to report cases of alleged torture, and Malayu women continue to face sexual harassment and rape by soldiers.

Additionally, the government notes in its follow-up report on the concluding observations that it has stepped up its peace-based methods, particularly negotiations with unrest perpetrators, starting with the first round of negotiations in 2013. However, in practice no progress has been made in peace talks between Thai authorities and the Mara Patani. In February 2018, the MARA Patani nearly reached an agreement with Thai authorities on a ceasefire zone, but the Thai authorities ultimately refused to conclude the agreement. In 2019, the Mara Patani again had been in formal talks with the Thai military and called for international intervention. However, this was rejected by the military.



<p>Paragraph 22: Bearing in mind its general recommendation No. 30 (2004) on discrimination against non-citizens, the Committee recommends that the State party explore the need for specific protections for migrant workers in addition to those provided for by the Labour Protection Act and revise the system for granting and terminating work permits so as to reduce migrant workers' vulnerability to exploitation and abuse by their employers. The Committee also recommends that the State party assess the effectiveness of mechanisms in place to receive complaints of violation of labour rights and their accessibility by migrant workers.</p>	<p>In its State report, the government notes that it has worked to eliminate vulnerabilities of migrant workers through (1) conducting more rigorous labour inspections; (2) improving mechanism for examining and supervising labour recruitment agencies, and (3) lifting policy and legal measures to meet international standards. However, in reality, migrant workers continue to be vulnerable to exploitation and human rights abuses by their employers and government authorities. With the informal sector being unregulated by law as a way to avoid government regulations and reporting obligations, migrant workers employed herein face violations. Migrant workers have their ID cards taken away by employers, who threaten to use them against the migrant workers and have them arrested if they report discrimination, poor sanitation and unsafe working conditions at the workplace. Other exploitative practices include the withholding of wages, payment below minimum wage, excessively long work days and non-payment of overtime wages. Additionally, migrant workers are employed in unsafe work environments and not provided with safety trainings in their language. Even though the government claims that vulnerabilities will be eliminated through conducting more rigorous inspections, in practice there are insufficient inspectors and many workplace remain unvisited.</p> <p>Further, the government reports to have improved the conditions in accommodation of migrant workers, however, in reality these conditions remain poor, particularly with respect to sanitation.</p> <p>In its state report, the government also notes that it enhanced its management of migrant workers and improved labour standards, however, in practice this Ordinance has caused increased challenges for migrant workers without legal status. Under the Ordinance employers are charged for employing irregular migrants, consequently, many of them have been fired and went back to their countries of origin. As well, as the fine varies from 400,000 to 800,000 Thai Baht (\$12,600 - \$25,300) per irregular worker, corruption is likely to increase.</p> <p>The government as well noted in its state report that migrant workers, regardless of their legal status, have access to legal aid under the Labour Protection Act of 1998. However, in practice migrant workers face severe challenges to access remedy or file complaints in case of human rights and labour rights violations. Migrants are unable to initiate access to remedy through collective bargaining for rights violations because the Labour Relations Act and the State Enterprise Labour Relations Act does not allow migrant workers to form unions, or to serve as a director, sub-committee member or an advisor to the union; but instead they can only be members of a union. This makes it difficult for migrant workers to negotiate with employers, with migrant employees also being punished for unionising, by firing them or deducting their salaries. Migrants, who are victims of human rights abuses often face deportation, without allowing for investigation on the charges and trial in their cases completed except in the case of trafficking victims. Migrant workers are also denied the due process under law due to discrimination, with no access to legal counsel or to a trusted interpreter, leading to an overall lack of trust in the justice system. With respect to compensation under the 2001 Damages Act to compensate for crimes committed, the Compensation Committee has excluded undocumented migrants from benefitting under this process, even if they are victims of violations.</p> <p>Lastly, in its state report, the government notes to have ratified the Protocol of 2014 to the Forced Labour Convention, as well the ILO in Fishing Convention. While this is a good step, it is problematic that in its domestic legislation, Thailand has incorporated</p>	<p>Not implemented</p>
---	---	------------------------



	forced labour in the amended Anti-Trafficking Act; consequently, forced labour is only punishable by law in cases of trafficking.	
<p>Paragraph 23: The Committee recommends that the State party abandon the proposal to return pregnant migrant women to their country of origin to give birth and ensure that regulations and legislation on migrants respect their human rights. The Committee also requests that the State party provide in its next periodic report information on access to health care by documented and undocumented migrant women.</p>	<p>With respect to migrant women, the government states in its report that it has provided the same rights to pregnant migrant workers as to Thai workers and that the Ministry of Labour has no policy to repatriate pregnant migrant workers. Instead, the Ministry adopted a policy to assist them through welfare packages, irrespective of their nationality. However, in reality migrant workers are discriminated against and thus do not enjoy all rights provided for in the Social Security Act such as annual or traditional holidays, paid maternity or education, or sick leave. Access to public health services remains low amongst migrant workers due to legal, social and financial barriers. There is a gap in Thai legislation as the Thai National Health Insurance Act and the Social Security Act provide state that health insurance and social security cannot be applied to migrant workers, who do not have proper documents. Migrants face physical, attitudinal and procedural barriers to access health services, such as health facilities being distant with transportation costs being very high, cultural beliefs and health practices being different service providers and migrants, and the health providers not having language skills to communicate, made difficult by the lack of mediators and interpreters. Migrant workers are also required to voluntarily purchase health insurance, which is often challenging due to the poor coverage of costs incurred and the same premiums being asked of children under 7 years of age and adult migrant workers. Some migrant workers are unaware of the process of obtaining insurance and unable to verify their insurance status, thus having to rely on their employer who often does not assist them in the process. Access to the Workmen’s Compensation Fund is also limited to those migrant workers who have a valid passport, proving to be another barrier. Migrant workers especially those that are undocumented do not have psychosocial support, which is required more so for these individuals who are placed in exploitative or abusive work conditions.</p> <p>While Thailand may not have an explicit policy in place to repatriate foreign pregnant migrant workers to their country of origin, pregnant migrant workers face severe challenges in Thailand and risk being laid off from their job. Migrant women have very poor access to reproductive education that is sensitive as well as little to no reproductive rights, specifically their right to maternity leave during pregnancy with those found pregnant often laid off and sent home, leading them to undergo unsafe abortions.</p> <p>Due to these limitations and barriers, pregnant migrant women might be forced to return to their own countries to receive the care they require.</p>	Not implemented
<p>Paragraph 24: The Committee requests the State party to provide in its next periodic report information on the impact of measures taken on the incidence of human trafficking, on how such measures address the root causes of trafficking, and on the prosecution of cases of trafficking.</p>	<p>In its state report, the government notes to address trafficking cases through (1) policy and legal framework; (2) prosecution; (3) protection; (4) prevention, and (5) partnership. It as well notes to have ratified the Protocol of 2014 to the Forced Labour Convention, enacted the Anti-Trafficking in Persons Act, and amended legislation to sharpen penalties for convicted offenders and to enhance protection of victims. The government also notes to have established anti-trafficking units to expedite the prosecution of trafficking cases, and to have increased its budget to fight anti-trafficking and taking a more proactive investigation and prosecution approach. While these measures have been undertaken, challenges remain with respect to trafficking cases. For example, sex workers are often automatically thought to be underage as well as victims of trafficking, even if they are not. They are then taken into custody, subject to age determination tests and held in detention centres against their will. This conflation of sex work ignores the fact that sex work could be the result of a practical decision made to work in the entertainment industry, even for migrant workers who</p>	Not implemented



	<p>see this as an opportunity to earn a higher income. This view of identifying migrant sex workers as trafficking victims was also adopted to increase the arrest rate by the anti-trafficking police, to and raise the ranking on Thailand in the Trafficking in Persons report. In 2019, 18 percent of the cases was rejected by the public prosecutor because cases of smuggled migrants were being misidentified as trafficking cases.</p> <p>The government as well notes in its state report that victims of trafficking received protection in MSDHS's shelters and were able to achieve compensation. However, the government fails to address the important aspect of access to justice. For example, migrant sex workers are often reluctant to report crimes or rights violations committed against them for fear that it could be used to prosecute them, particularly those who are undocumented. Rather than being seen as a source to obtain a remedy, the justice system is seen as a tool to be used against them. There have been cases, where women who went to report a crime were instead arrested using the Immigration Act, the Alien Working Act, the Entertainment Places Act, the Anti-Trafficking in Persons Act, and the Prevention and Suppression of Prostitution Act based on their identity documents or the lack thereof, their right to work or the legality of their work. Moreover, those that have supported the prosecution of trafficking cases have instead been detained for lengthy periods and often even prosecuted for their profession.</p>	
<p>Paragraph 25: The Committee recommends that the State party adopt appropriate legislation and procedures for the protection of refugees and asylum seekers, in line with international human rights standards. The Committee also urges the State party to take measures to prevent any further expulsion of Rohingyas seeking asylum, and to give them access to the United Nations High Commissioner for Refugees and registration through the Provincial Admission Board mechanism. Furthermore, the Committee encourages the State party to pursue the universal periodic review commitment to review its position on the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto.</p>	<p>In its follow-up report on the concluding observations, the government notes with respect to Rohingya refugees arriving to Thailand, that the government has provided them with assistance. It notes to have short and long-term measures to ensure that Rohingyas are dealt with in accordance with humanitarian principles. For long-term measures, the government allows them to stay in Thailand temporarily and subsequently encouraging and facilitating their return trips to their country of origin or a third country, on a voluntary basis. For short-term measures, the MSDHS provides shelter to women and children, and men are placed under supervision.</p> <p>While the government claims to have provided measures and protection in accordance with humanitarian principles, in practice, Rohingyas are perceived as illegal migrants and treated accordingly. While the government does only address Rohingyas and displaced persons from Myanmar, this counts for all asylum seekers and refugees in Thailand. Due to their lack of legal status, they are being arrested, detained, and deported. While the government claims to protect them, in practice, the police conduct mass raids to arrest asylum seekers and refugees, following which they will be detained in IDCs. Moreover, Rohingyas who aim to enter the country by sea are often pushed-back into the sea. Authorities provide boats with supplies such as water and food if they agree to continue to other destination countries, such as Malaysia or Indonesia. Those who get on shore risk falling victim to traffickers, and government authorities have been involved in facilitating the process.</p> <p>In its state report, the government notes that key government agencies signed an MoU on the Determination of Measures and Approaches Alternative to Detention of Children in IDCs. The MoU provides guidelines to integrate procedures on non-detention of migrant children. Rather than staying at IDCs, children and their mothers will be put under the care of MSDHS, private organisations or CSOs while waiting for durable solutions. However, in reality only children are placed in MSDHS shelters, while mothers are placed in the IDC. In order for mothers to reunite with their children in the shelter, they have to pay high bail amounts.</p> <p>In its state report the government also states that with respect to Myanmar Displaced Persons, residing in shelters on the Thai-Myanmar border, that it works closely</p>	<p>Not implemented</p>



	<p>together with Myanmar to facilitate their safe, voluntary, and dignified return. However, in reality Thailand violates the principle of non-refoulement and deportations and forced returns are commonly used by authorities to deal with asylum seekers and refugees. Even in cases where forcible return did not apply, the failure to provide them with formal protection and rights has led to ‘constructive refoulement.’ In these cases, individuals have decided to return to their country of origin due to unbearable living conditions in Thailand and lengthy procedures.</p>	
<p>Paragraph 26: Bearing in mind the indivisibility of all human rights, the committee encourages the State party to consider ratifying those international human rights treaties which it has not yet ratified, namely, the International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance.</p>	<p>The government notes in its report that it signed the International Convention for the Protection of All Persons from Enforced Disappearance in 2012. However, while the government has signed the Convention, challenges remain with respect to enforced disappearance. Enforced disappearances continue to be treated with impunity as it is not recognised as a crime in the Thai legislative framework.</p> <p>As of yet, Thailand has not ratified the International Convention on the protection of the Rights of all Migrant Workers and Members of their Families, migrant workers and their families remain to face discrimination and severe human rights violations. The challenges and violations experienced by them are explained in 3.6. under Article 5 and 6 of this Submission.</p> <p>In its report, the government as well notes that since 2012 it signed (1) the Optional Protocol to the Convention on the Rights of the Child No 3; (2) the ILO Convention 187 on the Promotion Framework for Occupational Safety and Health Convention; (3) the Maritime Labour Convention; (4) the ILO Convention 111 on Discrimination (Employment and Occupation); (5) the Protocol to the ILO Convention 29 on Forced Labour; (6) the ILO Convention 188 on Work in Fishing Convention, and (7) the 2003 Convention for the Safeguarding of Intangible Cultural Heritage. Despite the government having ratified the Conventions mentioned, racial discrimination in the country persist and ethnic groups continue to remain multiple challenges and barriers to the enjoyment of their human rights, as explained under Article 5 and 6 of this submission.</p>	<p>Not implemented</p>
<p>Paragraph 27: In the light of its general recommendation No. 33 (2009) on follow-up to the Durban Review Conference, the Committee recommends that the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009, when implementing the Convention in its domestic legal order. The Committee requests that the State party include in its next periodic report specific</p>	<p>The government notes in its state report that it has not established a separate comprehensive action plan based on the Durban Declaration and Programme Action Plan. As Thailand does not have laws specifically addressing racial discrimination, and does not put special measures in place to enhance the rights of disadvantaged ethnic groups, the government has done insufficient to implement the Durban Declaration and Programme of Action. Consequently, racial discrimination continues to occur in Thailand and human rights of ethnic groups are severely violated, as described under Article 5 and 6 of this Submission.</p>	<p>Not implemented</p>



<p>information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.</p>		
<p>Paragraph 28: The Committee encourages the State party to make the declaration under article 14 recognising the competence of the Committee to receive and consider individual complaints.</p>	<p>The government explains in its state report to have conducted a study for the declaration under Article 14. However, they found that existing domestic remedial mechanisms are capable and effective of handling the racial discrimination matters and violations. While the government claims that individuals facing discrimination are able to seek effective remedy domestically, in reality, victims of racial discrimination do not have access to social justice and remedy. Members of ethnic groups might be unaware of the laws and remedies and they are unable to pay for Court expenses.</p> <p>Besides that, the judicial system is interdependent and government has interfered in cases, leading to suicide of a judge in October 2019 when he was forced to provide death sentence to five Malayu Muslims, without sufficient evidence.</p> <p>Malayu women who report being sexually harassed or raped by soldiers do not have access to justice. Even if the perpetrator is found guilty, the punishment is limited to relocation or termination. Worse, if husbands enforced disappear, women are unable to access remedy or social justice or receive compensation because they are unable to proof the death of their husband.</p> <p>Irregular migrants do not have access to free legal aid services, and if arrested and presented before the Court there have been instances where no official interpreter was present.</p> <p>Migrants who are victim of human rights abuses often face deportation, without allowing for investigation on charges and trial in their cases completed except in the case of trafficking victims. With respect to compensation under the 2001 Damages Act to compensate for crimes committed, the Compensation Committee has excluded undocumented migrants from benefitting under this process, even if they are victims of violations.</p> <p>Migrant women, who remain undocumented are often afraid to seek legal protection or remedy for gender-based violations such as those resulting from discrimination, sexual violence and domestic violence, as they fear arrest or deportation. While not fearing deportation, migrant women that are documented still remain unable to access remedy primarily because of the rigorous process and legal requirements demanded from them as migrants. Migrant women, who are victims of gender-based violence are also denied protection due to the negative perception of migrants, along with the linguistic barrier and the absence of sufficient support and services to assist.</p>	<p>Not implemented</p>
<p>Paragraph 29: The Committee recommends that the State party ratify the amendment to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention and endorsed by the General</p>	<p>In its state report, the government notes that ratifying of the amendment to article 8, paragraph 6 of ICERD is currently pending consideration. This concluding observation and the government action does not affect the situation faced by ethnic groups on the ground.</p>	<p>Not implemented</p>



<p>Assembly in its resolution 47/111. In this connection, the Committee recalls General Assembly resolutions 61/148, 63/243 and 65/200, in which the Assembly strongly urged States parties to accelerate their domestic ratification procedures with regard to the amendment to the Convention concerning the financing of the Committee and to notify the Secretary-General expeditiously in writing of their agreement to the amendment.</p>		
<p>Paragraph 30: The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission, and that the observations of the Committee with respect to these reports be similarly publicized in the official and other commonly used languages, as appropriate.</p>	<p>The government notes in its state report that Thailand's initial report and CERD's concluding observations to Thailand have been disseminated through various channels, such as the website of the Ministry of Justice. The concluding observations of 2012 are published on the website of MoJ in both English and Thai. The government report submitted in 2019 is currently only available in English language.</p> <p>Further, the government notes in its state report that workshops have been held in five regions with concerned government agencies, CSOs, and the general public. With respect to these workshops, no information is provided on government websites. Therefore, it remains unclear if the process was transparent, who has been invited to these workshops, what has been discussed, if any action points were developed and implemented, and what the results and outcomes of these workshops were.</p>	Partially implemented
<p>Paragraph 31: The Committee recommends that the State party continue its dialogue with civil society organisations working in the area of human rights protection, in particular in combating racial discrimination, in connection with the implementation of the present recommendations and the preparation of the next periodic report.</p>	<p>The government notes that regular dialogue with CSOs, particularly those focusing on combating racial discrimination, has been held in order to implement the concluding observations of 2012, and in order to prepare the state report. The government notes that the zero-draft was presented during five workshops in Bangkok and four other regions for comments and was revised accordingly. However, the process has not been transparent as on government websites, there is no information and there are no reports of the consultations and workshops that were held. Therefore, it remains unclear who was invited to provide comments, which comments have been provided, and whether they have been reflected in the final version of the report.</p> <p>The only information regarding a forum related to CERD that was organised by the Rights and Liberties Protection Department (RLPD) under the Ministry of Justice, in Nan province was available on the Facebook Page of a local news channel: PR Nan. It reported that a forum was held to provide knowledge on CERD and to hear the challenges faced by indigenous peoples. Challenges raised were access to basic human rights, citizenship, healthcare, and education.</p>	Partially implemented



8. Endnotes

- 1 Constitutional Court, *Constitution of the Kingdom of Thailand 2017*, available at: http://www.constitutionalcourt.or.th/occ_en/download/article_20170410173022.pdf
- 2 Lawm. Society, *Gender equality act of 2015*, available at: <http://law.m-society.go.th/law2016/uploads/lawfile/594cc091ca739.pdf>
- 3 AsianLII, *Constitution of the Kingdom of Thailand, Section 66*, available at: <http://www.asianlii.org/th/legis/const/2007/1.html>
- 4 Constitutional Court, *Constitution of 2017*, available at: http://www.constitutionalcourt.or.th/occ_en/download/article_20170410173022.pdf
- 5 Bangkok Post, *Govt to probe 'cyber war'*, 27 February 2020, available at: <https://www.bangkokpost.com/thailand/politics/1866364/govt-to-probe-cyber-war>
- 6 Bangkok Post, *Opposition targets government's 'information ops'*, 13 March 2020, available at: <https://www.bangkokpost.com/thailand/politics/1877599/opposition-targets-governments-information-ops>
- 7 Bangkok Post, *Govt gets Fs for protecting women*, 9 March 2020, available at: <https://www.bangkokpost.com/opinion/opinion/1874484/govt-gets-fs-for-protecting-women>
- 8 Union for Civil Liberty (UCL), *Joint Statement: State-backed Online Information Operation Against Human Rights Defenders Must be Fully Investigated and Immediately Halted*, 2 March 2020, available at: <http://ucl.or.th/?p=3077>
- 9 Bangkok Post, *Isoc says 'cyber war' only on fake news*, 28 February 2020, available at: <https://www.bangkokpost.com/thailand/general/1867154/isoc-says-cyber-war-only-on-fake-news>;
Khaosod, *Internal Security Operations Command accepts the documents of the opposition during the Council session of claims made to create understanding*, 27 February 2020, available at: https://www.khaosod.co.th/politics/news_3653749
- 10 Manushya Foundation and the Indigenous Women's Network of Thailand, *Raising our voices to save our future*, September 2019, available at: https://a9e7bfc1-cab8-4cb9-9c9e-dc0cee58a9bd.filesusr.com/ugd/a0db76_f73f480caaa44677852d8fe7116a613d.pdf
- 11 Time, *If there is going to be a Thai civil war, Isaan will be its font line*, 3 April 2014, available at: <https://time.com/2948172/thailand-isaan-province-identity/>
- 12 Isaan Record, *Isaan migration love*, 13 November 2018, available at: <https://isaanrecord.com/2018/11/13/isaan-migration-love/>
- 13 ภาพรวมสถิติ ปี 2560, available at: <http://www.bb.go.th/budgeting-map3.php?mid=798&gid=672>
- 14 Time, *If there is going to be a Thai civil war, Isaan will be its font line*, 3 April 2014, available at: <https://time.com/2948172/thailand-isaan-province-identity/>
- 15 Manushya Foundation, *Sai Thong National Park Case Human Rights Defenders Unfairly Treated as Criminals*, September 2019, available at: <https://www.manushyafoundation.org/sai-thong-np-case>
- 16 Nation Thailand, *'Stupid' memo highlights plight of rural Isaan*, 5 April 2018, available at: <https://www.nationthailand.com/opinion/30342569>
- 17 Thai CSOs Coalition for the UPR, *Information on the Status of the Human Rights Situation in Thailand – UPR Advocacy Factsheet on Natural Resource Management and Human Rights (Dam)*, developed by Samacha Khon Jon Korani Kuen Pakmoon, FTA Watch, Justice for Peace Foundation (JPF) and Land Watch Working Group (LWWG) to inform Thailand 2nd UPR Cycle, (2016), available at: https://www.upr-info.org/sites/default/files/general-document/pdf/upr_advocacy_factsheets_-_thailand2016-en.pdf
- 18 Institute of Developing Economies, Japan External Trade Organization, *Changes in the Perception of "Thai Rural Society"*, available at: <https://www.ide.go.jp/library/English/Publish/Download/Vrf/pdf/455.pdf>
- 19 Bangkok Post, *Survey finds 40 percent of farmers live under poverty line*, 31 May 2018, available at: <https://www.bangkokpost.com/thailand/general/1475901/survey-finds-40-of-farmers-live-under-poverty-line>
- 20 The Nation Thailand, *National parks bill deliberation disrupted at parliament as forest group 'makes noise'*, 6 March 2019, available at: <https://www.nationthailand.com/news/30365324>
- 21 Manushya Foundation, *Sai Thong National Park Case Human Rights Defenders Unfairly Treated as Criminals*, September 2019, available at: <https://www.manushyafoundation.org/sai-thong-np-case>



- 22 Justice for Peace Foundation, *The Situation of Enforced Disappearance in Thailand*, 2012
- 23 There are some additional cases referred to in the report which were documented by other organisations. Therefore, those cases are not included in JPF's statistics.
- Justice for Peace Foundation, *The Situation of Enforced Disappearance in Thailand*, 2012
- 24 Prachatai English, *Court rules Lahu activist Chaiyaphum slain by soldier*, 6 June 2018, available at: <https://prachatai.com/english/node/7766>
- 25 Indigenous Women's Network of Thailand (IWNT) and Asia Indigenous People's Pact (AIPP) submission to the Committee on the Elimination of Discrimination against Women (CEDAW), https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/THA/INT_CEDAW_NGO_THA_27695_E.pdf
- 26 Manushya Foundation and the Indigenous Women's Network of Thailand, *Raising our voices to save our future*, September 2019, available at: https://a9e7bfc1-cab8-4cb9-9c9e-dc0cee58a9bd.filesusr.com/ugd/a0db76_f73f480caaa44677852d8fe7116a613d.pdf
- 27 Manushya Foundation and the Indigenous Women's Network of Thailand, *Raising our voices to save our future*, September 2019, available at: https://a9e7bfc1-cab8-4cb9-9c9e-dc0cee58a9bd.filesusr.com/ugd/a0db76_f73f480caaa44677852d8fe7116a613d.pdf
- 28 Manushya Foundation and the Indigenous Women's Network of Thailand, *Raising our voices to save our future*, September 2019, available at: https://a9e7bfc1-cab8-4cb9-9c9e-dc0cee58a9bd.filesusr.com/ugd/a0db76_f73f480caaa44677852d8fe7116a613d.pdf
- 29 Manushya Foundation and the Indigenous Women's Network of Thailand, *Raising our voices to save our future*, September 2019, available at: https://a9e7bfc1-cab8-4cb9-9c9e-dc0cee58a9bd.filesusr.com/ugd/a0db76_f73f480caaa44677852d8fe7116a613d.pdf
- 30 Bangkok Post, *Governors halt slash and burn farming methods*, 3 February 2019, available at: <https://www.bangkokpost.com/thailand/general/1622530/governors-halt-slash-and-burn-farming-methods>
- 31 Manushya Foundation and the Indigenous Women's Network of Thailand, *Raising our voices to save our future*, September 2019, available at: https://a9e7bfc1-cab8-4cb9-9c9e-dc0cee58a9bd.filesusr.com/ugd/a0db76_f73f480caaa44677852d8fe7116a613d.pdf
- 32 Manushya Foundation and the Indigenous Women's Network of Thailand, *Raising our voices to save our future*, September 2019, available at: https://a9e7bfc1-cab8-4cb9-9c9e-dc0cee58a9bd.filesusr.com/ugd/a0db76_f73f480caaa44677852d8fe7116a613d.pdf
- 33 Thai Women's CSO on Beijing+20 Review submission to CEDAW, available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=En&CountryID=172
- 34 Working Group for Monitoring of International Mechanisms submission to CEDAW, available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=En&CountryID=172
- 35 Prachatai, *Martial Law allows military in Patani to arrest civilian for merely taking pictures*, 24 April 2018, available at: <https://prachatai.com/english/node/7722>
- 36 Alliance for CERD Alternative Report on Racial Discrimination towards Malayu in Southern Border Provinces of Thailand, available at: https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/THA/INT_CERD_NGO_THA_13686_E.pdf
- 37 Justice for Peace Foundation, *The Situation of Enforced Disappearance in Thailand*, 2012
- 38 There are some additional cases referred to in the report which were documented by other organisations. Therefore, those cases are not included in JPF's statistics.
- Justice for Peace Foundation, *The Situation of Enforced Disappearance in Thailand*, 2012.
- 39 Bangkok Post, *Panels to oversee rights protection*, 12 July 2018, available at: <https://www.bangkokpost.com/thailand/general/1501678/3-panels-to-oversee-rights-protection>
- 40 Nation Thailand, *Bill on Torture to go before NLA*, 4 December 2018, available at: <https://www.nationthailand.com/national/30359857>
- 41 Bangkok Post, *Torture law must pass*, 17 December 2018, available at:



- 42 <https://www.bangkokpost.com/opinion/opinion/1595366/torture-law-must-pass>
Ministry of Foreign Affairs, *Thailand's comment on annual report of human rights watch*, 23 January 2018, available at: <http://www.mfa.go.th/main/en/news3/6886/86001-Thailand%E2%80%99s-comments-on-Annual-World-Report-of-Huma.html>
- 43 Prachatai English, *The return of an unconscious body*, 5 August 2019, available at:
https://prachatai.com/english/node/8161?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+prachataienglish+%28Prachatai+in+English%29
- 44 Cross Cultural Foundation, *Forced DNA Collection in the Southern Border Provinces of Thailand*, 2019
- 45 Alliance for CERD Alternative Report on Racial Discrimination towards Malayu in Southern Border Provinces of Thailand, available at:
https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/THA/INT_CERD_NGO_THA_13686_E.pdf
- 46 Alliance for CERD Alternative Report on Racial Discrimination towards Malayu in Southern Border Provinces of Thailand, available at:
https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/THA/INT_CERD_NGO_THA_13686_E.pdf
- 47 Cross Cultural Foundation, *Southern Border Review Issue 2*, 29 April 2019
- 48 Alliance for CERD Alternative Report on Racial Discrimination towards Malayu in Southern Border Provinces of Thailand, available at:
https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/THA/INT_CERD_NGO_THA_13686_E.pdf
- 49 Cross Cultural Foundation, *Forced DNA Collection in the Southern Border Provinces of Thailand*, 2019
- 50 Cross Cultural Foundation, *Southern Border Review Issue III*, (September 2019)
- 51 Spring News, *NBTC insists buying sim cards must confirm identify*, 1 February 2018, available at:
<https://www.springnews.co.th/view/191705>.
- 52 Thai PBS World, *Facial ID scanning for phone users in deep South to start November 1st*, 23 June 2019, available at:
<https://www.thaipbsworld.com/facial-id-scanning-for-phone-users-in-deep-south-to-start-november-1st/>
- 53 Benar News, *Thai Officials order cellphone owners in Deep South to have photos taken*, 25 June 2019, available at:
<https://www.benarnews.org/english/news/thai/Thai-Deep-South-telecoms-06252019135940.html>
- 54 The Nation, *Facial recognition push in South raises rights concerns*, 25 June 2019, available at:
<https://www.nationthailand.com/national/30371755>
- 55 Khaosod English, *Interview: Military surveillance turning Thailand into '1984'*, 9 October 2019, available at:
<https://www.khaosodenglish.com/politics/2019/10/09/interview-military-surveillance-turning-thailand-into-1984/>
- 56 The Nation, *Facial recognition push in South raises rights concern*, 25 June 2019, available at:
<https://www.nationthailand.com/national/30371755>
- 57 Benar News, *Thai officials order cellphone owners in Deep South to have photos taken*, 25 June 2019, available at:
<https://www.benarnews.org/english/news/thai/Thai-Deep-South-telecoms-06252019135940.html>
- 58 Amnesty International submission to the Universal Periodic Review, available at:
<https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRTHStakeholdersInfoS25.aspx>
- 59 Alliance for CERD Alternative Report on Racial Discrimination towards Malayu in Southern Border Provinces of Thailand, available at:
https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/THA/INT_CERD_NGO_THA_13686_E.pdf
- 60 Alliance for CERD Alternative Report on Racial Discrimination towards Malayu in Southern Border Provinces of Thailand, available at:
https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/THA/INT_CERD_NGO_THA_13686_E.pdf
- 61 Amnesty International submission to the Universal Periodic Review,
<https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRTHStakeholdersInfoS25.aspx>
- 62 Alliance for CERD Alternative Report on Racial Discrimination towards Malayu in Southern Border Provinces of Thailand, available at:
https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/THA/INT_CERD_NGO_THA_13686_E.pdf
- 63 Alliance for CERD Alternative Report on Racial Discrimination towards Malayu in Southern Border Provinces of Thailand, available at:
https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/THA/INT_CERD_NGO_THA_13686_E.pdf
- 64 Amnesty International submission to the Universal Periodic Review, available at:
<https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRTHStakeholdersInfoS25.aspx>
- 65 BBC News, *Thailand judge shoots himself in court after criticising system*, 5 October 2019, available at:

<https://www.bbc.com/news/world-asia-49945636>

- 66 Sulaiman Dorloh, The Code of Muslim Family Law and Law of Inheritance (1941) as applicable in the provincial courts of Southern Four Border Provinces of Thailand: Issues and Prospects. *Journal of Fiqh*, No. 6, p. 125-148, 2009.
- 67 Working Group for Monitoring of International Mechanisms submission to CEDAW, available at:
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=En&CountryID=172
- 68 International Commission of Jurists and Justice for Peace Foundation, *Women's Access to Justice: Identifying Obstacles and Need for Change Thailand*, p. 45, 2012
- 69 Working Group for Monitoring of International Mechanisms submission to CEDAW, available at:
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=En&CountryID=172
- 70 Working Group for Monitoring of International Mechanisms submission to CEDAW, available at:
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=En&CountryID=172
- 71 Working Group for Monitoring of International Mechanisms submission to CEDAW, available at:
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=En&CountryID=172
- 72 Working Group for Monitoring of International Mechanisms submission to CEDAW, available at:
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=En&CountryID=172
- 73 Working Group for Monitoring of International Mechanisms submission to CEDAW, available at:
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=En&CountryID=172
- 74 Working Group for Monitoring of International Mechanisms submission to CEDAW, available at:
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=En&CountryID=172
- 75 FTA Watch, Justice for Peace Foundation, Land Watch Working Group submission to the Universal Periodic Review, available at: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRTHStakeholdersInfoS25.aspx>
- 76 Data from the Seminar, "Access to Justice for Women in the Southern Border Provinces" organized by the Sub-Committee on Human Rights Strategic Operation in the Southern Border Provinces under the National Human Rights Commission of Thailand, 8-10 September 2014.
- 77 NHRCT, *Parallel Report to CEDAW Committee*, 2017, available at:
https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/THA/INT_CEDAW_IFN_THA_27198_E.pdf
- 78 Working Group for Monitoring of International Mechanisms submission to CEDAW, available at:
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=En&CountryID=172
- 79 Piangpon Visessind, *Islamic Law and Inheritance Management: A Case Study of Satun Provincial Court, Office of the Justice Courts*, p. 34, 2012
- 80 UNHCR, *Thailand*, available at: <https://www.unhcr.or.th/en/about/thailand>
- 81 Thai Lawyers for Human Rights submission to the Universal Periodic Review, available at:
<https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRTHStakeholdersInfoS25.aspx>
- 82 Human Rights Watch submission to the Universal Periodic Review, available at:
<https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRTHStakeholdersInfoS25.aspx>
- 83 Leitner Center submission to the Universal Periodic Review, available at:
<https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRTHStakeholdersInfoS25.aspx>
- 84 Jubilee submission to the Universal Periodic Review, available at:
<https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRTHStakeholdersInfoS25.aspx>
- 85 Bangkok Post, *Thailand commits to policy of not detaining migrant children*, 21 January 2019, available at:
<https://www.bangkokpost.com/thailand/general/1615098/thailand-commits-to-policy-of-not-detaining-migrant-children>
- 86 Amnesty International submission to the Universal Periodic Review, available at:
<https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRTHStakeholdersInfoS25.aspx>
- 87 Thai Committee for Refugees Foundation submission to the Universal Periodic Review, available at:
<https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRTHStakeholdersInfoS25.aspx>
- 88 APRRN, Fortify Rights, Asylum Access, HRDE, MWG, JRS, HRDF, and PEF submission to the Universal Periodic Review, available at: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRTHStakeholdersInfoS25.aspx>
- 89 Thai Committee for Refugees Foundation submission to the Universal Periodic Review, available at:
<https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRTHStakeholdersInfoS25.aspx>
- 90 Leitner Center submission to the Universal Periodic Review, available at:
<https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRTHStakeholdersInfoS25.aspx>
- 91 Thai Committee for Refugees Foundation submission to the Universal Periodic Review, available at:



- 92 <https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRTHStakeholdersInfoS25.aspx>
Thai Committee for Refugees Foundation submission to the Universal Periodic Review, available at:
- 93 <https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRTHStakeholdersInfoS25.aspx>
Leitner Center submission to the Universal Periodic Review, available at:
- 94 <https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRTHStakeholdersInfoS25.aspx>
Leitner Center submission to the Universal Periodic Review, available at:
- 95 <https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRTHStakeholdersInfoS25.aspx>
Thai Committee for Refugees Foundation submission to the Universal Periodic Review, available at:
- 96 <https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRTHStakeholdersInfoS25.aspx>
Thai Committee for Refugees Foundation submission to the Universal Periodic Review, available at:
- 97 <https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRTHStakeholdersInfoS25.aspx>
Jubilee submission to the Universal Periodic Review, available at:
- 98 https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/THA/INT_CAT_NGO_THA_17063_E.pdf
Justice for Peace submission to the Committee against Torture, available at:
- 99 https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/THA/INT_CERD_NGO_THA_13686_E.pdf
Coalition on Racial Discrimination Watch submission to the Committee on the Elimination of Racial Discrimination (CERD), available at:
- 100 https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/THA/INT_CERD_NGO_THA_13686_E.pdf
Coalition on Racial Discrimination Watch submission to the Committee on the Elimination of Racial Discrimination (CERD), available at:
- 101 https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/THA/INT_CERD_NGO_THA_13686_E.pdf
Coalition on Racial Discrimination Watch submission to the Committee on the Elimination of Racial Discrimination (CERD), available at:
- 102 https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/THA/INT_CERD_NGO_THA_13686_E.pdf
Coalition on Racial Discrimination Watch submission to the Committee on the Elimination of Racial Discrimination (CERD), available at:
- 103 https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/THA/INT_CERD_NGO_THA_13686_E.pdf
Justice for Peace submission to the Committee against Torture, available at:
- 104 https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/THA/INT_CAT_NGO_THA_17063_E.pdf
Coalition on Racial Discrimination Watch submission to the Committee on the Elimination of Racial Discrimination (CERD), available at:
- 105 https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/THA/INT_CERD_NGO_THA_13686_E.pdf
Convention on the Rights of the Child Coalition submission to the Universal Periodic Review, available at:
- 106 <https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRTHStakeholdersInfoS25.aspx>
Migrant Working Group Thailand submission to the Universal Periodic Review, available at:
- 107 <https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRTHStakeholdersInfoS25.aspx>
Ministry of Foreign Affairs, *Press Release: Signing Ceremony of the Memorandum of Understanding on the Determination of Measures and Approaches Alternative to Detention of Children in Immigration Detention Centers*, available at:
<http://www.mfa.go.th/main/en/news3/6886/98779-Signing-Ceremony-of-the-Memorandum-of-Understandin.html>
- 108 Fortify Rights, *Joint Statement on the signing of the Memorandum of Understanding on the Determination of Measures and Approaches Alternative to Detention of Children in Immigration Detention Centers*, available at:
<https://www.fortifyrights.org/downloads/Joint%20Statement%20-%20MoU%20on%20the%20Determination%20of%20Measures%20and%20Approaches%20to%20Detention%20of%20Children%20in%20Immigration%20Detention%20Centers.pdf>
- 109 Women’s Network for the Advancement and Peace, Thailand submission to the Committee on the Elimination of Discrimination against Women (CEDAW), available at:
https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/THA/INT_CEDAW_NGO_THA_27688_E.pdf
- 110 Women’s Network for the Advancement of Peace submission to the Committee on the Elimination of Discrimination against Women (CEDAW), available at:
https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/THA/INT_CEDAW_NGO_THA_27688_E.pdf
- 111 United Nations Working Group on Business and Human Rights, *Statement at the end of visit to Thailand by the*

United Nations Working Group on Business and Human Rights, 4 April 2018, available at:
<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22915&LangID=E>

112 United Nations Working Group on Business and Human Rights, *Statement at the end of visit to Thailand by the United Nations Working Group on Business and Human Rights*, 4 April 2018, available at:
<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22915&LangID=E>

113 United Nations Working Group on Business and Human Rights, *Statement at the end of visit to Thailand by the United Nations Working Group on Business and Human Rights*, 4 April 2018, available at:
<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22915&LangID=E>

114 Franciscans Internationals Marist International Solidarity Foundation (FMSI) submission to the Universal Periodic Review, available at: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRTHStakeholdersInfoS25.aspx>

115 Women’s Network for the Advancement of Peace submission to the Committee on the Elimination of Discrimination against Women (CEDAW), available at:
https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/THA/INT_CEDAW_NGO_THA_27688_E.pdf

116 Coalition on Racial Discrimination Watch submission to the Committee on the Elimination of Racial Discrimination (CERD), available at:
https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/THA/INT_CERD_NGO_THA_13686_E.pdf

117 International Commission of Jurists (ICJ) and Justice for Peace (JPF) submission to the Committee on the Elimination of Racial Discrimination (CERD), available at:
https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/THA/INT_CERD_NGO_THA_13687_E.pdf

118 United Nations Working Group on Business and Human Rights, *Statement at the end of visit to Thailand by the United Nations Working Group on Business and Human Rights*, 4 April 2018, available at:
<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22915&LangID=E>

119 International Labour Organization (ILO), *Decent Work and the Informal economy*, p. 4-5, available at:
https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_policy/documents/publication/wcms_210442.pdf

120 Coalition on Racial Discrimination Watch submission to the Committee on the Elimination of Racial Discrimination (CERD), available at:
https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/THA/INT_CERD_NGO_THA_13686_E.pdf

121 Department of Labour Protection and Welfare, *A research project on knowledge synthesis of the research on informal workers for effective management of informal workers*, available at:
http://informal.labour.go.th/2018/images/Report/1_Cover_Outer_Informal_worker_1May2019.pdf

122 Franciscans Internationals Marist International Solidarity Foundation (FMSI) submission to the Universal Periodic Review, available at: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRTHStakeholdersInfoS25.aspx>

Migrant Working Group Thailand submission to the Universal Periodic Review, available at:
<https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRTHStakeholdersInfoS25.aspx>

124 Coalition on Racial Discrimination Watch submission to the Committee on the Elimination of Racial Discrimination (CERD), available at:
https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/THA/INT_CERD_NGO_THA_13686_E.pdf

125 Migrant Working Group Thailand submission to the Universal Periodic Review, available at:
<https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRTHStakeholdersInfoS25.aspx>

126 Protection International, *Statement by Women of Thailand Coalition for 67th CEDAW session*, 3 July 2017, available at: <https://www.protectioninternational.org/en/node/1491>

127 EMPOWER Foundation, *Moving Towards Decent Sex Work: Sex Worker Community Research Decent Work and Exploitation in Thailand*, 2016, p. 2-3, available at:
<http://www.nswp.org/sites/nswp.org/files/Moving%20Toward%20Decent%20Work%2C%20EMPOWER%20-%20April%202016.pdf>; Global Network of Sex Work Projects (NSWP), *Policy Brief: Sex Work as Work*, 2017, p. 12, available at: https://www.nswp.org/sites/nswp.org/files/policy_brief_sex_work_as_work_nswp_-_2017.pdf

128 Amnesty International (AI), *Amnesty International Policy on State Obligations to Respect, Protect and Fulfil the Human Rights of Sex Workers*, 2016, p. 2, available at:
<https://www.amnesty.org/en/documents/pol30/4062/2016/en/>

129 Empower Foundation submission to the Committee on the Elimination of Discrimination against Women (CEDAW), available at:
https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/THA/INT_CEDAW_NGO_THA_27511_E.pdf

130 Committee on the Elimination of Discrimination against Women, *Concluding observations on the combined sixth*



and seventh periodic reports of Thailand, 24 July 2017, para. 26, available at:

https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=CEDAW/C/THA/CO/6-7&Lang=En

131 Information provided by sex worker activist, Sirisak Chaited

132 Empower Foundation submission to the Committee on the Elimination of Discrimination against Women (CEDAW), available at:

https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/THA/INT_CEDAW_NGO_THA_27511_E.pdf

133 United Nations Working Group on Business and Human Rights, *Statement at the end of visit to Thailand by the United Nations Working Group on Business and Human Rights*, 4 April 2018, available at:

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22915&LangID=E>

134 Migrant Workers and their families joint submission to the Universal Periodic Review, available at:

<https://lib.ohchr.org/HRBodies/UPR/Documents/session12/TH/JS4-JointSubmission4-eng.pdf>

135 Migrant Working Group Thailand submission to the Universal Periodic Review, available at:

<https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRTHStakeholdersInfoS25.aspx>

136 Thailand Development Research Institute, *Respect domestic workers' rights*, available at:

<https://tdri.or.th/en/2019/06/respect-domestic-workers-rights/>

137 Manushya Foundation, *Meeting Report - First Experts Meeting to inform the CSO National Baseline Assessment (NBA) on Business & Human Rights*, 2 - 3 September 2017

138 International Organisation for Migration (IOM), *Thailand Migration Report*, 2019, available at:

https://thailand.iom.int/sites/default/files/document/publications/Thailand%20Report%202019_22012019_LowRes.pdf

139 Migrant Working Group Thailand submission to the Universal Periodic Review, available at:

<https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRTHStakeholdersInfoS25.aspx>

140 Migrant Working Group Thailand submission to the Universal Periodic Review, available at:

<https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRTHStakeholdersInfoS25.aspx>

141 Coalition on Racial Discrimination Watch submission to the Committee on the Elimination of Racial Discrimination (CERD), available at:

https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/THA/INT_CERD_NGO_THA_13686_E.pdf

142 Women's Network for the Advancement and Peace, Thailand submission to the Committee on the Elimination of Discrimination against Women (CEDAW), available at:

https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/THA/INT_CEDAW_NGO_THA_27688_E.pdf

Women's Network for the Advancement and Peace, Thailand submission to the Committee on the Elimination of Discrimination against Women (CEDAW), available at:

https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/THA/INT_CEDAW_NGO_THA_27688_E.pdf

144 Information provided by migrant worker activist, Sugarnta Sookpaitha

Migrant Working Group Thailand submission to the Universal Periodic Review, available at:

<https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRTHStakeholdersInfoS25.aspx>

146 International Commission of Jurists (ICJ) and Justice for Peace (JPF) submission to the Committee on the Elimination of Racial Discrimination (CERD), available at:

https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/THA/INT_CERD_NGO_THA_13687_E.pdf

147 Migrant Working Group Thailand submission to the Universal Periodic Review, available at:

<https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRTHStakeholdersInfoS25.aspx>

148 Migrant Working Group Thailand submission to the Universal Periodic Review, available at:

<https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRTHStakeholdersInfoS25.aspx>

149 International Commission of Jurists (ICJ) and Justice for Peace (JPF) submission to the Committee on the Elimination of Racial Discrimination (CERD), available at:

https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/THA/INT_CERD_NGO_THA_13687_E.pdf

150 International Commission of Jurists (ICJ) and Justice for Peace (JPF) submission to the Committee on the Elimination of Racial Discrimination (CERD), available at:

https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/THA/INT_CERD_NGO_THA_13687_E.pdf

151 Women's Network for the Advancement and Peace, Thailand submission to the Committee on the Elimination of Discrimination against Women (CEDAW), available at:

https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/THA/INT_CEDAW_NGO_THA_27688_E.pdf



- 152 AVERT, *HIV and AIDS in Thailand*, 20 February 2020, available at: [https://www.avert.org/professionals/hiv-around-](https://www.avert.org/professionals/hiv-around-world/asia-pacific/thailand)
153 [world/asia-pacific/thailand](https://www.avert.org/professionals/hiv-around-world/asia-pacific/thailand)
154 Bangkok Post, *HIV battle continues*, 27 May 2019, available at:
<https://www.bangkokpost.com/business/1684464/hiv-battle-continues>
155 Communications and Media in Asia Pacific, *A Study of attitudes towards stigmatization and discrimination against HIV-positive patients and AIDS patients residing in the Nong Prue Municipality, Nong Prue Sub-district, Bang Lamung district, Chonburi, Thailand*, December 2018, available at:
<https://so01.tci-thaijo.org/index.php/CMAP/article/download/131380/98577/>
156 Thai CSOs Coalition for the UPR, *Information on the Status of the Human Rights Situation in Thailand – UPR Advocacy Factsheet on Sexual & Reproductive Health and Rights*, developed by the Network of Thai Women Living with HIV/AIDS, EMPOWER Foundation, and Tham Tang Group to inform Thailand's 2nd UPR Cycle, 2016, available at:
https://www.upr-info.org/sites/default/files/general-document/pdf/upr_advocacy_factsheets_-_thailand2016-en.pdf
157 International Labour Organisation (ILO), *Combating the worst forms of child labour in shrimp and seafood processing areas of Thailand: Independent Final Evaluation*, 2015, available at: https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_239483.pdf
158 Kaleidoscope Human Rights Foundation, *Submission prepared for the joint initial and second report of Thailand, at the 55th Session of the United Nations Committee on Economic, Social and Cultural Rights (CESCR), (1-19 June 2015)*, April 2015, available at:
http://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/THA/INT_CESCR_CSS_THA_20028_E.pdf
159 Haggerty, Kiener, McPherson Robinson, Broder Wilson, *Voices from the Margin - Economic, Social and Cultural Rights in Northeast Thailand: HIV/AIDS, 2004, ESCR Mobilization Project*, Overview, p. 1, available at: <https://cieekhonkaenprojects.files.wordpress.com/2011/02/hiv-report-ciee-english-smallfile.pdf>
160 Haggerty, Kiener, McPherson Robinson, Broder Wilson, *Voices from the Margin - Economic, Social and Cultural Rights in Northeast Thailand: HIV/AIDS, 2004, ESCR Mobilization Project*, Overview, p. 1, available at: <https://cieekhonkaenprojects.files.wordpress.com/2011/02/hiv-report-ciee-english-smallfile.pdf>
161 Health, Kaplan, Kerr, Ti, Wood, *Healthcare avoidance by people who inject drugs in Bangkok, Thailand*, *Journal of Public Health*, available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5072167/>
162 Empower Foundation submission to the Committee on the Elimination of Discrimination against Women (CEDAW), available at:
https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/THA/INT_CEDAW_NGO_THA_27511_E.pdf
163 Women's Network for the Advancement of Peace, *Thailand submission to Committee on the Elimination of Discrimination against Women (CEDAW)*, available at:
https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/THA/INT_CEDAW_NGO_THA_27688_E.pdf
164 Indigenous Women's Network of Thailand (IWNT) and Asia Indigenous People's Pact (AIPP) submission to the Committee on the Elimination of Discrimination against Women (CEDAW), available at:
https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/THA/INT_CEDAW_NGO_THA_27695_E.pdf
165 Bangkok Post, *Neither saints nor sinners*, 9 October 2016, available at:
<https://www.bangkokpost.com/thailand/special-reports/1106077/neither-saints-nor-sinners>
166 Ayuttacorn, Jirattikorn, *Disclosure of HIV status among Shan female migrant workers living with HIV in Northern Thailand: A qualitative study*, May 2019, available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6497284/>
167 Ayuttacorn, Jirattikorn, *Disclosure of HIV status among Shan female migrant workers living with HIV in Northern Thailand: A qualitative study*, May 2019, available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6497284/>
168 UN Working Group on Business and Human Rights, *Statement at the end of visit to Thailand by the United Nations Working Group on Business and Human Rights*, 2018, available at:
<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22915&LangID=E>
169 Empower Foundation, *Hit and Run: Sex Worker's Research on Anti trafficking in Thailand*, 2012, p. xii-xiii, available at:
<https://www.scribd.com/document/110643589/Hit-and-Run-Sex-Worker-s-Research-on-Anti-trafficking-in-Thailand-2012-Empowerment-Foundation>
170 Reuters, *No sewing please, we're sex workers: Thai prostitutes battle stigma*, available at:
<https://www.reuters.com/article/us-thailand-women-sexworkers-idUSKCN1SL270>
Reuters, *Exclusive: Thailand police under scrutiny as record number of trafficking cases dismissed*, available at:

<https://www.reuters.com/article/us-thailand-trafficking-migrants-exclusi/exclusive-thailand-police-under-scrutiny-as-record-number-of-trafficking-cases-dismissed-idUSKBN1ZR03Y>

171 Planned Parenthood Association of Thailand and Sexual Rights Initiative submission to the Universal Periodic Review (UPR), available at:

<https://lib.ohchr.org/HRBodies/UPR/Documents/session12/TH/JS6-JointSubmission6-eng.pdf>

172 EMPOWER Foundation, *Hit & Run: The impact of anti trafficking policy and practice on Sex Worker's Human Rights in Thailand*, 2012, available at:

<https://www.nswp.org/sites/nswp.org/files/Hit%20and%20Run%20%20RATSW%20Eng%20online.pdf>

173 EMPOWER Foundation, *Hit & Run: The impact of anti trafficking policy and practice on Sex Worker's Human Rights in Thailand*, 2012, available at:

<https://www.nswp.org/sites/nswp.org/files/Hit%20and%20Run%20%20RATSW%20Eng%20online.pdf>

174 Prachatai, *Homeless people arrested for breaking curfew*, 28 April 2020, available at:

<https://prachatai.com/english/node/8488>

175 UCA News, *Millions of Thais lose their rice bowl*, 13 April 2020, available at:

<https://www.ucanews.com/news/millions-of-thais-lose-their-rice-bowl/87694>

176 UCA News, *Migrant workers contract Covid-19 at Thai detention center*, 5 May 2020, available at:

<https://www.ucanews.com/news/migrant-workers-contract-covid-19-at-thai-detention-center/87922>

177 Khaosod English, *NGO calls for more virus protection in detention facilities*, 29 April 2020, available at:

<https://www.khaosodenglish.com/news/crimecourtscalamity/2020/04/29/ngo-calls-for-more-virus-protection-in-detention-facilities/>

178 The Thaiger, *Immigration wants to move 26 Rohingya women detained in Songkhla*, 1 May 2020, available at: <https://thethaiger.com/coronavirus/cv19-asia/cv19-thailand/immigration-wants-to-move-26-rohingya-women-detained-in-songkhla>

179 Channel News Asia, *Migrant workers left out in Thailand's fight against COVID-19*, 19 April 2020, available at:

<https://www.channelnewsasia.com/news/asia/covid-19-thailand-migrant-workers-left-out-unemployment-12637164>

180 Bangkok Post, *Lockdown leaves migrant workers exposed*, 23 March 2020, available at:

<https://www.bangkokpost.com/thailand/general/1884785/lockdown-leaves-migrant-workers-exposed>

181 Channel News Asia, *Migrant workers left out in Thailand's fight against COVID-19*, 19 April 2020, available at:

<https://www.channelnewsasia.com/news/asia/covid-19-thailand-migrant-workers-left-out-unemployment-12637164>

182 Pattaya Mail, *Migrant workers affected by COVID-19 in Thailand can claim unemployment benefits*, 1 May 2020, available at:

<https://www.pattayamail.com/coronavirus/migrant-workers-affected-by-covid-19-in-thailand-can-claim-unemployment-benefits-297690>

183 Bangkok Post, *Migrants see lives upended by downturn*, 3 May 2020, available at:

<https://www.bangkokpost.com/thailand/general/1912084/migrants-see-lives-upended-by-downturn>

184 Bangkok Post, *Relief cash only covers a month*, 16 April 2020, available at:

<https://www.bangkokpost.com/thailand/general/1900595/relief-cash-only-covers-a-month>

185 Radio Free Asia (RFA), *Unemployed Southeast Asian migrants in Thailand struggle as COVID-19 shifts down economy*, 25 March 2020, available at:

<https://www.rfa.org/english/news/cambodia/migrants-thailand-03252020205717.html>

186 Prachatai, *Migrant workers' unemployment may hinder disease control*, 7 April 2020, available at:

<https://prachatai.com/english/node/8447>

187 Bangkok Post, *Plea to help displaced people fight virus*, 27 April 2020, available at:

<https://www.bangkokpost.com/thailand/general/1907985/plea-to-help-displaced-people-fight-virus>

188 ASEAN Today, *Southeast Asia's indigenous groups call for support in their fight against COVID-19*, 22 April 2020, available at:

<https://www.aseantoday.com/2020/04/southeast-asias-indigenous-groups-call-for-support-in-their-fight-against-covid-19/>

189 Prachatai, *Voice of a woman human rights defender in the time of COVID-19*, 8 April 2020, available at:

<https://prachatai.com/english/node/8451>



- 190 ASEAN Today, *Southeast Asia's indigenous groups call for support in their fight against COVID-19*, 22 April 2020, available at:
<https://www.aseantoday.com/2020/04/southeast-asias-indigenous-groups-call-for-support-in-their-fight-against-covid-19/>
- 191 Thai Enquirer, *In the absence of state support, the poor help the poor*, 21 April 2020, available at:
<https://www.thaienquirer.com/11963/in-the-absence-of-state-support-the-poor-help-the-poor/>
- 192 ASEAN Today, *Southeast Asia's indigenous groups call for support in their fight against COVID-19*, 22 April 2020, available at: <https://www.aseantoday.com/2020/04/southeast-asias-indigenous-groups-call-for-support-in-their-fight-against-covid-19/>
- 193 Bangkok Post, *Dozens protest b5,000 aid screening criteria*, April 2020, available at:
<https://www.bangkokpost.com/thailand/general/1899670/dozens-protest-b5-000-aid-screening-criteria>
- 194 Bangkok Post, *Finance ministry mulls handouts for farmers*, April 2020, available at:
<https://www.bangkokpost.com/thailand/general/1896680/finance-ministry-mulls-handouts-for-farmers>
- 195 Khaosod English, *Coronavirus 5,000-baht monthly relief extended to farmers*, 29 April 2020, available at:
<https://www.khaosodenglish.com/politics/2020/04/29/coronavirus-5000-baht-monthly-relief-extended-to-farmers/>
- 196 Bangkok Post, *Drought adding to coronavirus woes*, 14 April 2020, available at:
<https://www.bangkokpost.com/thailand/general/1899085/drought-adding-to-coronavirus-woes>
- 197 Prachatai, *Lock down mining, stop exploiting opportunity to give mining concession*, 28 April 2020, available at:
<https://prachatai.com/english/node/8489>
- 198 Prachatai, *Lock down mining, stop exploiting opportunity to give mining concession*, 28 April 2020, available at:
<https://prachatai.com/english/node/8489>
- 199 Prachatai, *Chaiyaphum police summon villager over anti-mining campaign*, 29 April 2020, available at:
<https://prachatai.com/english/node/8490>
- 200 Benar News, *BRN rebels declare ceasefire in Thai Deep South over COVID-19*, 4 April 2020, available at:
<https://www.benarnews.org/english/news/thai/BRN-ceasefire-COVID-19-04042020141405.html>
- 201 Benar News, *Thailand forces kill 3 suspected insurgents in Pattani*, 30 April 2020, available at:
<https://www.benarnews.org/english/news/thai/three-killed-04302020172352.html>
- 202 Twitter post from the Thai Netizen Network, 30 April 2020, available at:
<https://twitter.com/thainetizen/status/1255624043610464256>
- 203 Bangkok Post, *Lockdown peril haunts abusive homes*, 22 April 2020, available at:
<https://www.bangkokpost.com/opinion/opinion/1904825/lockdown-peril-haunts-abusive-homes>
- 204 Bangkok Post, *Scared but desperate, Thai sex workers forced to the street*, 5 April 2020, available at:
<https://www.bangkokpost.com/thailand/general/1893510/scared-but-desperate-thai-sex-workers-forced-to-the-street>
- 205 Khaosod English, *No job, no compensation: Sex workers suffer under virus shutdown*, 4 April 2020, available at:
<https://www.khaosodenglish.com/news/crimecourtscalamity/2020/04/04/no-job-no-compensation-sex-workers-suffer-under-virus-shutdown/>
- 206 Thisrupt, *The lack of social safety net puts sex workers in danger*, 20 April 2020, available at:
<https://thisrupt.co/society/no-social-safety-net-sex-workers/>
- 207 Thai Enquirer, *Sex workers, ineligible for the government's coronavirus subsidies, fear the worst*, 16 April 2020, available at:
<https://www.thaienquirer.com/11619/sex-workers-ineligible-for-the-governments-coronavirus-subsidies-fear-the-worst/>
- 208 Straits Times, *Millions of Thais left out of government's Covid-19 cash relief scheme*, 17 April 2020, available at:
<https://www.straitstimes.com/asia/se-asia/millions-of-thais-left-out-of-governments-covid-19-cash-relief-scheme>
- 209 Prachatai, *Gender-responsiveness key to inclusiveness in COVID-19 pandemic*, 21 April 2020, available at:
<https://prachatai.com/english/node/8475>
- 210 Bangkok Post, *Covid-19 hastening end to unwanted pregnancies*, 13 April 2020, available at:
<https://www.bangkokpost.com/thailand/general/1898565/covid-19-hastening-end-to-unwanted-pregnancies>
- 211 Prachatai, *Gender-responsiveness key to inclusiveness in COVID-19 pandemic*, 21 April 2020, available at:
<https://prachatai.com/english/node/8475>