

**Universal Periodic Review
(12th session, 3-14 October 2011)**

Contribution of UNESCO

THAILAND

I. Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education 1960	-	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education. 1989	-			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage 1972	17/09/1987			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage 2003	-			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005	-			Right to take part in cultural life

II. Promotion and protection of human rights on the ground

1. Right to education¹

A. Normative framework

a) Constitutional framework

2. The basic guidelines and concepts of education in the country are contained in the new Constitution of the Kingdom of Thailand of 2007. Part 8 of Chapter III on Rights and Freedoms of Thai People is dedicated to Rights and Liberties in Education. Section 49 stipulates that: “A person shall enjoy an equal right to receive education for the duration of not less than twelve years which shall be provided by State thoroughly, up to the quality, and without charge. The indigent, disabled or handicapped, or destitute person shall enjoy an equal right under paragraph one and shall be supported by State to receive equal education with other persons. The education and training provided by professional or private organisation, alternative education of the public, self-directed learning and lifelong learning shall get appropriate protection and promotion from State.” Section 50 stipulates that: “A person shall enjoy an academic freedom. Education and training, learning and teaching, research and disseminating of research according to academic principles shall be protected; provided that it is not contrary to his civic duties or good morals.” Moreover, according to Section 73 of Chapter IV on Duties of the Thai People, “Every person shall (...) receive education and training, (...) as provided by law.”

Besides, Section 80 of Part 4 (Religions, Social, Public Health, Education and Culture Policies) of Chapter V on Directive Principles of Fundamental State Policies stipulates that: “The State shall act in compliance with the social, public health, education and culture policies as follows:

- (1) protecting and developing child and youth, promoting childhood nourishment and education, promoting the equality between women and men (...)

¹ Sources:

- i) Office of the National Education Commission Website, <http://www.edthai.com/about/index.htm> (Accessed 6 October 2010).
- ii) International Bureau of Education, Profile of the education system in Thailand, <http://www.ibe.unesco.org/fr/dans-le-monde/regions-de-lunesco/asia-et-pacifique/thailande/profile-of-education.html> (Accessed 6 October 2010).
- iii) The Development of Education, National Report of Thailand, Ministry of Education, 2008, http://www.ibe.unesco.org/National_Reports/ICE_2008/thailand_NR08.pdf (Accessed 6 October 2010).
- iv) Thai Government, Media center, <http://media.thaigov.go.th/pageconfig/viewcontent/viewcontent1e.asp?pageid=472&directory=1944&contents=52023> (access 7/02/2011).
- v) Education Ministry planning for AEC, By Chularat Saengpassa, Wannapa Khaopa, The Nation, Published on December 13, 2010, <http://www.nationmultimedia.com/home/Education-Ministry-planning-for-AEC-30144273.html> (access 7/02/2011).

- (3) developing quality and standard in providing education at all levels and forms to be in line with economic and social changes, preparing the national education plan and the law for national education development, providing development of quality of teachers and educational personnel to meet the current changing in the present day world, and instilling awareness of being Thais, disciplines, common interests and a democratic regime of government with the King as Head of the State to learners;
- (4) promoting and supporting the delegation of powers to the local governments, communities, religious organisations and private sector with a view to provide and participate in educational management for the development of educational quality standard equally and to be in line with the fundamental State policy;
- (5) encouraging and supporting the making of researches in various disciplines of arts and sciences and disseminating all research results funded by the State (...)"

b) Legislative framework

3. The National Education Commission Act of 1992 established the Office of the National Education Commission (ONEC), which is responsible for policy making and planning for education at all levels and of all types. The first National Education Act B.E. 2542, which was promulgated in August 1999, is currently the fundamental law for the administration and provision of education and training, incorporating guidelines for the comprehensive reform of education in Thailand. In accordance with this Act, Thai people will have equal right to receive basic education of quality and free of charge for the duration of at least twelve years (Section 10). Compulsory education shall be for nine years, requiring children aged seven to enrol in basic education institutions until the age of 16 with the exception of those who have already completed grade 9 (Section 17). Since the enactment of the Compulsory Education Act in 2003, all children, between the ages of seven and fifteen, regardless of their nationality or citizenship, must be enrolled in school and will receive six years primary and three years lower secondary education, provided by the state free of charge. On March 2008 was promulgated the Promotion of Non-Formal and Informal Education Act.

4. In October 2002, a twelve-year free basic education scheme covering six years of primary and six years of secondary education was granted to students throughout the country for the first time in history. As of May 2004, free basic education was extended to fourteen years, including the two years of pre-primary schooling.

B. Policy measures

5. Current education policy is based on the 10th Economic and Social Development Plan (2007-2011) in which Sufficiency Economy Theory, initiated by His Majesty King Bhumibol Adulyadej, continues to provide the guiding principles for human development.

6. Moreover, the Second Decade of Education Reform (2009-2018) focuses on vocational and skills development with the aim to provide education system that is truly relevant to the condition of the economy and society.

7. In addition, the Association of Southeast Asian Nations (Asean) Secretariat's five-year Work Plan on Education (WPE), which will be implemented between 2011 and 2015, is a guideline for the Education Ministry of Thailand. The plan focuses on Asean awareness, access to quality education, cross-border mobility and internationalisation of education, plus support for other sectoral bodies whose programmes require education inputs.

2. Right to take part in cultural life

8. UNESCO cooperates closely with Thailand in various aspects of promoting cultural rights, both within the scope of normative instruments which Thailand has already ratified as well as those which Thailand is still considering to ratify. Thailand is signatory to the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention and its First Protocol as well as the 1972 Convention concerning the Protection of the World Cultural and Natural Heritage which is the most widely known and implemented.

9. Meanwhile, the country is making efforts towards ratification of the 2001 Convention on the Protection of the Underwater Cultural Heritage (Underwater heritage), as well as 2003 (Intangible heritage) and 2005 (Diversity of cultural expressions) Conventions. Prior to ratification, the country has put in place a number of measures which are in line with the spirit and principles of some of these Conventions. With regards to the 2003 Convention, Thailand is taking steps to apply the principles of the Convention at the national level and is drafting a national law which is in line with the Convention. With regards to the 2005 Convention, Thailand has included the Creative Economy in its current national development plan, and this is providing the impetus to more closely consider the 2005 Convention.

10. Normative framework - With regard to the 1972 Convention, Thailand enforces the management of World Heritage sites and other heritage sites using several pieces of national legislation, notably: the Enhancement and Conservation of National Environmental Quality Act; Act on Ancient Monuments, Antiques, Objects of Art and National Museums; Wild Animal Reservation and Protection Act; and the National Parks Act.

11. Institutional framework - With regard to the 1972 Convention, Thailand has established the Thailand National World Heritage Committee, which is chaired by the Deputy Prime Minister. The Committee receives technical advice from sub-committees on nature, culture and border issues sites, and the Office of National Environmental Policy and Planning serves as the secretariat. A World Heritage Information Centre was set up in 2009 to serve information to the public at large.

12. Policy measures - With regard to the 1972 Convention, individual World Heritage properties have their own respective master plans or annual action plans. The area that surrounds the sites is given legislative protection under the Enhancement and Conservation of National Environmental Quality Act. At a strategic policy level, the Office of National Environmental Policy and Planning devises five-year environmental quality management plans which are aligned with the National Economic and Social Development Plan, which provide the basis for enacting normative commitments vis-a-vis international treaties to ensure that site management is sustainable, meets standards, and includes public participation.

13. Cooperation - With regard to the 1972 Convention, Thailand is active through international and especially regional fora, like ASEAN, in undertaking various forms of exchange including training and technical knowledge-sharing.

14. Work with civil society - With regard to the 1972 Convention, Thailand has seen the rise in involvement of the private sector, NGOs and civil society in both informal and formal channels of engagement (i.e., inclusion in various official committees). There is a network of state-sponsored local conservation units which operates in all provinces, along with networks of volunteers for conservation of cultural and natural conservation.

15. Achievements, best practices, challenges and constraints - With regard to the 1972 World Heritage Convention, ratification has resulted in increased attention to World Heritage properties by state and non-state actors, leading to improvements in general awareness, conservation and research. That said, the secretariat to the national World Heritage Committee disclosed that there were still opportunities to improve adherence to the Convention, notably with fuller implementation of all the required guidelines.

16. Over the past three years, the World Heritage Convention has come under intense public scrutiny within Thailand, due to the inscription of the 11th century temple of Preah Vihear in Cambodia. However, this renewed interest in the Convention has also led to pro-active national efforts across a wide swath of civil society and the government in engaging with World Heritage both domestically and internationally, as seen in efforts to prepare new inscriptions to the List.

17. At the request of the Director-General of UNESCO, UNESCO Special Envoy Mr Matsuura, former UNESCO Director-General and Chair of the World Heritage Committee (1998-1999), met with leaders from Thailand and Cambodia to discuss ways to safeguard the World Heritage site of Preah Vihear, during his visits to Bangkok and Phnom Penh between 27 February and 1 March 2011. During his discussions in Bangkok and Phnom Penh, the UNESCO Special Envoy stressed the need to create the conditions necessary for the safeguarding of the 11th century Preah Vihear Temple, expressed the hope for a lasting dialogue between the two countries with a view to establishing long-term sustainable conservation of the site. The UNESCO Special Envoy did not travel to Preah Vihear during his mission. Following the conclusion of this mission, the Director-General expressed her satisfaction that the meetings had taken place and stated that UNESCO would do everything in its power to maintain the dialogue. She reiterated her

statement made just before the Special Envoy's mission that "the world's cultural heritage should never be a cause for conflict." In keeping with the Convention, States parties undertake to recognize that "such heritage constitutes a world heritage for whose protection it is the duty of the international community as a whole to co-operate."

18. Capacity-building and technical assistance provided and/or recommended by UNESCO - With regard to the 1972 Convention, although there is a general awareness about World Heritage in Thailand, stakeholders who are directly involved still do not have deep understanding of the provisions of the Convention, including emerging issues being identified by the World Heritage Committee.

3. Freedom of opinion and expression

Achievements, best practices, challenges and constraints

19. The media in Thailand are relatively free. The Constitution guarantees freedom of expression and freedom of the press. However the political climate in the country contributes to weakening the full enjoyment of these rights.

20. The freedom of the print media is affected to some extent by the country's defamation law, which is criminalised under the Penal Code. There remains heavy self-censorship on the subject of monarchy and judiciary. This is encouraged by the lese-majesty law used for expensive lawsuits against the print journalists.

21. The Internet witnesses critical commentary on various pertinent issues but its freedom has been heavily affected in recent times by criminal defamation and the lese-majesty laws.

22. Although the new Constitution, adopted in 2007, reaffirms the independence of the broadcasting commission and frees the airwaves from the dominance of the state and the military, the distribution and ownership of frequencies remains problematic. The broadcast sector continues to be controlled by state and government enterprises.

23. The last decade saw the rise of the National Press Council of Thailand (1997), journalist associations and civil society groups. A broadcasting council was established in 2009 for self-regulation of the broadcast media. This is a positive development that should be pursued.

24. UNESCO Director-General condemned the killing of journalist Jaruek Rangcharoen on 27 September 2008 and the murder of Wallop Bounsampop on 5 October 2008. She also deplored the killing of Japanese journalist Hiroyuki Muramoto and the wounding of photographer Winnai Dittajorn, who were covering anti-governmental demonstrations in Bangkok on 10 April 2010. UNESCO requested authorities of Thailand to investigate these killings and to provide information about the results of the investigations.

Capacity-building and technical assistance provided and/or recommended by UNESCO

25. Consistent with its mandate, UNESCO collaborates at different levels with Thailand to reinforce the right to freedom of expression. UNESCO supported trainings on journalist safety, awareness-raising about National Information Policy and promotion of Media & Information Literacy, as well as organized seminars on the bill of Rights, Liberty and Media Professional Standards.

III. RECOMMENDATIONS

Right to education

26. Thailand should be encouraged to ratify the 1960 UNESCO's Convention against Discrimination in Education and the 1989 UNESCO's Convention on Technical and Vocational Education.

Freedom of opinion and expression

27. There are several opportunities for developing and protecting Freedom of expression in Thailand. UNESCO recommends:

- to improve the safety of journalists;
- to report on the results of the investigations on the killings of journalists;
- to introduce provisions in existing legislations that would guarantee competition in the broadcast sector;
- to reassessment of the scope of the crime of lese-majesty; the defamation law should not be used as an excuse to restrict freedom of expression.