



**International covenant
on civil and
political rights**

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HUMAN RIGHTS COMMITTEE

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT**

**List of issues to be taken up in connection with the consideration of the
initial report of THAILAND (CCPR/C/THA/2004/1)**

**Constitutional and legal framework within which
the Covenant is implemented (art. 2)**

1. Please provide examples of cases, if any, in which the provisions of the Covenant were directly invoked before the courts, and with what results.
2. Is the State party considering ratifying the first Optional Protocol to the Covenant?
3. Please inform the Committee about action taken by the National Human Rights Commission since its establishment (paragraphs 187-189 of the report) in the implementation of the Covenant rights. Please provide figures on how many complaints have been received, and how many investigations have been made by the NHRC and with what results.

Derogations (arts. 4, 6, 7, 8, 9)

4. (a) Has a state of emergency been declared by Thailand and have the provisions of article 4 been complied with?
 - (b) In the light of the reports about the escalating violence and tensions in the southern provinces, and the special powers given to military personnel by way of the Martial Law (para. 471) and section 6 of the Military Law (para. 472), please explain how the State party intends to guarantee respect for the non-derogable rights mentioned in article 4 when a state of emergency is declared. In this connection, please provide information on the extent of the application of the Martial Law in the State party (paras. 236 (a); 471-3; 490 (d) (ii)), including the extension of its application as declared by the Prime Minister in June 2004. Please specify which articles of the Martial Law are extended to which particular geographical areas of the State party and under what circumstances.

(c) With regard to the incidents in the southern provinces, please indicate the number of deaths that have occurred and the number of persons whose rights under articles 7 and 10 have been affected, including any consequent action taken by the authorities in this regard.

5. Please provide information about the anti-terrorism laws adopted in the State party, if any, and their compatibility with the Covenant, in particular articles 6, 7, 9 and 14.

**Non-discrimination and gender equality; rights of persons
belonging to minorities (arts. 2 (1), 3, 26, 27)**

6. Please tell the Committee whether all rights guaranteed under Thai legislation, including constitutional guarantees, are extended to all persons under its jurisdiction, including non-citizens, migrants, refugees and asylum-seekers.

7. In addition to the information provided in paragraphs 56 and 57 of the report, please tell the Committee whether discrimination on the basis of sex, particularly in areas such as access to employment, access to social services and marriage and inheritance rights, is prohibited in Thai legislation.

8. Please inform the Committee about the extent of domestic violence, particularly against women, in Thailand, and of the measures, legislative or otherwise, taken to combat this problem.

9. According to information received by the Committee, there is widespread human trafficking for the purpose of prostitution, which may add to the increase of HIV/AIDS victims. Please comment on specific measures taken by the Government to combat human trafficking and to protect HIV/AIDS victims.

Right to life; prevention of torture (arts. 6 and 7)

10. Please indicate the crimes for which the death penalty is mandatory (para. 158). Please explain the position of the State party regarding the imposition of the death penalty for drug-related crimes in light of article 6 (2) of the Covenant.

11. Please provide up-to-date information on the measures taken and implemented by the States party to protect the rights of suspects killed by law enforcement personnel acting in an official capacity (para. 156). In particular, please provide information on steps taken by the State party to investigate the large number of alleged killings during the “war on drugs”, and on the results of the formal inquiry that was initiated.

12. Please provide statistics on the executions that have taken place in the last five years, and information on pending cases.

13. What judicial remedies are available to victims of human rights violations committed by law enforcement officers and members of security forces? Please provide statistics on the number of such cases and their results.

Right of liberty and security of persons; treatment of detainees; independence of the judiciary; right to a fair trial (arts. 9, 10, 14)

14. Please clarify whether and why the practice of continued shackling of death row prisoners is considered necessary, in the light of the State party's obligations under article 10 of the Covenant. Also, please provide an explanation for the allegation that the State party intends to broadcast executions and prison conditions of death row inmates as a measure of deterrence. Similarly, please comment on the use of flogging as a penalty for breach of prison regulations and its application to children.

15. Please provide information on the treatment of terrorist suspects and drug addicts who have been taken into police custody, and whether their treatment in detention complies with the requirements of articles 9 and 10 of the Covenant.

16. Please inform the Committee about the steps undertaken by the State party to investigate allegations of threats to and attacks on non-governmental human rights organizations and human rights defenders, and to bring to justice those found responsible. Please provide information on the individual outcomes of each case.

17. Does any mechanism exist to monitor the independent operation of judges in the State party? Please indicate whether judges benefit from security of tenure.

Freedom of movement; expulsion of aliens (arts. 12 and 13)

18. The report contains information on migrants from the Lao People's Democratic Republic, Cambodia and Viet Nam (paras. 337-354), but little on those from Myanmar. In light of information before the Committee about the situation of migrant workers, asylum-seekers and refugees from Myanmar, please provide information on the situation and treatment, as well as the grounds and conditions of deportation, of migrant workers, asylum-seekers and refugees from that country.

Freedom of opinion and expression (art. 19)

19. Please provide information on the actual exercise of the right to freedom of opinion and expression by the Thai media, in light of information before the Committee of increasing Government pressure on independent media.

20. Please inform the Committee about the status of the recent libel suit against critics of the Prime Minister, as well as suits filed against editors of the *Thai Post* and a media-reform campaigner by a corporation founded by the Prime Minister.

Freedom of association (art. 22)

21. Please explain in further detail why the present economic and social conditions are not congenial to full compliance by the State party with the requirements of article 22 of the Covenant. Please also provide information on how the State party is working towards improvement of these conditions.

22. Please explain the reasons for the State party's dismissal of the findings of the National Human Rights Commission that the level of force and type of tactics used by the police and voluntary militias on 16 October 2004 in the suppression of a peaceful protest by landless farmers were disproportionate.

Protection of children (art. 24)

23. Please provide information on measures taken to deal with the problem of forced child labour, including information on prosecutions and convictions related to the exploitation of the labour of children.

Right to take part in public affairs (art. 25)

24. Please provide information on measures taken by the State party to ensure that Thai electoral laws conform to article 25 of the Covenant, including any specific measures introduced to ensure the transparency of the electoral process and the fairness of the general election that took place on 6 February 2005.

Rights of minorities (art. 27)

25. Please provide the Committee with information on the situation of the members of hill tribes ("Highlanders") with respect to their enjoyment of their rights under article 27 of the Covenant and their rights to freedom of movement, to citizenship and to land/property.

Dissemination of information relating to the Covenant (art. 2)

26. Please provide detailed information on programmes for the education and training of members of the judiciary and law enforcement and security officials about human rights as recognized in international instruments and national law.
