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JOINT SUBMISSION TO THE UN COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS IN ADVANCE OF THE EXAMINATION OF THAILAND'S INITIAL AND SECOND PERIODIC REPORTS UNDER ARTICLES 16 AND 17 OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

On

The conflict area of Deep South of Thailand:

Article 10 – Protection of the family, mothers and children

Part 1: Situation of families and children of detainees

and

Article 12 – The right to physical and mental health

Part 2: Situation of mental health of torture victims

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Duayjai Support group and

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Submitted on 3 May 2015

Summary of Recommendations

Article 10 – Protection of the family, mothers and children

1. The Ministry of Social Development and Human Security must be a lead ministry not security sectors to promote and protect the rights of children in Deep South.
2. The Ministry of Social Development and Human Security shall provide special scheme to detainee's families and those children of insurgent suspects to access to health care, education and basic rights as affirmative program.
3. All state agencies together with CSOs and NGOs both local, national and International must provide necessary budget and support to encourage children including youth to articulate their visions of peace and development in the Deep South.
4. Create spaces and not intermediate local organisation both Muslim and Buddhist where children and youth can work with the state towards promotion and protection of the rights of children and so they could play a role in peace building efforts

Article 12 – The right to physical and mental health

5. Supporting Ministry of Justice in passage the draft bill on suppression and prevention of torture and disappearances. The Draft Bill on Prohibition and Prevention of Torture and Enforced Disappearance is currently being drafted by the Ministry of Justice, in order to respond to the CAT and the CED.
6. Supporting both government agencies/CSOs to follow up and implement CAT concluding observation released on 23 May 2014 on investigation, rehabilitation and redress for all torture victims.
7. Establish or supporting independent psychological health unit for Deep south detainees and supporting CSOs /NGOs to address torture /ill treatment survival without threat and intimidation.
8. Survey the situation of all torture victims in all national wide corrections, prisons both adults and juvenile detainees, both men and women especially their mental health and psychological impact from allegedly torture and ill treatment during the interrogation and while in their incarceration.

Introduction

1. This is a joint submission by Cross Cultural Foundation (CrCF), Duayjai and Patani Human Rights Network- HAP. CrCF is based in Bangkok, Thailand and Duayjai and HAP are based in Songkla and Yala Province of the southernmost Provinces of Thailand.
2. This alternative report was drafted by three organizations working on the documentation of torture cases and activities with detainees, former detainees and families of detainees in the Deep South. Duayjai Group, based in Songkhla province in the Deep South, was founded in 2010 by the family of a detainee who was charged maliciously with security-related cases. They fought for justice of their family member and later documenting the situation of detainee families in the region. HAP- Pattani Human Rights Network is based in Yala Province of the Deep South, is a network of victims based group who most of members experienced torture and ill treatment. They are forming themselves as a group to help and assist each other as well as promoting human rights and legal knowledge at grass roots communities since 2011. CrCF is based in Bangkok, providing human rights education and legal protection for marginalized groups in Thailand working in the Deep South since 2009.
3. The conflict in the Deep South of Thailand clearly belongs among the world's violent but less known internal disputes. Although the escalation of this conflict has led to more than 6,000 deaths and the injury of nearly 11,000 people since 2004, it rarely appears as an issue in the international media. A peace effort initiated by the Government in February 2013 generated hope that a settlement might be possible; but it became stuck after six months due to half-hearted and non-inclusive engagement on both sides. More recently, the effort was overshadowed and side lined by the political conflict in Bangkok, from November 2013 onwards. The National Council for Peace and Order (NCPO), which took over power in May 2014, declared they wanted to move the peace talks forward. It is not yet clear what format these talks will take.¹
4. Martial Law declared since 2004 and Emergency Decree declared since 2005 contributed to abusive power of security forces in conducting counter insurgency. One of the outcomes from the insurgency in the Deep South of Thailand is allegations of torture by the local authorities. These allegations have been documentedⁱ and victims' testimonies have been takenⁱⁱ, which show that torture and other ill-treatment is being practiced systematically against suspected insurgents in the Deep South of Thailand, and that torturers almost invariably enjoy impunity. Extra Judicial killings especially against former detainees reportedly
5. This submission is consisting of two parts; Part 1: Situation of families and children of detainee in the conflict area of deep south of Thailand and Part 2: Situation of mental health of torture victims in the conflict area of deep south of Thailand

Article 10 – Protection of the family, mothers and children

Part 1: Situation of families and children of detainee in the Deep South

6. In 2010, there were about 548 detainees in the main 4 prisons: Yala, Pattani, Narathiwath and Songkla. In 2013, there were about 300 detainees in the 4 prisons. The children of detainees face difficulties in their development. In 2013, the office of Child social welfare under

¹ Norbert Ropers, *"The Deep South of Thailand neither war nor Peace"*, *Healing under Fire*, 2014

Ministry of Social development and human security started to look into the situation of these special children. When looking into the problem, there special groups of children who need attention were identified. 1) Children and family of detainees 2) Children and family of those persons who are trying to hide from state security agencies because of fear of being arrested and intimidated, and children and family of those who are involved in insurgency 3) Children of those persons who have been executed or extra judicially killed in the armed conflict in the south.

7. Deep South Watch has documented that 507 alleged suspect of insurgency killed/died in the Deep South from 2004-2015 (as of 31 mar 2015). The number of those fathers escaped or running away from state security agencies due to fear, intimidation or fear of malicious charges or those who belongs to insurgent groups is unknown.
8. According to our documentation, from 2004 till Dec 2014, there were 86 children under 18 years old who have been killed and 431 who have been injured in the armed conflict in the south. In 2014 alone, there were 17 children killed and 44 injured. These reflected that a number of those families are facing difficulty in their livelihood after these tragic incidents.
9. From an interview in Pattani Province on 20 May 2014, it was found that the husband has been acquitted by court after spending 3 years in prison. The family asked why the security office still came to visit him often. The family got 215,000 baht compensation from government but they had incurred a lot of expenses during his incarceration. During that time the wife did not have money to visit him at the prison so she had to borrow huge sums of money from neighbors. Another family shared the story that the husband left home for 4 years. At that time, the child was still in kindergarten. The police came and tried to convince the wife that her husband was not a good man. Later the wife was arrested. The child cried at night and did not want to go to school while the mother was detained at Taskforce 42 for one week. The women officer asked about her husband but she could not tell them more. After three days in detention, the mother got to see the child and she told the child who was staying with grandmother to go to school.
10. From an interview in Narathiwath Province in May 2014, in 2008, the brother in law of the family was subjected to extrajudicial killing and later their house was searched by security officers 4-5 time a month. The family members are living in fear. The neighbors did not want to associate with this family. Later the husband was arrested in front of children at 3.30 am. Now the husband is still in the prison serving his imprisonment. The children visited him once a week. Also in Narathiwath Province, another family provided the information that the husband had to be in hiding from security officers for 3 years before being extra judicially killed. At that time, the little child was only 3 months old now he is 3 years old. The elder child is 7 years old. The children often asked where the father is. The children always act as if they wish to take revenge against the officers. The family is living in poor condition with little income from sowing cloth and rubber tapping.
11. As per a study done by the Cross Cultural Foundation, children of detainees under national security laws face discrimination and social exclusion in schools. Once the head of the household is arrested, the woman has to take over the income earning responsibilities. As a result most often the elder children in the household drop out of schools to take care of the younger children at home. Activists working with women in the Deep South have also noted that more cases of domestic violence and early marriages are being reported. The circle of violence and the increased militarization of the Deep South have worked towards 'normalization' of violence. From several workshop conducted by Duayjai since 2010-

present, the women in detainees family share some common difficulty. When the male members of family got arrested either brother, husband or father, women has become the breadwinners of the families. The economic hardship has created stressfulness and also insecurity not only for their husband but also their children. The little one always asked where the father was, the elder one would be naughtier and not listen to mothers. The teenagers of detainee's families are also at risk of being recruited by insurgency or arrested by security officers.

12. In Jan 2015, the 17-page report "Southern Thailand: Ongoing recruitment and use of children by armed groups" by Child Soldiers International and CrCF was released. The research conducted covering nine districts in the southern provinces of Pattani, Yala, Narathiwat and Songkhla between September 2013 and April 2014. Detailed interviews were conducted with 26 former and current members of armed groups such as *Barisan Revolusi Nasional Melayu Patani* (BRN) and other armed groups operating in southern Thailand. At least 13 children were recruited below the age of 18. Among these were five children, who were recruited between 2011 and 2012 in Narathiwat province and continued to be with the BRN in late 2013. The number of children recruited and used by armed groups in Southern Thailand is not known. Both girls and boys are known to be recruited. The research details patterns of children being recruited into the BRN for diverse roles which include working as lookouts to gather intelligence on state security forces and to engage in the use of firearms, in active combat during insurgent operations, and in performing other support roles as informers.
13. During 2004-2014, there were 106 children under 18 years old got arrested by security officers. They were allegedly involved in insurgency. Most of children were released without charges only 15 out of 106 were officially charges.
14. The Ministry of Social Development and Human Security has some specific programs targeting the families affected by insurgent attacks. However benefits of such programs do not extend to all, specifically families of those suspected to be involved with the insurgency. Civil society groups have been trying to address the immediate needs of the families through home visits, counseling, facilitating scholarships for the children and facilitating the families to visit the detention centers and access legal aid. However, civil society groups have not been able to reach out to all those who have been affected. Moreover, civil society groups which include the youth groups, student groups and young human rights defenders face a lot of constraints in working, since they are viewed with suspicion by the security forces.
15. The current situation is reaffirming a study conducted by UNICEF in 2008 has observed that although children in the south suffer from anxiety and stress and seemed to have feelings of revenge and injustice; such feelings were more related to their childhood experiences rather than the unrest. The report concluded that the visions of peace expressed by the children indicated that there was a window of opportunity to prevent the vicious cycle of violence becoming inter-generational by directing peace building efforts at the children and youth.

16. Recommendation:

- 16.1 The Ministry of Social Development and Human Security must be a lead ministry not security sectors to promote and protect the rights of children in deep south.
- 16.2 The Ministry of Social Development and Human Security shall provide special scheme to detainee's families and those children of insurgent suspects to access to health care, education and basic rights as affirmative program
- 16.3 All state agencies together with CSOs and NGOs both local, national and International must provide necessary budget and support to encourage children including youth to articulate their visions of peace and development in the deep south.
- 16.4 Create spaces and not intermediate local organisation both Muslim and Buddhist where children and youth can work with the state towards promotion and protection of the rights of children and so they could play a role in peace building efforts

Article 12 – The right to physical and mental health

Part 2: Situation of mental health of torture victims in the Deep South

17. CrCF together with Duayjai and HAP under UNVTFV support since 2012 documented at least 92 cases of torture allegation from 2004-2013. In 2014, the project documented another 30 cases in the Deep South and 10 cases of torture allegation in the northern border region. National Human Rights commission was also reportedly received at least 130 cases from the deep south of torture allegation against insurgent suspects from 2004- the present. Muslim Attorney Center operating in the Deep South provinces also received 300 complaints. All of victims alleged subjected to torture and ill treatment are ethnic minority under suppressive policy such as counter insurgency and counter drug suppression. Torture is still under documented at national wide where there is no adequate legal aid/ human rights monitoring mechanism in place.
18. Torture is not criminal offence in Thai domestic law, therefore the health scheme or legal aid scheme is not covered. Thailand has ratified CAT and signed CED. There is no independent investigation on torture allegation under normal circumstance and it would be even harder to get independent investigation if it comes the conflict zone as in the Deep South.
19. From our preliminary research study called “Feasibility of Establishing a Torture Rehabilitation Centre in the Deep South of Thailand”², we found that one of the outcomes from the insurgency in the Deep South of Thailand is allegations of torture by the local authorities. These allegations have been documented and testimonies taken, and although there is an

² Please see in Annex 1 of this submission

international obligation to prevent torture and provide redress/rehabilitation to victims, there is still an immense requirement for an increase in torture rehabilitation services in the Deep South of Thailand. In response, the research paper written under “promoting of redress of torture victims in the Deep South” funded by Canada Fund between Nov.2014-Feb 2015. It documents the torture situation in the Deep South of Thailand, explains the psychosocial effects of torture, analyses the requirements for a rehabilitation centre, assesses the feasibility of establishing such a centre, and makes recommendations on the next steps required for the establishment of a rehabilitation centre for torture victims in the Deep South of Thailand.

20. The effects of torture go far beyond the original pain and physical damage received by a victim. Generally, it is considered that the victim will suffer from PTSD; however, PTSD is an inadequate description of the magnitude and complexity of the effects torture can have on a victim. The effects also go beyond the original victim, effecting the families and local communities.
21. There are many projects implemented that have laid down suitable foundations for the establishment of a rehabilitation centre for torture victims; however, none are meeting the needs for rehabilitation. This is because the professionals working in the field, are only trained generally in rehabilitation or in diagnosis of torture, none are specifically trained in the rehabilitation of torture.
22. In order for a rehabilitation centre for torture victims to be established, there are steps that need to be taken to fulfil the requirements of such a centre; such as obtaining funding, training staff, and gaining support from grass roots to an international level. The United Nations Committee against Torture stated there is an “absence of systematic state provision of rehabilitation and redress for the physical psychological consequences of torture, including appropriate medical and psychological care”.ⁱⁱⁱ
23. Thailand’s Ministry of Justice has shown a strong willingness to tackle this issue of torture, along with the support of NGOs and local communities; however, the lack of specific expertise in the country and current national laws have made it very difficult to rehabilitate victims at this stage without mutual understanding and support from the government.
24. There are no mental health providers specifically designed for the recovery from torture in Thailand.^{iv} However, under the Department of Mental Health (DMH), within the Ministry of Public Health (MOPH), the 12th Mental Health Centre (Southern Branch) was founded in late 2004 in response to the eruption of brutal violence. It hired three psychologists, three social workers, and three public health officers.^v After training 74 local psychology graduates in four years, the Rehabilitation and Mental Health Healing Centre (RMHC) was set up in each of the 37 district hospitals across the three southernmost provinces and four districts in Songkhla province. Each unit is staffed with a general practitioner, a psychiatric nurse and at least one psychologist.^{vi} They also run a home visit activity, whereby they visit the victim at least three times.^{vii}
25. Under the DMH as well, there has also been a programme implemented specifically for victims of torture. Set up at the end of 2014, practitioners meet with groups of five people at a time,^{viii}

sent to them after screening by local NGOs.^{ix} They meet with these victims twice a month, with the intention of meeting for between six months to a year. This project has only been running for a few months and the longest any of the victims has spent in the programme is two months at this point, making it virtually impossible to analyse the success of the work being done.^x

26. The DMH are also responsible for implementing other strategies for the victims of violence in the south of Thailand. They are training and promoting psychological care programmes for health professionals, basic and advanced, including a four months post-graduate training and a master's degree for psychiatric nurses.^{xi}
27. The DMH have also provided a resiliency enhancement training course for local NGOs, as well as basic training courses on Psychological First Aid (PFA), for village health volunteers, NGOs, community leaders, and religious leaders.^{xii} The Central Institute for Forensic Science (CIFS) and Department for Rights and Liberty Protection (DRLP), within the Ministry of Justice, supported by the United Nations Office of the High Commission for Human Rights (OHCHR) is in the process of beginning a project to recruit doctors and psychologists from all over the country, and to train them in the evaluation and diagnosis of torture.^{xiii} The aim is to be able to train at least one doctor and one psychologist in every province in Thailand, allowing for an accurate/easier diagnosis of torture, by the end of 2015.^{xiv}
28. There are 127 forensic doctors currently active within Thailand and they are hoping to be able to train some of these. The training will only be for diagnostic purposes at this stage, there will be no rehabilitation training carried out as of yet.^{xv}
29. CrCF, Duayjai Group, and HAP are already involved in a very relevant project, whereby they do the initial screening of victims, in order to gain a diagnosis. They then refer these victims over to the Mental Health Unit in Pattani for rehabilitation.^{xvi} The local NGOs organise seminars and workshops for victims in the south of Thailand. Much of these include passing on knowledge they learned from other workshops, making the victims aware of the symptoms they may be suffering, helping them to realise that these effects are completely natural, giving exercises to help relieve stress, and the distribution of information. This is sometimes complimented by a having a Clinical Psychologist acting as the guest speaker at the workshop.^{xvii}
30. The project by CIFS and DRLP in Feb 2015 is definitely a big step forward in respect to the state's involvement in diagnosing torture victims; however, at this stage this is all it will be, it will not provide the much needed rehabilitation that these victims are requiring. Although the local NGOs have the trust of the victims, they do not have the funding, professionals or skills to be able to provide beyond diagnosis and PFA.
31. This all amounts to a completely inadequate level of treatment being provided to the victims, as can be seen by the fact that many of these victim's incidents occurred many years ago,^{xviii} however, they are still suffering greatly from symptoms of anxiety, depression, and PTSD. There appears to be a need for a centre whereby it has the funding, professional, and training

support of the government, but has its interaction with victims through trusted NGOs or similarly trusted persons.

32. Recommendations

32.1 Supporting Ministry of Justice in passage the draft bill on suppression and prevention of torture and disappearances. The Draft Bill on Prohibition and Prevention of Torture and Enforced Disappearance is currently being drafted by the Ministry of Justice, in order to respond to the CAT and the CED.

32.2 Supporting both government agencies/CSOs to follow up and implement CAT concluding observation released on 23 May 2014 on investigation, rehabilitation and redress for all torture victims

32.4 establish or supporting independent psychological health unit for Deep south detainees and supporting CSOs /NGOs to address torture /ill treatment survival without threat and intimidation.

32.3 Survey the situation of all torture victims in all national wide corrections, prisons both adults and juvenile detainees, both men and women especially their mental health and psychological impact from allegedly torture and ill treatment during the interrogation and while in their incarceration.

ⁱ Documented by Deep South Watch. Statistics and related information can be found at: <http://www.deepsouthwatch.org/node/6596> The Muslim Attorney Centre (MAC) have also reported these findings in their report 'The Problem of Torture in the Deep South'. A copy of this report can be found at: <http://th.macmuslim.com/?p=660>

ⁱⁱ Annex II of the full length version of this paper. Testimonies can also be found in the 'Shadow report on Thailand's Implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment'. Chapter: 2.4, page 13. A copy can be found on the OHCHR website at:

http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/THA/INT_CAT_NGO_THA_17098_E.pdf

ⁱⁱⁱ Quote from the concluding observations, paragraph 27, point a. A Copy of the United Nations Committee against Torture's concluding observations can be found at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G14/057/33/PDF/G1405733.pdf?OpenElement>

^{iv} Information gained from an in person interview with an academic based in Pattani, and an in person interview with a staff member of the NGO Duayjai Group, both held on 26/11/2014. Confirmed in an in person interview with a member of the Department of Mental Health, within the Ministry of Public Health, on 12/1/2015

^v Information taken from 'Healing under Fire – The case of Southern Thailand', chapter 7 'From Unprepared to Managing Severe Traumatic Mental Stress in the Deep South' by Pechdau Tohmeena, section: 'From promoting mental health to managing violent conflict trauma: unprepared health professionals'. A copy of this book can be found at: <https://sites.google.com/site/thaibookproject/chapter-7-from-unprepared-to-managing-severe-traumatic-mental-stress-in-the-deep-south-pechdau-tohmeena>

^{vi} Information taken from 'Healing under Fire – The case of Southern Thailand', chapter 7, section: training local psychology graduates

^{vii} Information gained from an in person interview with a member of the Department of Mental Health, within the Ministry of Public Health, on 12/1/2015. Brief information can be found in a PowerPoint presentation by the DMH, MOPH, on Slide 23, at: <http://aimhc.net/admin/download/4-3-1407477712.pdf>. Deeper information can be found in Thai (English Abstract) at: <http://www.tci-thaijo.org/index.php/jmht/article/view/11750/10594>

^{viii} Information gained from an in person interview with a member of the Department of Mental Health, within the Ministry of Public Health, on 12/1/2015

^{ix} The NGOs are Hap and Duayjai Group, who conduct the screening using PISCES 18, MINI, and SPST20 in order to test for PTSD, stress, anxiety and depression

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- ^x Information gained from an in person interview with a member of the Department of Mental Health, within the Ministry of Public Health, on 12/1/2015
- ^{xi} Information gained from an in person interview with a member of the Department of Mental Health, within the Ministry of Public Health, on 12/1/2015. Brief information can be found in a PowerPoint presentation by the DMH, MOPH, on slide 27, at: <http://aimhc.net/admin/download/4-3-1407477712.pdf>. Deeper information can be found in Thai (English Abstract) at: <http://www.tci-thaijo.org/index.php/jmht/article/view/11750/10594>
- ^{xii} Information gained from an in person interview with a member of the Department of Mental Health, within the Ministry of Public Health, on 12/1/2015. Brief information can be found in a PowerPoint presentation by the DMH, MOPH, on Slide 29, at: <http://aimhc.net/admin/download/4-3-1407477712.pdf>.
- ^{xiii} Information gained from an in person interview with a member of the Central Institute for Forensic Science, within the Ministry of Justice, on 15/12/2015.
- ^{xiv} Information gained during a meeting, between the Ministry of Justice and Ministry of Public Health, as well as relevant bodies, to address the new project. This meeting was attended by the author of this paper.
- ^{xv} Information gained from an in person interview with a member of the Central Institute for Forensic Science, within the Ministry of Justice, on 15/12/2015.
- ^{xvi} Information gained through an in person interview with a member of the DMH, on 12/01/2015
- ^{xvii} A workshop held by HAP and CrCF on 13-14 October 2014.
- ^{xviii} Annex II of the full length version of this paper. Testimonies can also be found in the 'Shadow report on Thailand's Implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment'. Chapter: 2.4, page 13. A copy can be found on the OHCHR website at: http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/THA/INT_CAT_NGO_THA_17098_E.pdf