

Highlights of Thailand's implementation of recommendations and voluntary pledges under the third cycle of the Universal Periodic Review 2022 – May 2024 (Mid-term update)

1. Introduction

1.1 Thailand presented its third national report under the Universal Periodic Review (UPR) at the 39th Session of the UPR Working Group on 10 November 2021. The report of the Working Group was adopted at the 49th Session of the Human Rights Council (HRC) in December 2021. Thailand received a total of 278 recommendations. Of these, 193 have been accepted at the UPR Working Group meeting; 25 were accepted at a later stage in February 2022 after consultations with implementing agencies; and 60 have been noted. In addition, Thailand made 8 voluntary pledges, including the pledge to submit a mid-term update on the implementation of the accepted recommendations.

1.2 Subsequently, the National UPR Committee, comprising all relevant government agencies and human rights experts, held a series of meeting to formulate a UPR National Action Plan (NAP) to guide the implementation of the recommendations and voluntary pledges under the 3rd Cycle of the UPR. The Cabinet adopted the UPR NAP on 20 December 2022 and tasked all relevant agencies with implementation of the 218 accepted recommendations and 8 voluntary pledges.

1.3 Thailand's national report for the third UPR cycle together with recommendations and voluntary pledges are available for public access in both English and Thai, in print and online. As part of Thailand's awareness-raising efforts on human rights as a whole and on the UPR process in particular, the national report, the recommendations and the UPR NAP were also published, and disseminated to concerned agencies, civil society partners, and the general public. Workshops and meetings have been held in Bangkok and other provinces to discuss UPR recommendations and their implementation, with participation from government authorities as well as CSO partners. The National UPR Committee continues to meet regularly to follow up on the progress of the work outlined in the UPR NAP.

2. Methodology

2.1 The concerned agencies have been invited to present oral and written updates and progress on the implementation of the UPR NAP to the National UPR Committee. In the process of drafting this mid-term update, the Ministry of Justice and the Ministry of Foreign Affairs conducted online consultations as well as on-site seminars for the civil society and local authorities in Chiang Rai, Songkhla, Bangkok, Udon Thani and Tak to follow-up on the implementation and identify region-specific challenges on the ground. The data from these processes has fed into the current mid-term update.

2.2 The Royal Thai Government has decided to focus this mid-term update on key areas in which notable progress has been made since Thailand's national report for the third UPR cycle in 2021. Challenges and way forward are also summarized in the final section.

3. Highlights of Thailand’s implementation of recommendations and voluntary pledges from the 3rd UPR Cycle during 2022 – May 2024

| Updates | Relevant Recommendations/ Voluntary Pledges |
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| <p>3.1 Policy Landscape</p> <p>3.1.1 The 5th National Human Rights Plan was approved by the Cabinet on 7 February 2023. The Plan aims to eliminate human rights violations in all areas and against all groups. The national framework covers five major sectors (i.e., government, justice system, health, education, and the economy) and 11 groups, including victims in the justice system, ethnic minorities and stateless persons, and human rights defenders. The 5th National Action Plan redoubles the effort on pending issues such as land right, access to health services among non-Thais, domestic violence, and air pollution. At the same time, the Plan also addresses some of the recommendations under the 3rd UPR Cycle that have been noted by Thailand, including the revocation of some of the remaining National Council on Peace and Order’s (NCPO) orders as well as the review of the use of security laws in the Southern Border Provinces, according to the Action Plan for the gradual lifting of the Emergency Decree in the Southern Border Provinces between 2022 – 2027, as approved by the Cabinet on 14 September 2021.</p> <p>3.1.2 Concurrently, Thailand also adopted the 2nd National Action Plan on Business and Human Rights (2023-2027) as a result of a participatory process involving consultations and workshops with all stakeholders. It was approved by the Cabinet on 25 July 2023. Based on the UN Guiding Principles on Business and Human Rights, the 2nd National Action Plan on Business and Human Rights aims to promote human rights awareness and responsibility among the business sector throughout the supply chain. It is structured in four priority areas, namely (1) labour, (2) land, environment and natural resources, (3) human rights defenders, and (4) cross-border investment and multinational enterprises. The National Action Plan also addresses new and emerging issues which have implications on human rights such as climate change, PM2.5 pollution, decarbonization and the use of renewable energy.</p> <p>3.1.2.a In order to effectively implement the 2nd National Action Plan on Business and Human Rights, importance is attached to addressing knowledge gap and strengthening capacity through multi-stakeholder collaboration. As part of the efforts to raise awareness and mainstream</p> | <p>51.31, 51.42</p> <p>51.56 – 51.58</p> <p>51.30</p> |

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| <p>human rights due diligence, the Rights and Liberties Protection Department, Ministry of Justice, has organized a yearly Human Rights Awards Ceremony since 2019 to promote and incentivize state enterprises and business groups to protect, respect and promote human rights.</p> <p>3.1.3 In addition, Thailand strives to mainstream human rights into its security policies. In this light, human rights are formally included as an integral part of the National Security Policy and Plan (2023-2027), effective since March 2023. The implementation of recommendations under the 3rd UPR cycle is also included as one of the indicators. In addition, with regard to ethnic groups and stateless persons in Thailand, the Multicultural Society Action Plan (2023-2027) aims to guarantee access to basic rights and services, ensure non-discrimination, and promote local and ethnic cultures and ways of life, in view of peaceful coexistence and social harmony.</p> <p>3.1.4 The 13th National Economic and Social Development Plan (2023-2027) strives to realize the 2030 Agenda for Sustainable Development and implement the Bio-Circular-Green (BCG) Economy Model. To step up Thailand’s climate action to reach carbon neutrality by 2050 and net zero by 2065, the Plan also provides a national framework towards decarbonization and defossilization of the economy in view of clean and sustainable environment for all.</p> | <p>51.30</p> <p>51.52 – 51.55, 51.100, 51.132</p> |
| <p>3.2 Institutions</p> <p>3.2.1 Following continuous efforts to address previous recommendations concerning Thailand’s national human rights institution, in March 2022, the Sub-Committee on Accreditation (SCA) under the Global Alliance of National Human Rights Institutions (GANHRI) re-accredited the National Human Rights Commission of Thailand (NHRCT) with A status. Notwithstanding this welcoming development, the NHRCT is steadfast in further enhancing its independence and strengthening its mechanisms, in line with the Paris Principles.</p> <p>3.2.2 Thailand attaches importance to human rights education and awareness-raising. In May 2023, the Ministry of Justice launched the Human Rights Development Institute which will conduct research, provide training program, offer academic support, and act as a liaison office for human rights education in the country. Following the UDHR75 in December 2023 which Thailand also made a pledge to provide human rights education and training for government officials and all sectors of the society, the Institute will further update and expand its training courses and learning materials in a comprehensive</p> | <p>51.32 – 51.41</p> <p>52.27</p> |

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| <p>manner. The Rights and Liberties Protection Department, Ministry of Justice is also in the process of updating and expanding its online human rights courses and materials, which are available to civil servants, executives, as well as the general public.</p> | |
| <p>3.3 Prevention and Suppression of Torture and Enforced Disappearances</p> <p>3.3.1 The Act on Prevention and Suppression of Torture and Enforced Disappearance B.E. 2565 (2022) was approved by the Parliament in August 2022 and came into full effect on 22 February 2023, i.e. 120 days after its publication in the Royal Gazette. Under the Act, torture, enforced disappearance as well as cruel, inhuman and degrading treatment or punishment are legally defined and criminalized, in accordance with the definitions stipulated in the CAT and ICPPED. The principles of non-derogation and non-refoulement are incorporated into the Act. In addition, National Committee to Prevent and Suppress Torture and Enforced Disappearance was established. The Act also prescribes preventive measures including video recording throughout the arrest and detention process as well as immediate notification to public prosecutor and chief district officer at the local level.</p> <p>3.3.2 In order to implement such provisions in the said Act, the Office of Attorney General set up 113 Prevention and Suppression of Torture and Enforced Disappearance Centers across the country and the Ministry of Interior established Arrest Notification and Procedure Center in every district with allocated officer available at all time along with an electronic filing system to facilitate the procedure.</p> <p>3.3.3 The Ministry of Justice and the Ministry of Foreign Affairs continue to engage with the civil society and UN partners to exchange views and recommendations for effective application as well as potential improvements of the implementation of the Act. This includes engagements and discussions with the Office of the High Commissioner for Human Rights (OHCHR), UN Working Group on Enforced or Involuntary Disappearances, and the Subcommittee on the Prevention of Torture (SPT) under the Optional Protocol to the Convention against Torture (OPCAT).</p> | <p>51.24 – 51.29, 51.72 – 51.74</p> <p>51.20, 51.22</p> |
| <p>3.4 International Human Right Treaties</p> <p>3.4.1 Following the entry into force of the Act on Prevention and Suppression of Torture and Enforced Disappearance B.E. 2565 (2022), Thailand deposited the instrument of withdrawal of Interpretative Declaration to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment</p> | <p>51.3 – 51.4, 51.6 – 51.13, 51.15 51.24 – 51.29, 51.72 – 51.74</p> |

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| <p>(CAT) with respect to Article 1 (definition of torture), Article 4 (criminalization of torture) and Article 5 (jurisdiction over torture), which came into effect on 15 September 2023. In addition, Thailand deposited the instrument of ratification to the International Convention for the Protection of all Persons from Enforced Disappearances (ICPPED), as stated in Thailand’s pledge during UDHR75, on 14 May 2024.</p> <p>3.4.2 In addition, in December 2023, Thailand made a pledge at the 2nd Global Refugee Forum to withdraw its final reservation to the Convention on the Rights of the Child with regard to Article 22 (child refugee and asylum seeker). On 16 February 2023, the National Committee on the Promotion of Child and Youth Development approved the withdrawal and submitted the issue for the Cabinet’s consideration.</p> | <p>52.3</p> |
| <p>3.5 The Justice System</p> <p>3.5.1 Thailand continues to strengthen its criminal justice system and administration of justice.</p> <p>3.5.2 For example, the 29th Amendment of the Criminal Code B.E. 2565 (2022), which came into force on 7 May 2022, increased the minimum age of criminal responsibility from 10 to 12 years old. For children aged between 13 – 15 years old who commit criminal offense, alternative measures such as reprimand, parental control and training will be considered by the Courts.</p> <p>3.5.3 In addition, the recently passed Act Prescribing Time Limits for Justice Process, B.E. 2565 (2022) requires justice agencies to clearly prescribe time limits for their carrying out of work in the justice process so that justice is delivered to the people without delay and to allow interested persons to know when a particular justice agency will finish considering a particular matter under process. According to Section 7 of the Act, if a delay occurs, the responsible officer must submit a report to the supervisor and inform relevant parties of the reasons causing the delay. Section 8 under the said Act also prescribes disciplinary actions in case of unjustified delay.</p> <p>3.5.4 The Ministry of Justice has also introduced a number of mechanisms and measures to improve access to justice and provide remedy in case of injustice. For instance, to effectively implement the Act on Dispute Mediation B.E. 2562 (2019), which aims to reduce case burden and provide alternatives to dispute parties for specific cases, the Royal Thai Police in collaboration with the Rights and Liberties Protection Department established Dispute Mediation</p> | <p>52.66 [Noted recommendation]</p> <p>51.23, 51.95 51.192 (in part)</p> <p>51.43-51.44, 52.72</p> |

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| <p>Centers and People’s Dispute Mediation Centers in all 1,484 police stations across the country in early 2023.</p> <p>3.5.5 In relation to the recommendations to enhance protection mechanisms and a safe environment for human rights defenders, the Anti-SLAPP Bill which aims to help protect citizens reporting cases of corruption or abuse of power from intimidation was initiated by the Ministry of Justice and was approved by the Cabinet on 24 January 2024. The Bill was subsequently sent to the Office of the Council of State, who suggested to incorporate it into the draft Organic Act on Anti-Corruption and thereafter resubmitted for Cabinet’s consideration. Furthermore, the amendment of the Witness Protection Act B.E. 2546 (2003), which came into force in November 2022, broadens the definition of witness to include persons who provide information or testimony to the authorities regarding violations of criminal law and provides various measures, including protection and compensation from the state.</p> <p>3.5.6 To prevent recidivism in serious crimes and guarantee safety in the community, in January 2022, the Ministry of Justice established the Justice Safety Observation Ad hoc Center (JSOC) to monitor and follow-up on former convicts of eight serious criminal offences, including mass murder, rape and murder, and ransom. JSOC implements a balanced approach promoting both prevention and rehabilitation in order to facilitate reintegration into the community as well as providing safety for the community. In addition, the Act on Preventive Measures against Recidivism on Offenses related to Sex or Violence B.E. 2565 (2022) came into force on 23 January 2023. With the scope covering convicts resulting from criminal offenses related to sex, life and body and ransom, the Act allows the attorney to request rehabilitative measures as part of the court decision/order. In case of former convicts presenting credible risks of recidivism, the court may order appropriate measures such as separation from victims, entry into rehabilitation centers, self-reporting or visit from correctional officers.</p> | <p>51.43 – 51.44 51.191 – 51.194, 52.82</p> <p>51.139 – 51.143 51.146 - 51.147</p> |
| <p>3.6 Right to health</p> <p>3.6.1 Thailand continues to enhance accessibility and coverage of its Universal Health Coverage (UHC) Scheme. Aligning with the Government’s “30-baht Scheme Upgrade” initiative, the National Health Security Office (NHSO) has increased its focus on health promotion and disease prevention (PP). On 18 July 2023, the Cabinet adopted a resolution allowing all Thai citizens to benefit from comprehensive PP services supported by the NHSO which comprise care package for five groups, namely, pregnant women, infants up to</p> | <p>51.103, 51.113 – 51.114, 51.118</p> |

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| <p>five years old, children, adolescents and adults, and the elderly. All Thais can access PP services in partner pharmacies and clinics nationwide.</p> <p>3.6.2 As reflected in its pledge at UDHR75, Thailand aims to use technology and innovations to upgrade quality and access to Universal Health Coverage schemes at the national and local levels, aiming to reach the target of health impoverishment rate below 0.25% of its population by 2027. The NHSO has already introduced and started telemedicine service for Thai citizens living or travelling abroad since 15 January 2024.</p> | |
| <p>3.7 Migrant Labors and Efforts to Address Trafficking in Persons</p> <p>3.7.1 Thailand continues to strive for regularization of irregular migrant workers in Thailand which guarantee them basic rights such as access to health services. Between 2020 and 2022, during the spread of COVID-19, the Cabinet adopted resolutions allowing undocumented migrant workers under the MoU between Thailand and the three neighbouring countries, namely, Myanmar, Laos PDR and Cambodia, to be registered for an extension of legal stay status and work permits.</p> <p>3.7.2 Thailand is adamant in its fight against trafficking in persons, while providing protection and assistance for the victim. In April 2022, the Ministry of Social Development and Human Security introduced the Standard Operation Procedure on National Referral Mechanism that harmonizes and integrates screening and services provisions for victims of trafficking among different agencies. Based on a victim-centered approach and trauma-informed care, potential victims of trafficking in person will be screened by a multi-disciplinary team and thereafter referred to appropriate protection and social services, including shelter, healthcare, legal counsel, financial support, and reintegration or return to society or their respective country of origin.</p> | <p>51.104</p> <p>51.77 – 51.85</p> |
| <p>3.8 Emerging Issues with Human Rights Implications</p> <p>3.8.1 At UDHR75 in December 2023, Thailand made a pledge to upgrade relevant national infrastructure in dealing with new global challenges that have human rights implications by setting up dedicated agencies, investing in capacity building and passing relevant legislations. Main highlights as well as progress made in this regard are as follows:</p> <p>3.8.2 On 18 August 2023, the Department of Climate Change and Environment was established under the Ministry of Natural</p> | <p>51.60, 51.62 – 51.64</p> |

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| <p>Resources and Environment. The mandate of the new department is to coordinate the country’s climate action with the goal of achieving carbon neutrality by 2050 and net zero by 2065. The Department is also tasked with building cooperation network and promoting participation of all stakeholders, both in terms of community action as well as association and volunteering, which is crucial to mobilize collective action to create a clean environment for all. Furthermore, the Climate Change Bill, introduced to regulate the country’s carbon emission, has gone through public hearings. In addition, Climate Change and Environmental Offices have been established in each province in the country to serve as the main knowledge hub at the local level. To strengthen capacity and broaden perspective on the issues through the lens of human rights, on 9 May 2022, the Ministry of Natural Resources and Environment, the Ministry of Justice and the Office of High Commissioner for Human Rights also held a workshop on human rights and climate change, focusing on the right to safe, clean, healthy and sustainable environment.</p> <p>3.8.3 With regard to pollution control and clean air, seven Clean Air Bills have been proposed by the Ministry of Natural Resources and Environment, political parties and civil society organizations. The Bills, which would introduce incentive and punitive measures to address air pollution from various aspects, were approved by the House of Representatives at its first hearing on 17 January 2024. A parliamentary committee is set up to further study the details of the seven bills.</p> <p>3.8.4 The Personal Data Protection Act (PDPA) B.E. 2562 (2019) has entered into force since 1 June 2022, after allowing more time for all stakeholders to prepare and adapt to the new regulations during COVID-19. The Act guarantees the right to privacy and ownership over one’s personal data, including the right to access, right to rectification and right to be forgotten. It also prohibits misuse of personal information beyond strict consent given by the individual.</p> | <p>51.93</p> |
| <p>3.9 Group Rights and Protection of Vulnerable Groups</p> <p>The Royal Thai Government attaches great importance to the promotion and protection of the rights of all without discrimination, including persons with disability, the elderly and ethnic groups, and has made continuous efforts to support and ensure them fundamental rights and dignity.</p> <p>3.9.1 The Department of Women’s Affairs and Family Development, the Ministry of Social Development and Human Security, and</p> | <p>51.61, 51.134 – 51.138,</p> |

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| <p>National Institute of Development Administration developed the Women's Development Action Plan (2023 – 2027) to provide clear policy and pathway towards more gender-consciousness in the society where women and girls are treated fairly and safe from all forms of discrimination and violence. Along with promoting women's participation in decision-making and investing in women's human capital, the Plan also strives to promote public awareness on gender equality and address root causes of violence against women.</p> | 51.151 – 51.153 |
| <p>3.9.2 On 2 January 2024, the Cabinet approved in principle the increase of minimum age of marriage from 17 to 18 years old, in an attempt to address the issue of child marriage and assign related agencies to proceed further with the amendment of relevant law and regulation.</p> | 51.139, 51.165 |
| <p>3.9.3 The draft Act on Equal Marriage B.E. was approved by the House of Representatives and submitted to the Senate where it passed its first readings on 2 April 2024. The draft Act is now under consideration of the Senate's Ad-hoc Committee.</p> | 51.48 – 51.49, 52.28 52.31 |
| <p>3.9.4 Furthermore, the Cabinet also recently approved in principle the draft Act on Protection of Rights and Promotion of the Way of Life of Ethnic Groups. The Bill is now under consideration of a Parliamentary Commission and will be further submitted for Parliament's deliberations.</p> | 51.180, 52.77 |
| <p>3.9.5 In line with the pledge Thailand made at the Second Global Refugee Forum 2023 to develop a national action plan within two years, with priority given to stateless children, efforts have been made to enhance effectiveness of the systems to facilitate access by stateless persons to civil registration services, notably to expedite the process for children born in Thailand and the elderly, as well as reviewing existing laws and regulations in order to facilitate access to legal residence, nationality and civic rights, particularly for children born in Thailand. So far, initial consultations were held between the National Security Council, Ministry of Interior and other relevant agencies to discuss possible legislative and regulatory amendments to expedite status determination process for stateless persons. At the same time, since 2022, the Central Institute of Forensic Science, Ministry of Justice has been setting up a network of partner hospitals across the country to provide genetic testing to help facilitate status determination and civil registration as well as to expedite access to basic health services for stateless persons. The network now comprises 20 hospitals in 12 provinces, covering 9 health districts around the country. Together with other partner organizations, the Thai Health</p> | 51.97 – 51.98, 51.190 |

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| <p>Foundation aims to expand the network to cover all 13 health districts in Thailand within 2027.</p> <p>3.9.6 Moreover, Thailand recently launched its National Screening Mechanism (NSM) for persons fleeing persecution in September 2023, following the promulgation of the Office of the Prime Minister’s Regulation on the Screening and the Protection of Aliens who Enter into the Kingdom and are Unable to Return to the Country of Origin B.E. 2562 (2019) and the adoption of subsidiary rules and criteria. This reaffirms the country’s commitment to its humanitarian tradition and the principle of non-refoulement, despite not being a party to the 1951 Convention Relating to the Status of Refugees. Under Article 25 of the said Regulation, “protected persons” will be allowed to stay temporarily in Thailand and accorded with basic health services and education if they are children. Meanwhile, in accordance with Article 25 of the Regulation, they will be able to access health services as well as education if they are children. As the NSM is currently in the pilot phase, the Government is working with UNHCR and other partners to strengthen its capacity and effectiveness in order to address gaps in the implementation.</p> | <p>52.79</p> |
| <p>3.10 Noted recommendations</p> <p>3.10.1 The Government acknowledges the concern and noted the recommendations made on the Bill on the Operations of Non-Profit Organizations B.E. raised during the 3rd Cycle UPR. Assigned by the Cabinet, the Ministry of Social Development and Human Security held several public consultations and conducted an impact assessment. Under the new government, the said Bill has so far not been re-submitted to cabinet for consideration.</p> | <p>52.18 – 52.26</p> |

4. Challenges and the way forward

4.1 The Royal Thai Government has seen national discussions on a wide range of human rights issues and has, therefore, pushed forward new legislations and adopted mechanisms to better promote and protect human rights as well as expand social services. However, there remain challenges in the implementation, which have been raised during the discussions with various relevant sectors. Firstly, there are still resource and personnel constraints to implement the laws and policies, particularly the new ones that require more advance technology. Secondly, there are still coordination issues among agencies in applying joint SOP or dealing with cross-cutting areas of work, especially since holistic and integrative approach has become increasingly important and necessary. Thirdly, while relevant agencies seek to facilitate access to basic services through the use of technology and innovation, there are issues relating to digital gap and digital literacy among certain groups as well as the digital infrastructure required for its smooth functioning. Fourthly, specific plans and frameworks which have been introduced by the Government also need to be supplemented with legal and mandatory measures in order to ensure more concrete progress and results. Lastly, especially with regard

to the more recent legislation and regulations, there is need to build capacity and awareness for implementing officers, to communicate clearly with the right messages to the general public and to effectively and fairly apply the laws.

4.2 At the seminars and workshops held in the process of drafting this mid-term review, local authorities and the civil society raised a number of issues of concern that they have, including in the areas of: (i) land rights, (ii) discrimination in access to basic services, such as vis-à-vis vulnerable groups or migrant workers, (iii) the prevalence of narcotics-related issues, (iv) pollution control, (v) statelessness and legal status, (vi) human trafficking, and (vii) the need for more outreach of child protection system. Concurrently, participants also highlighted some good practices that can be further promoted and replicated elsewhere, such as (i) volunteer networks in public health and pollution control, (ii) multi-disciplinary team screening and assisting victims of trafficking, and (iii) the use of technology to facilitate access to services and expert counselling.
