

EXECUTIVE SUMMARY
OF HUMAN RIGHTS SITUATION IN THE YEARS OF 2010-2011*



Presented by

National Human Rights Commission of Thailand (NHRCT)

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EXECUTIVE SUMMARY

OF HUMAN RIGHTS SITUATION IN THE YEARS OF 2010-2011

The executive summary on human rights situations of Thailand in the years of 2010-2011 highlights human rights incidents in two parts as: (i) within these two years, there were incidents with great concerns affecting spectrum of rights, particularly those responding to the politics, social and economic issues, law and judicial process, environmental issues and unrest situation in the Deep South; and (ii) a number of incidents with reflection of efforts and shortcomings pertaining to the ratified international human rights treaties of Thailand.

CONTEXT OF HUMAN RIGHTS SITUATION IN THAILAND

With the rapid pacing of development in global arena and emerging of new social media, the so-called 'global village' becomes tangible resulting growth of human rights perception igniting various social movements with certain amount of confrontations that unavoidably causing human rights violations, the same in Thailand during 2010-2011, there was a number of incidents with great concerns on spectrum of rights, particularly to those responding to the politics, social and economic issues, law and judicial process, environmental issues and unrest in the Deep South. Meanwhile aligning with these incidents, the human rights knowledge is widely debated with interpretation and internalized into Thai society. These incidents were not only reflection or social phenomena in Thai society, but also linked-up with those in international arena. The situations contexts of Thailand in 2010-2011 shall be expressed in various dimensions as follows:

A. POLITICS

There are three prominent cases of political dimensions happened in Thailand during 2010-2011. The first case, known as a political crisis, was the most prominent social phenomena of political movements through a demonstration in the public that the Court decided to confiscate the former Prime Minister Thaksin Shinawatra. These resulted that politicians, civil society as well as individuals expressed their identities in various shirt colors and exercised their rights and liberties to assemble according to the Thai Constitutional law. Meanwhile, the society also questioned on boundary of exercising rights and liberties as well as their restrictions. The demonstrations pressed and demanded the Government, and later led to violent situations of losing life and properties. International communities requested Thai Government to examine and review a fact-finding proves as well as

punished the offenders related to using severities during demonstrations. The second case was the management of Prasat Khao Preah Vihear and vicinity areas presented to the World Heritage Committees of UNESCO. This case was turned out as conflicts and also led to people's demonstrations to seek for a public explanation from the Government. Meanwhile, the public showed serious actions affecting people's lifestyles along Thai and Cambodia borders and political relationships both domestic and international level. The third case was the issues of a zoning election system and an adjustment of numbers of the House of Representative to 500 persons in accordance with the 2007 Constitution. It was resulted that the Phea Thai Party won the election and Miss Yingluck became the Prime Minister due to a zoning election system.

B. Social Dimensions

In social dimension, the prominent phenomenon was so-called information society that rapidly diffused to people's lifestyles. Information either private personal data or social information or official information either confidential or non-confidential that could be broadly and rapidly presented and exchanged, was considered whether they affected rights to privacy as endorsed by the Constitution. Such an information society was also considered as a tool influencing people's thinking; thus, raising selective phenomena of different political opinions to arrangements of diverse political activities. Various types of media could be easily accessed in convenience, resulting regressions of social institutions, especially a family institution which is a fundamental social institution. The society was confronted with problems of family disputes, moral regression and domestic violence. Prenatal infant bodies were found at Wat Phai Ngein due to premature sexual activities causing a school-age pregnancy and abortion. Many illegal abortion clinics were also arrested.

C. Economic Dimensions

In economic dimension, Thai economic systems were inevitably affected by trans-national corporations having huge circulating fund, high negotiated powers. Wholesale, large retailed department stores as well as modern trade were highly expanded in each region of Thailand due to gaps of Thai retailer laws. This economic phenomenon affected lifestyles and livings in Thai society together with collapse of original small retailed stores. In addition, a strengthening of Thai current in

2010 which was the highest cycle of 13rd year affected changes of the interest rate , oil and good price, total values of imports/exports, employment, wage adjustment, tourist industry, influx of foreign capital, and investment in stock market.

D. Law and Judicial Process

In dimension of law and due process, there were two prominent cases which were the phenomenon of judicial activism and the exercise of internal security laws. In the early 2010, a phenomenon of judicial activism was first discussed on issues of several trial cases of Court's decisions. The Administrative Court had an order of provisional measures of 3G's frequency allocation and a decision on the MabTaPhut case. The Constitutional Court also had a decision on dissolution of the political party as well as the Supreme Court's Criminal Division for Person Holding Political Position had a decision on confiscating the former Prime Minister Thaksin Shinnawatra. These Court's decisions were questioned on their standard adjustments by the public. Meanwhile, enforcements of law related to internal security laws were questioned whether they were based on principles of human rights and in compliance with international human rights treaties or not. The performances of government officials in due process were also concerned in according to human rights standards.

There were some other situations further reflecting dimensions of law and due process, such as the use of bomb detector GT200 for detection of narcotics and explosive compounds, the arrest and prosecution of CD traders using the Film and Video Act, B.E. 2551, the proposed amendments of the Constitution, and the movement of amendment of Section 112 of the Thai Criminal Code.

E. Environmental Dimensions

In dimensions of environment, the prominent phenomenon was related to the community rights as being recognized and observed by the community. Since 2011, there was a visible struggle of people on protecting their community rights, especially the opposition of the State Mega Projects that were considered as a long-lasting effect on natural resources and environment. For examples, the opposition of the Mega Industrial Projects in the areas of Mab Ta Phut in which the Administrative Court decided to terminate several projects. In addition, the other was the conflict of natural resource management between the State and people. People were prosecuted in the charge of causing damages to environment using the Promotion and Conservation of National Environment Act, B.E. 2535(1992) with unfair higher penalty rates, despite the fact that they lived in the forest and earned their living using natural resources. Human rights defenders were also prosecuted due to cases of opposition of environment and community rights. The State should establish a means to resolve conflicts of natural

resource management accurately and systematically as well as to overcome natural disasters continuously pounding Thailand since 2010-2011.

F. The dimension of disturbance situations in the Southern border provinces

The disturbance situations in the areas of the Southern border provinces were continuously severe upon an increasing of losing life and properties of the people. The State should have the action plan's policies, such as exerting fiscal budget and increasing numbers of personnel to solve these disturbance situations. However, the situations had a trend to continue without decreasing or terminating disturbance in the near future.

It was concluded that from the context of situations of Thailand in 2010-2011 as mentioned above all phenomena were linked, overlapped and related without separation as a results of consequence phenomenon being affected by one or the others like a chain reaction characteristic. The Government had measures and action programs in accordance with the fundamental policies as stated in the 2007 Constitution. However, performances of the responsible official possibly affected on rights and liberties of people in Thai society as described throughout evaluations of human rights situations in each dimension.

EVALUATION OF HUMAN RIGHTS SITUATION IN THAILAND

The evaluation of human rights situations of Thailand in 2010-2011 was considered only prominent situations during these two year periods. Some situations that merely affected certain groups were not included in the executive summary report. Meanwhile, the report aimed to evaluate actual overviews of human rights situations in Thailand.

A. Civil Rights and Political Rights

Civil rights and political rights were evaluated on the issues of respects of human rights and rights to vote and to be a candidate. The respects of human rights has been indicated the Article 1 and the Article 7 in accordance with the Universal Declaration of Human Rights. Political rights of the Thai people were guaranteed by the Constitution of the Kingdom of Thailand, B.E.2550(2007) ranging from rights to vote , rights of participation in political activities , rights of participation in administration of public, rights of equality in access public services and the rights to peacefully assemble, etc. In dimensions of civil rights and political rights, the situation was that the United Front of Democracy against Dictatorship (UDD) gathered and occupied several significant government

facilities and economic areas in order to demand the Government dissolution of the Parliament in the House of Representatives, leading to promulgation of the Internal Security Act, B.E. 2551(2008) together with the Enactment on public administration in emergency situations, B.E.2548 (2005). Meanwhile, the Government established the Center of the Administration of Peace and Order to resolve especially severity of situations. In such situations, the NHRCT had an important role to meet the leaders of UDD, the Prime Minister, and the 5 former Prime Ministers including religious leaders of Buddhism, Christianity and Islam. Regarding to these situations, the NHRCT was appointed the Sub-Committee on investigations of human rights violations related to the assembly occurred, while the Government was also appointed the Independence Committee on investigation. The NHRCT was further appointed another three Sub-Committees consisting of the special Sub-Committee on examination of the case related to the assembly of the UDD, the special Sub-Committee on examination of the law and regulations related to the case of the UDD's assembly, and the special Sub-Committee on fact-findings and collection of related evidences of the case of the UDD's assembly in order to function examination processes. These special Sub-Committees also concerned the studies and examinations of the complaints related to rights and liberties of political assembly, especially issues of exercise the Enactment on public administration in emergency situations, B.E.2548 (2005). The NHRCT collaborating with network alliances such as the law reform Committee, the National Health Foundation, etc. established a public hearing forum to hear every public's opinion on the drafted Act on public assembly. There was no information being confirmed that the Government or the Center of the Administration of Peace and Order involved on the death and injury of the people. However, there were excessive uses of forces and weapons on people as the suspected criminals from time to time. Officials and the demonstrators were both killed and injured in these situations. The promulgation of the Internal Security Act, B.E. 2551(2008) and the Enactment on public administration in emergency situations, B.E.2548(2005) as well as permission of the security forces using firearms and real bullets provided the officials a possible means of excessive uses of forces and weapons. On the other hand, the UDD was claimed using violent means and carrying weapons, including blockading governmental buildings and traffics together with breaking through significant public places, where these behaviors were not in accordance with principle of peaceful assembly without weapons. People, not the demonstrators were also frustrated with this situation because they seemed not to be protected equally as guaranteed by the Constitution. Rights to vote and to vote and to be a candidate are also considered as civil rights and political rights as described in Section 72 of the Constitution of the Kingdom of Thailand. On the other hand, in Paragraph 4 of the Section 68 of the 2007 Constitution, the Constitution Courts may dissolve political parties and suspended the rights to vote of the party leader and the executive committee members of

the dissolved political party. This issue on suspension of rights to vote of the party leader and the executive committee members was considered as deprivation of civil rights. In addition, during the election periods on July 2011, there were increasing cases of assault of the opposite competitors due to using the zoning election system causing highly competitive election. The zoning election system was claimed as a mechanism to assist Pheu Thai Party to win 265 election votes of the House of the representatives on July 3, 2011 and to organize the new Government.

In political dimension as described, exercise of rights, as provided in the Constitutions such as rights and liberties to assemble in expression of political opinions, could affect other rights and liberties such as rights to properties, rights and liberties in life and person, and rights and liberties in communication. The exercise of individual right or political parties should also concern on issue of violations of rights as well. The fact happened should provide a lesson-learned for the public so that the same violations should be prevented not to be happened repeatedly in the future. The non-government party being able to gain majority of votes to organize a new Cabinet confirmed the independent exercise of rights to vote during the election. The situation evaluations in dimensions of civil rights showed that the civil rights caused various effects on the property damage, the loss of life from the demonstration, while the political rights were able to be exercised freely without certain restrictions on rights and liberties to assemble.

B. Economic, Social and Cultural Rights

The dimensions of economic, social and culture rights were emphasized rights and liberties in occupation, the liberties in expression of person and press, child's rights, women' rights, Indigenous people, the Stateless and illegal aliens and protection and assistance of the disable.

Rights and liberties in occupation and rights to work safety and welfare have been assured by the Universal Declaration of Human Rights and the Constitution of the Kingdom of Thailand, B.E. 2550(2007). There were three prominent situations related rights and liberties in occupation. The first case was the registration of Prasat Khao Preah Vihear of Cambodia in which it became an international political issue of Thailand and Cambodia as well as domestic conflicts. Therefore, daily normal lifestyles and occupations of the near-by border residences were affected according to the conflicts. The second one was the enforcements of the Labor Relation Act, B.E. 2518(1975), and the Labor Protection Act, B.E. 2541(1998) providing a labor union to organize activities including strikes of the labors without governmental intervention. However, the state-enterprise organizations were able to establish a labor union using the Labor Relation Act. Meanwhile, government officials and

their agencies were excluded in both Acts. There were also other employees in the government agencies, such as temporary employees and contract employees, as well as other workers in agriculture, migrant workers, and domestic workers that were not considered under the Acts related to labor law; thus they were lack of opportunity to social security and Workmen's compensation fund. The third case was that Migrant workers from Lao, Cambodia, and Myanmar were treated inappropriately by the employers such as retaining employee's registered documents for restriction of liberties of traveling and choice of residence, and illegal smuggling migrant workers. These actions were against the Constitution of the Kingdom of Thailand B.E. 2550(2007) on the principle of law equality, non-discrimination and protections against torture together with the Act against Human Trafficking B.E.2551 (2008).

The liberties in expression of person and press have affirmed in the Section 45-48 of the Constitution of the Kingdom of Thailand B.E. 2550(2007). Restrictions on such liberties shall not be imposed except by virtue of law specifically enacted for the purpose of maintaining the security and safety of the State, protecting of rights and maintaining the public order and good morals. However the State had restricted liberties of press via the interventions of expression via internet and radio/television broadcasting programs by exercise the law related to internal security. During the periods of promulgation of the Decree on public administration in emergency situations, the Government ordered to close 60 website that supported the former Prime Minister Thaksin Shinawatra. Foreign media and independent media were allowed to work in the conditions of no harm to internal security affairs. Later, after a decision of terminating internal security law, the Government provided liberties in expression of person and press to those closed websites.

Child rights, based on the principle of equality, have provided in the Universal Declaration of Human Rights and the Constitution of the Kingdom of Thailand, B.E.2550 (2007). The 2007 Constitution also confirm the principle on child's maximum benefit and protections of child's discrimination in comply with the Convention on the Rights of the Child, where Thailand has two reservations on the Article 7 and the Article 22 of the Convention since B.E. 2548(2005). The Government has established standards for resolving the problems of the status of the person in accordance with law such as the strategy on problem managements of the status and rights of the individual person B.E.2548-2552 (2005-2009) issued by the resolution of the Prime Minister on January 18, 2005 and later being extended until 2011, and the promulgation of the Registration Act, (Issue 2) B.E. 2551(2008) and the Nationality Act, (Issue 4) B.E.2551 (2008). Therefore, every child in Thailand is registered the birth and has rights to acquire by-birth Thai Nationality if their parents are Thai nationality. However, in real practice, tribal children and children whose parents do not have Thai nationality were not

registered the birth because those parent contained a language obstacle and the official at operating levels did not understand the legal practice. In addition, rights to education of children has endorsed by the Constitution of the Kingdom of Thailand, B.E. 2550(2007) together with the Act on National Education, B.E. 2542 (1999) providing that the Government supports not less than 12 years of educations for every child without expenses of tuition fee, student uniform and text-books. However, some children in rural and remote area, tribal children or the stateless as well as the poor did not received rights to education due to no food and transportation expenses. It was found that some children with behavior problems are refused by school and some leave schools without intention due to school closed and combined. Almost migrant workers' children had no opportunities to access rights to education as prescribed by law because of language obstacle and movement of parents, remote from school, narcotic problems in children, etc. Meanwhile the explicit example of the NHRCT on promotion of rights to education was the case that Miss Sarany Chantanawong was disqualified for admission to School of Medicine because of missing one of her photograph in the application form. This was considered as violation of right to education so that the NHRCT submitted this case to the Administrative Court to issue orders of provisional measures for protecting Miss Saranya to have a school admission opportunity.

Women rights based on the principle of equality and unjust discrimination have been affirmed in the Section 30 in the Constitution of the Kingdom of Thailand, B.E.2550 (2007). There are law reform and amendment to promote equal rights of men and women such as the Female Title Act, B.E.2551 (2008), the Amendment of the Act on the Civil and Commercial Code (Issue 16), B.E.2550 (2007), and the Amendment of the Criminal Code reaffirmed in Section 276 that the offence related to sexuality between spouses is guilty. The Act against Human Trafficking, B.E.2551 (2008) was promulgated to prevent prostitutions. It was found that there are about 2,000,000 female forced to be prostitutes in legal and illegal entertainment spot as reported by the Protection of Children's Right Center whereas prostitutions are illegal according to Thai Criminal Law Code. The 2010 annual report of U.S. Department of State indicated that Thailand was held as the second group of surveillance status. Therefore, the NHRCT organized a public forum in December 2010 for hearings of related parties, government agencies and private sectors to urge the State's prevention and protection mechanism.

Indigenous people, the Stateless and illegal aliens are equal before the law, shall enjoy equal protection under the law and not be permitted unjust discrimination on the grounds of difference in original, race and personal status as provided by the Constitution of the Kingdom of Thailand, B.E.2550 (2007) together with Convention on Elimination of All Forms of Racial Discrimination

(CERD) to which Thailand is a party. The Cabinet issued a resolution of the strategic management on the status and rights of individual B.E. 2548-2552(2005-2009) on January 18, 2005 to resolve the problems of stateless people who was born and lived in Thailand for several generations. The problems of stateless people were solved based on their basic rights together with the national security via the survey and registration processes. The identification of the stateless people was given by the thirteen decimal numbers and determined as no registration status in which they were no further as the stateless and newly defined as aliens in Thailand. According to information of Bureau of Registration Administration, Department of Provincial Administration, Office of Registrar, and Ministry of Interior on June 14, 2010, it was stated that about 210,182 stateless were as aliens. However there were still about 2 million stateless not being solved.

The Sections 30 and 54 of the Constitution of the Kingdom of Thailand, B.E. 2550(2007) together with Article 1 of the Convention on the rights of persons with disabilities (CRPD) has assured that the State shall protect and assist the person with disabilities. In addition, there is also Act on promotion and improvement of the life of the persons with disabilities, B.E. 2550(2007) in compliance with CRPD. Therefore, the State shall provide persons with disabilities to be able to access all public facilities and to receive assistance properly. The State considered various measures, such as the registration, the renovation of governmental buildings to accommodate, and the employment, for persons with disabilities. In real practice, there still were certain degrees of discriminations of persons with disabilities such as discriminations on occupations, land holding, and members of association and education. Therefore, the State should encourage promotions on rights and opportunities of persons with disabilities, such as educational opportunity, job and employment as well as increasing specific public facilities for persons with disabilities.

In summary, as in dimensions of economic, social and culture rights, there were legislations related to rights and liberties in occupation, but enforcements in practice were not sufficiently completed. The situations related to rights and liberties in occupation required to monitor closely and to follow-up as well as to revise the guideline of practice. In dimension of rights to communication, information was able to be blockaded and the exercise of rights to communication was also distorted for a certain group benefit so that the society required generating understandings of communication freedom to provide truth. In the dimension of women rights, there were still women rights violations occurred, such as prostitutions, sexual harassment in the workplaces. Women rights developments were still in progress especially law amendments such as abrogation of jus singular on offence related to sexuality between spouses, the legislations on the law related to sexual harassment in the workplaces and unfair treatment of sexual identity. The Government still remains the reservations on Article 16 of the

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) related to the marriage and the family relationship. Violations on rights to education and individual status were recognized as against the child rights. However, the Cabinet decided to withdraw the reservation on Article 7 of the Convention on the Rights of the Child on September 21, B.E. 2553(2010). In social dimension on the individual status, tribal people not obtaining Thai nationality were deprived fundamental rights and unfairly discriminated such as no liberties of travelling and choice of residence, restriction to a certain occupation, inaccessibility of public health services, and etc. Meanwhile, they were possible under arrested, expelled out of the country, threatened and exploited by the State authorities or private citizens. Due to difficulties in accreditation process of their status, some tribal people chose to obtain an alien status instead so that they were able to work legally and receive a public health service while the stateless were prohibited. In dimension of rights of person with disabilities, the State was accepted to reform and amendment rules and law as well as to change the social attitude to respects rights of persons with disabilities

C. Rights to due process

Rights to due process have been affirmed in Section 39-40 of the Constitution of the Kingdom of Thailand, B.E. 2550 (2007) together with Convention against torture and other cruel, inhuman or degrading treatment or punishment (CAT). Acts of torture are considered as a criminal offense with penalties. Rights to due process were concerned on the lower standard of prisons and detention centers while fetters and handcuffs were still applied to the prisoners for prevention of escape. Men, women and child were detained together in the same cell of the police station. The detention centers of the Immigration Office were crowded and below the standard. The promulgation of the Enactment on public administration in emergency situations, B.E. 2548(2005) provided powers to the Prime Minister on exercises of powers of the administrative authorities, civilians, police, soldiers in accordance with the Act on internal security, B.E. 2551(2008) and establishment of the internal security operations command so that certain rights and liberties were restricted such as liberties of travelling and access to dwelling and liberties of present news and express opinions. These were all considered to affect human rights of the people so that the state authorities required bringing understanding and adjusting attitude to improve the overall human rights situations.

D. Community rights and rights of participation in managing natural resources and environment

The community rights especially rights of participation was affirmed by the Article 25 of International Covenant on Civil and Political Rights (ICCPR) and Section 57, and Sections 66-67 of the Constitution of the Kingdom of Thailand, B.E. 2550 (2007). The industrial estate of Map Ta Phut in Rayong province was the case that local people continuously demanded the Government to solve problems of water and air pollution as a result of the industries in this area. People united and summited this case to the Administrative Court because pollution issues were never resolved substantially. The Administrative Court had orders to control reduce and eliminate the pollutants within 45 day as determined by law, including to command provisional measures of 76 projects and to pressure the Government to strictly follow Paragraph 2 in Section 67 of the 2007 Constitution. In addition, the State violated the lands and forest due to the national forestry policy B.E. 2548 (2005) and the policy on promotions of forest conservation according to the National and Social Development Plan, Issue 7 (B.E. 2535-2539) (1992-1996). These policies announced the forest conservation area being overlapped to people living area. People were expelled out of their lands in which they occupied without official documents. The first case was the displacement and demolition of Lychee trees of the Hmong people at Pua District, Nan Province in B.E. 2553(2010). The second case was that the national park officials and military officials pushed the minority along the Thai-Myanmar border to leave the Kaeng Krachan National Park, Petchaburi Province during April 2010-July 2011. The uses of forces on demolition of the resorts built in the areas of certificates documents for utilizations of land reform zone at Wang Nam Kiew District, Nakhonratchasima Province. In December 2011, the Government determined the Regulation of the Prime Minister's Office on the Community Title Deed allowing the community to participate in managing, occupying, ruling and using the State land. In addition, the Government issued concessions to private sectors without the report of Environmental Impact Assessment (EIA) and the participation of the people These private sector projects were such as constructions of the biomass power plants at Bureerum Province, ChiangRai Province and Prachuap KhiriKhan Province; constructions of the oil platforms, the coal power plants, the breakwater jetty at Nakhon Si Thammarat Province.

E. Unrest in the Deep South

The disturbance situations of the Southern border provinces started from events of gun robbery at Military Based 4, Narathiwat Province on January 4, 2004, and continued. Since disturbance happened, there were promulgations of special laws such as the Act on Martial law B.E.2457(1914) and the Enactment on public administration in emergency situations, B.E. 2548(2005), in which the Government considered as mechanisms to prevent and suppress the violence. Meanwhile the local people desired the State to cancellation of the promulgations of those special laws. The Act on Martial law and the Decree on public administration in emergency situations both increased powers of the authorities with the exception that all actions of authorities were not necessary to comply with requirements of the criminal procedure code and the Act on establishment of the juvenile court and procedure of juvenile and family, B.E.2534 (1991). That was to say, the officials could detained and investigated the suspected persons longer than usual without notification of detention places and relatives. The suspected also were not allowed to meet relatives and therefore they were possibly tortured by the authorities. It was found that the NHRCT received twenty petitions from the people in the Southern border provinces that polices and militaries acted torture against the accused persons or the suspects. On May 23, 2010, the NHRCT additionally received petition that Suleiman Nairsa was taken to a military base at Patani Province by the militaries and polices, and later Mr Sulaiman hanged himself. Mr. Jaewear, the father of the dead suspect, questioned the cause of death because it was under the detentions of the authorities. Presently, the NHRCT has appointed the Committee for fact-finders. Since 2008, the Government has issued measures to rehabilitate the victims of disturbance situations in the Southern border province and assigned the Ministry of Justice to take responsibility in accordance with the Act on victims compensation and compensation and expensed of the defendant in a criminal case, B.E.2544 (2001) and Ministry of Social Development and Human Security to take responsibility in all aid payments. Petitions were also delivered through several channels such as the community justice center, the justice clinics, the ombudsman including the preparation of solution suggestions. The problems were solved using political means as well as emphasizing the participations, respects to identity and differentiate language and culture for resolutions of disturbance situations in the Southern border province. Meanwhile, the NHRCT was monitoring and examining the case of petition via a public hearing from all involved parties to solve problems and to carry out understanding as well as preparations of policy suggestions on human rights to the Government and related agencies.

Human rights situations in the Southern border province indicated their complexity in various dimensions of religious, due process, politics, and so on, while law was possibly concerned to be not only one practical means. The resolution also required authorities having their sincere concern on implementations of human rights standards.

According to the evaluations of human rights situation from the Universal Periodic Report of Thailand, it has founded that there are 172 articles of recommendations of various countries in which Thailand has immediately accepted 100 articles. At the same time, Thailand has informed a review of 72 articles and announced by a possible acceptance of 34 articles together a non-acceptance of 38 articles due to their sensitivity and unclear of Thai Government itself. In overall, various countries objectively and creatively have provided suggestions and recommendations toward Thailand's UPR presentation. There are only a few major concerns which indicate that the overview human rights situations of Thailand are still acceptance among other countries.

CONCLUSION

Human rights situations of Thailand in 2010-2011 involved dimensions in politics, economic, social and culture rights, due process and community rights and rights of participation in managing natural resources and environment as well as disturbance of the Southern border province.

The progress of human rights situations of Thailand in 2010-2011

- Rights of assemble were able to be freely exercised as well as liberties of expression political opinions.
- The reservation due to Article 7 of the Convention on the rights of the child (CRC) was withdrawn.
- Laws related to women rights were reformed and amended, such as the abortion jus singular of offense related to sexuality between spouses and the legislation regarding the offense against sexual harassment in workplaces and the prevention of unfair treatments due to sexual identity.
- Laws related to rights of persons with disabilities were amended to be more appropriated in accordance with the rights of persons with disabilities.
- There were several demonstrations related to the community rights and rights of participation in managing natural resources and environment indicating awareness of people on natural resources

and environment management. Several cases showed good outcomes to people and their community.

The regression of human rights situations of Thailand in 2010-2011

The regression of human rights situations implied that practice procedures, rules and laws including attitudes of responsible authorities needed to be adjusted and changed such as

- The exercise of rights and liberties to assemble and expression of political views should be concerned whether other rights and liberties such as rights of property, rights and liberties in life and person, rights and liberties in expression of person and press, and etc., were affected or not.
- In practice, rights of labor especially related to migrant workers were highly violated in spite of law enforcement.
- There were situations related to violation of child's rights including rights to education and status.
- Women rights also were violated in several manners such as the prostitutions, sexual harassment at work and in the workplaces.
- Regarding a person status, the tribal people, who should be Thai nationality but were, were deprived of their basic rights and unfair treatments.
- Rights to due process, mainly issues on law enforcement, the management of detention centers as well as the promulgation of special laws providing authorities' powers could affect human rights of the people.
- Several state development projects undertaken by the governmental agencies caused violations of community rights as well as affected environment.
- Human rights situations in the Southern border provinces were found to be complicated in dimensions of religions, due processes, politics, and narcotics, etc. Human rights were abused by either authorities or instigators as well as involved persons who used the situations to arrange and gain benefit for themselves as well as their parties.

Recommendations for improvement of human rights situations in Thailand

There were various situations of human rights in Thailand during 2010-2011 under the promulgation of the Constitution of the Kingdom of Thailand B.E.2550 (2007). These situations were related to various significant social changes that continuously involved urban society, competitions of natural resources, urgent economic developments affecting through lifestyles and human rights situations.

Human rights violations should not happen if the society concerned the dignity of human beings. The NHRCT provided recommendations for improvement of human rights situations as follows.

- **Build-up human rights based society.** The NHRCT together with other government agencies such as Rights and Liberties Protection Department, Ministry of Justice, media agencies, NGOs sectors, have their duties to dissemination of knowledge on human rights and respects of human rights to the society
- **Law enforcement.** Government agencies having duties on law enforcement must have a clear guideline in practice and disseminate its procedural process to the public in general in order to maintain all parties their rights.
- **Changes on government official's attitudes and practices.** Government agencies must have a training program, a clear guideline in practice, a follow-up performance evaluation and a report to the public.
- **Political rights.** Expression in political views must be concerned all possible effects. Meanwhile, either involved or responsible persons must be aware of possible effects on the society.
- **Economic, social and cultural rights.** The opening opportunities of all-round, complete and accurate communications are essential. Responsible person must examine and monitor the outcomes. The Government must be cautious on the policies related to labor management of both industrial sectors and migrant workers. The person status must have a clear practical guideline as well as being widely published.
- **Community rights.** State development projects as well as large-scale private enterprises consuming natural resources and affecting environment must be revealing, transparent, and accountable to the public. The public participation from the beginning would practically provide assistance in solving the violations of human rights and community rights, and also bring community's acceptance.
- **Resolution of the Southern border provinces.** Both benefits and individuals must be seriously careful because religious and politics are sensitive issues Officials in the operating level must seriously understand the principle of human rights and its implementation.
