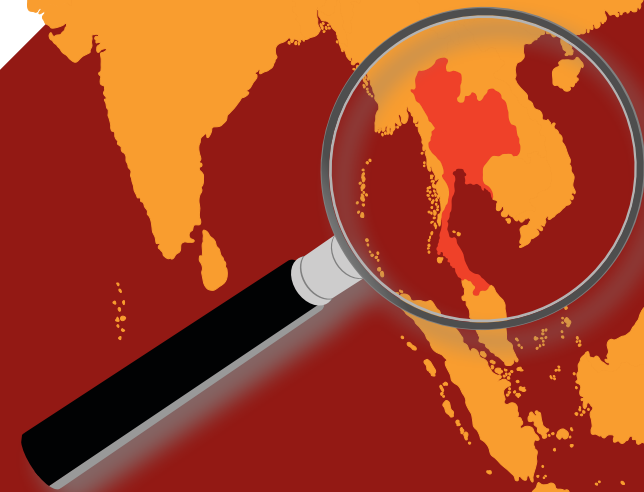




ECONOMIC & SOCIAL RIGHTS IN THAILAND

MONITOR 2021

- 3** GOOD HEALTH AND WELL-BEING
- 4** QUALITY EDUCATION
- 8** DECENT WORK AND ECONOMIC GROWTH
- 16** PEACE, JUSTICE AND STRONG INSTITUTIONS
- 17** PARTNERSHIPS FOR THE GOALS



SUMMARY

Although the pro-democracy movement has reached an unprecedented scale in Thailand, political participation is not without risk, given the ongoing restrictions on fundamental political and social rights such as freedom of association and freedom of expression. There also remains a lack of enforcement for decent work standards and practices, and the context of extreme inequality which has become even more evident with the COVID pandemic has emphasized the glaring need for institutional reform in Thailand's social institutions such as education, healthcare, and social security.

How can the European Union (EU) better contribute to building an **enabling environment for Civil Society Organizations (CSOs)** in Thailand? How can the EU support the progressive **realization of Economic and Social Rights - that is to say Freedom of Association and the Right to Organise, Decent Work and the Right to Social Protection for all** - in connection with the implementation of the 2030 Agenda for Sustainable Development and the EU Action Plan on Democracy and Human Rights in the country? Developed by Solidar Suisse Hong Kong and by the Just Economy and Labor Institute (JELI) the following report identifies challenges and opportunities for the EU to boost its actions for the progressive realisation of Economic and Social Rights in the country and to enhance its partnership with Civil Society Organisations.

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Bhumibol Bridge is one of the most beautiful bridges in Thailand.
The name of this bridge comes from the name of The King of Thailand.
Source: shutterstock.com

1. ABOUT THE SOLIDAR ECONOMIC AND SOCIAL RIGHTS MONITOR

In 2015, all United Nations member states signed up to the 2030 Agenda for Sustainable Development: a global commitment to transform our current model of economic development into one based on respect for human rights and the environment. In 2017 - with the aim of promoting policy coherence for development - the new European Consensus on Development announced the alignment of the development policies and operations of the European Union (EU) and its member states with the 2030 Agenda. According to SOLIDAR, the 2030 Agenda constitutes a powerful framework to:

- a) Promote a model of sustainable development at the service of the greatest number and not of the few, making the full realization of human and environmental rights its main objective.
- b) Ensure the progressive realization of economic and social rights, namely decent work, social protection, and freedom of association.

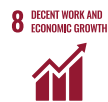
The Economic and Social Rights Monitoring Report (ESRM) is a tool developed by SOLIDAR members and partners within the framework of the EU-funded program “Organizing International Solidarity” (OIS)¹. The objective of the ESRM is to engage in a structured dialogue with the EU, by collecting the views and recommendations of civil society organizations (CSOs) on the contribution of national and European policies and programs to the achievement of the Sustainable Development Goal, and especially of:



SDG 3: Good health and Wellbeing



SDG 4: Quality Education



SDG 8: Decent Work and economic growth



SDG 16: Peace, Justice and Strong Institutions



SDG 17: Partnership for the Goals

¹ A presentation of the OIS programme is available at: <https://prezi.com/view/9zuxuivoqUSD3w1pGJSz>



Bangkok, Thailand-Aug 16, 2020- protester with face mask shows the sign "LISTEN TO THE PEOPLE" at Democracy Monument-Thailand to against the government
Source: shutterstock.com

2. THAILAND - COUNTRY BACKGROUND AND DEVELOPMENT STRATEGY

TABLE 1. THAILAND AT A GLANCE

Population ²	69.799.978 (2020)
Gross Domestic Product (GDP) ³	501.795 (2020)
Human Development rank ⁴	79 over 189 countries
Total public spending on social protection, excluding health (percentage of GDP) ⁵	3.0 of GDP (2020)
Sustainable Development Score (current) ⁶	74.2/100 (43 over 165 countries)

² <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=TH>

³ <https://data.worldbank.org/indicator/NY.GDP.MKTP.CD?locations=TH>

⁴ <http://hdr.undp.org/en/countries/profiles/THA>

⁵ https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_817572.pdf

⁶ <https://dashboards.sdindex.org/profiles/thailand>



Oil refinery or petrochemical industry with ship in Thailand. for Logistic Import Export background, Chao Phraya river, Thailand Source: shutterstock.com

2.1 EU - THAILAND relations and development strategy

Today's cooperation strategy between the EU and Thailand centres around the provision of technical assistance to help the country achieve the **Sustainable Development Goals**. At the regional level, the cooperation between the European Union (EU) and Thailand is supported by regional programmes in different fields such as social and economic, governance and the environment. Although Thailand has made progress in terms of social and economic development, having moved from a low-income economy to an upper-middle income economy in less than a generation, **poverty has not been eradicated and disparities remain and are even more pronounced due to the COVID 19 pandemic**. In fact,

⁷ https://ec.europa.eu/international-partnerships/where-we-work/thailand_en

unemployment and Thai household debt has increased this year as the wealth gap continues to widen. The government claims to be supporting those facing poverty, but the number of poor people in Thailand has increased, along with the number of people living just above the poverty line.

Specific cooperation's initiatives include topics such as the protection of the environment, **fight against forced labour and unacceptable forms of work in the Thai fishing and seafood industry and, aid to refugees from Myanmar in areas such as education, health, and social protection the European Initiative for Democracy and Human Rights**, which covers projects in support of human right defenders, migrant workers and the fight against human trafficking⁷.

3. BUILDING AN ENABLING SPACE FOR CIVIL SOCIETY ORGANISATIONS (CSOS) AND HUMAN RIGHTS DEFENDERS (HRDS)

Thailand has ratified the International Covenant on Civil and Political Rights (1996), and the International Covenant on Economic, Social and Cultural Rights (1999)⁸. These instruments protect the right to freedom of assembly and of expression, which Thailand is consequently bound to uphold⁹.

However, the country's situation concerning the role of CSOs and HRDs is critical, and it has been exacerbated by the pandemic and its negative impact on the freedom of association and assembly. Thailand was under an emergency decree which put restrictions on gatherings, with a curfew being enforced and gatherings limited to no more than five people. As a consequence, many believe that the coronavirus situation has been used as an excuse to quell anti-government protests and undermining the right to freedom of expression¹⁰.

3.1 Legal and regulatory framework for CSOs

Legal and institutional frameworks in Thailand are not supportive of independent non-profit work, especially towards social and economic

justice organizations. Furthermore, Thai laws do not recognize non-profit organizations that are not officially registered. Such is the case of the Just Economy and Labor Institute (JELI), a SOLIDAR Suisse partner¹¹.

While there are several types of registered entities recognized by the government, the "foundation" category is the most relevant one for the work of the majority of CSOs. In Thailand, registering a foundation is costly and complicated. In addition, domestic funds available for organizing, such as those through the Thai Health Promotion Foundation or the Institute for Community Organization Development Institute (CODI), are often very difficult to obtain. There is a stringent process of approval for these funds, involving a close inspection to ensure that the funds are used according to the conditions set by the government which restrict political activity, among other effects. Therefore, many organizations, including JELI, try to seek fiscal sponsor relationships outside Thailand. Without registration, they have to rely on external and foreign funding, which is difficult to obtain¹².

⁸ https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=172&Lang=EN

⁹ <https://www.ohchr.org/Documents/ProfessionalInterest/cescr.pdf>

<https://www.ohchr.org/Documents/ProfessionalInterest/ccpr.pdf>

¹⁰ <https://www.icj.org/thailand-covid-19-response-measures-must-not-undermine-freedom-of-expression-and-information/>

¹¹ <https://www.hrw.org/news/2021/04/02/thailand-ngo-law-would-strike-severe-blow-human-rights>

¹² <https://www.amnesty.org/en/latest/news/2021/04/thailand-ngo-law-severe-blow-human-rights/>

Of great concern to CSOs in Thailand is the government's announcement of a bill of February 2021 that would regulate the work of CSOs¹³. Although the draft law is referred to as the 'NGO Regulation Act', it also covers other groups such as associations, clubs, and community-based organizations. Under this new legislation, these groups are required to register their organization and work within the bounds specified by the government. Their sources of funding would also be subject to examination because the Thai government claims that foreign funders may be taking the opportunity to "undermine Thailand" through the organizations they fund. On a systemic level, the recent NGO Bill, which may pass next year if given approval by the parliament, would be very harmful to civil spaces. This is so, as it violates the right to association by requiring that any gathering must register themselves or risk facing criminal prosecution. This requires organizations that receive foreign funding to disclose their information, or be subject to a severe fine, imprisonment, or dissolution of the organization altogether. It also gives authorities the power to break into the organization's office or organizing space if it was suspected that things were not going according to what was declared with registration¹⁴.

This is one of the ways the state is trying to weaken the strength of various organizations which have been aligning with the pro-democracy cause, especially at the height of the movement in 2020-2021, such as iLaw, a very active NGO, or the independent online newspaper Prachatai¹⁵.

¹³ <https://www.nationthailand.com/news/30403014>

¹⁴ <https://www.hrw.org/news/2021/04/02/thailand-ngo-law-would-strike-severe-blow-human-rights>

¹⁵ <https://www.hrw.org/news/2021/04/02/thailand-ngo-law-would-strike-severe-blow-human-rights>

¹⁶ <https://www.amnesty.org/en/latest/news/2021/04/thailand-ngo-law-severe-blow-human-rights/>

3.1.1 CSO participation

The social and legal institutions in place tend to exclude the participation of the public and CSOs. There is a culture of fear that is deeply rooted in Thailand due to a long history of state repression, however, this context is currently shifting due to the current and increasingly popular pro-democracy movement.

Despite the restrictions on freedom of assembly, there has been a growing participation in local actions and pro-democracy rallies where many groups and individuals gather together to demand change on social and political issues. Workers facing heightened precarity under this pandemic are organizing themselves to demand change in working conditions and benefits, including delivery riders in the Freedom Riders Union or trade unionists in the Labor Network for People's Rights. However, many of whom participate in movements for change often become a target for the authorities; the police often harass such individuals or charges them with criminal offenses. This has led to the fact that there are many HRDs with several cases open with various allegations¹⁶.

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Nakhonratchasima, Thailand - July 23, 2021. Car mob street of Thailand people look to the streets to protest against the military coup. Protesters to show symbolic gestures at democracy. Source: shutterstock.com

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The case of Suthila Luenkam

For instance, Suthila Luenkam, labor organizer and JELI's project manager, has faced legal intimidation for her involvement in pro-democracy rallies with the Labor Network for People's Rights¹⁷. She remarks: *"My work is definitely affected when I'm being prosecuted. The officers like to waste time, trying to persuade me to confess to this or that. I get called in often, and usually without advance notice. This forces me to postpone or move my work around for that day. It affects my family too. Even though we all agree on the need for democratic change, I cannot accept being prosecuted or imprisoned. Because my family is in the provinces where people have quite traditional ideals, being jailed or imprisoned carries a lot of stigmas"*¹⁸.

3.2 Mechanisms for the protection of Human Rights Defenders (HRDs)

The Thai government has made numerous commitments to protect human rights, however, such commitments often remain performative and do not translate into practice. Government agencies, such as the National Human Rights Commission (NHRC), Ministry of Labour, Ministry of Justice, Ministry of Natural Resources and Environment among others, are insincere or ineffective in their efforts to protect HRDs.¹⁹

This is the case of the NHRC, which shows clear support for state authorities over HRDs. This is so, as it has remained silent and has not

¹⁷ Joint statement condemning intimidation of labor activists, organized by JELI:

<https://www.justeconomylabor.org/post/joint-statement>

¹⁸ <https://www.justeconomylabor.org/post/joint-statement>

¹⁹ <https://www.icj.org/thailand-icj-co-hosts-event-on-the-national-action-plan-on-business-and-human-rights/>

taken any action or has made reserved statements demanding that “both sides stop using violence” in cases where the state has used brutal force to crack down on protestors. It is also notable that recently, the NHRC logo has been changed to include the king’s royal emblem. This has caused human rights activists to further question the NHRC’s position, since the institution of the monarchy has come to be in direct conflict with the cause for human rights²⁰.

Furthermore, in 2019, Thailand adopted a National Action Plan for Business and Human Rights, which received much praise²¹. Moreover, the protection of HRDs by local and provincial authorities is also explicitly guaranteed in the 2016 Universal Periodic Review. However, when there are actions or protests, the authorities are often inactive and do not observe the relevant provisions.

Since the 2014 coup, and especially since strategic lawsuits against public participation (SLAPPs) have become more widely used in the last years, over 440 female HRDs have faced judicial harassment for working on urban poor issues, land rights, and more²². This is the case despite the existence of a clause in the criminal procedures which allows the court to dismiss a case if it is cited as a SLAPP used by businesses to harass HRDs²³. These protective mechanisms are clearly not sufficiently effective. Moreover, online censorship has become a key issue, as existing channels for people’s participation are becoming increasingly digitized and thus more easily monitored by state authorities. Internet freedom in Thailand is consequently considered “not free” according to a Freedom House report for 2021²⁴.

Threats against workers and HRDs

HRDs face many threats such as physical violence, police harassment, and most commonly, legal intimidation in the form of strategic lawsuits against public participation (SLAPPs) and more. According to Thai Lawyers for Human Rights, 1,636 people in 896 cases have faced lawsuits for political participation and expression between July 2020 and October 2021, including 258 youth under 18 years old. This constant threat of arrest and prosecution has obvious implications for the work of human rights defenders and civil society organizations in Thailand²⁵.

For example, the British labour rights defender Andy Hall has faced many civil defamation suits by the Thai pineapple canning company Natural Fruit after he exposed them for abusing Burmese migrant workers and breaking labour regulations. Although his charges were finally dropped in 2020, he commented that “*after years of ongoing judicial harassment that has taken a heavy toll on me, my family and my colleagues, the verdict does not feel like a victory*”²⁶. There is also the case of Burmese migrant worker Nan Win and the Thai HRD Sutharee Wannasiri being charged by Thai poultry company Thammakaset Co. Ltd for defamation, after they worked with the NGO Fortify Rights to expose the company’s labour abuses. This case was also dropped recently²⁷.

20 <https://www.icj.org/thailand-icj-co-hosts-event-on-the-national-action-plan-on-business-and-human-rights/>

21 2019 National Action Plan on Business and Human Rights: <https://globalnaps.org/country/thailand/>

22 <https://www.protectioninternational.org/en/news/open-letter-organizers-united-nations-virtual-forum-business-and-human-rights-new-challenges>

23 <https://www.protectioninternational.org/en/news/open-letter-organizers-united-nations-virtual-forum-business-and-human-rights-new-challenges>

24 <https://www.protectioninternational.org/en/news/open-letter-organizers-united-nations-virtual-forum-business-and-human-rights-new-challenges>

25 <https://www.thaienquirer.com/36085/over-500-people-injured-in-protest-related-violence-in-2021/>

26 Andy Hall SLAPP case: <https://www.business-humanrights.org/en/latest-news/thailands-supreme-court-acquits-andy-hall-in-criminal-defamation-computer-crimes-case-filed-by-natural-fruit/>

27 Nan Win and Sutharee Wannasiri SLAPP case: <https://www.omct.org/en/resources/urgent-interventions/dismissal-of-the-cases-against-mr-nan-win-and-ms-sutharee-wannasiri>





Bangkok, THAILAND - August 16, 2020: Protesters at three finger salute to show symbolic gestures at Democracy Monument to protest against the government, demand for new constitution and monarchy reform. Source: shutterstock.com



The case of labour activist Thanaporn Wichan also demonstrates how rights on paper are not guaranteed in practice. Thanaporn was fired for union organizing, her employer claiming Covid-19 as the reason even though Thanaporn was the only employee out of hundreds who was let go. Thanaporn filed a lawsuit against her employer's unfair dismissal, but labour laws did not protect her. Although the Labour Relations Act states that it prohibits the termination of union members, the employer can easily claim other reasons for termination, which is what happened in Thanaporn's case²⁸.

Environmental rights activists also see little support from the government. There are essentially no land rights protections for ethnic minority groups in Thailand. Legislation such as the National Park Act prevents ethnic minorities from owning land and makes them vulnerable to displacement. The Save Bang Kloi campaign brought national attention to this issue this year.²⁹ Earlier this year, a group of displaced Karen villagers decided to return to their ancestral land and fight for their right to stay. The Save Bang Kloi Coalition arose soon after to help give support to these villagers in Bang Kloi and help spread awareness of their plight in the media.

Regional and international support statements are recurrent, but often futile attempts to apply pressure on rights demands. For example, IndustriALL Global Union recently issued a statement pressuring the Thai government to stop the legal intimidation of labour activists Sia Champathong, Suthila Lunkham, Sriprai Nonsee, and Thanaporn Wichan from the Labor Network for People's Rights³⁰.

²⁸ <https://www.nationthailand.com/in-focus/40011244>

²⁹ Background on Save Bang Kloi campaign: <https://prachatai.com/english/node/9090>

³⁰ IndustriALL statement in Thai press: <https://prachatai.com/journal/2021/09/94939>

3.3 Capacity-development opportunities for CSOs

Funding and training opportunities for CSOs in Thailand are very limited. Moreover, in the rare case that an opportunity arises to receive government support, it is usually granted under strict conditions. Organizations must operate within the bounds set by the state, and their work should help build positive public relations and uplift the image of the King. However, funding is so scarce that CSOs often have no other choice but to compromise their position and accept the conditions imposed. For economic and social justice organizations especially, it is crucial to remain independent and critical of the government's work. This has made it difficult to access local funding mostly dominated by state sources³¹.

For small and relatively new organizations such as JELI, it is hard to navigate funding on the international level and from European institutions. In most cases, funding focuses on project-based activities which are very demanding and restrictive. Importantly, there is often a lack of clear understanding of the funding landscape and access to a pool of information regarding funding availability and requirements. Therefore, it would be beneficial to create a support system to address this gap in knowledge and access³².

Based on the above the 3 Capacity Development needs identified are:

1. Capacity building and skills trainings such as language courses, strategic communications, and grant writing.
2. Fundraising and organizational development: how to secure more funding for general operations and legal advocacy.
3. Enhanced exchanges and work with international organizations to develop capacities and share ideas, experiences, and lessons learnt.

3.4 Main challenges in cooperation with the private sector

In Thailand, there are very few opportunities for cooperation with the private sector, given how inaccessible management is in big corporations. For the most part, CSOs and the private sector only come together in contexts of labour disputes. In addition, the unionization rate is extremely low in Thailand, and it is common for companies not to bargain through a union, but individually with workers who demand better working conditions³³.

Unjust land use is one ongoing issue involving Thailand's private sector. A recent campaign striving towards justice for families facing displacement addressed the issue effects of Thai conglomerate CP bought land from the State Railway of Thailand (SRT) for a new airport

31 <https://www.amnesty.org/en/latest/news/2021/04/thailand-ngo-law-severe-blow-human-rights/>

32 <https://www.amnesty.org/en/latest/news/2021/04/thailand-ngo-law-severe-blow-human-rights/>

33 https://www.ilo.org/asia/countries/thailand/WCMS_546209/lang--en/index.htm#:~:text=It%20is%20estimated%20that%20about%202%25%20of%20the,of%20private%20enterprises%20in%20Thailand%20had%20unions%20%282015%29.





Thai Pro-democracy protesters gather at Rajchabongse Intersection demanding the government to resign and to release detained leaders in Bangkok, Thailand October 15, 2020. Source: shuterstock.com

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link project³⁴. Many families are being evicted from their homes for this project, exacerbating housing insecurity and homelessness among the urban poor. There are also many cases of lacklustre enforcement of environmental and public health impact assessments when it comes to public and private development projects such as that of the proposed industrial estate in Chana, Southern Thailand³⁵ or the mining project in Om Koi, Northern Thailand³⁶. These are just a few examples which make clear who gets left behind in the development projects of the government and private sector- the poor working class and other marginalized communities.

The private sector in Thailand is increasingly interested in Corporate Social Responsibility (CSR), although this is rooted in philanthropy and only loosely understood as a real social responsibility for businesses. Its conceptualization is often associated with volunteer, governmental and charitable work. In this vein, CSR engagement among Thai businesses is often linked with the goals of building goodwill and a positive corporate image. Moreover, past surveys with Thai companies showed that, although many companies had CSR policies, actual awareness and implementation were low.³⁷ As a result, meaningful engagement remains very rare.

³⁴ <https://prachatai.com/journal/2021/10/95302>

³⁵ <https://www.eurasiareview.com/12122021-the-other-thai-protests-community-resistance-to-proposed-chana-industrial-estate-analysis/>

³⁶ <http://www.dindeng.com/kaboedin/>

³⁷ <http://www.bangkokpost.com/business/economics/35070/csr-wins-converts-in-Thailand>

3.5 Participation in policymaking and institutional consultations

After the coup in 2014, the space for CSOs in policymaking has shrunk significantly. The Senate and House of Representatives are dominated by pro-military actors, and independent mechanisms such as the Human Rights Commission, which are supposed to be open and function as a check and balance for the government, are not useful anymore. In summary, there have been many regressions and cuts in public consultancy processes³⁸.

However, after the transition to the elected government in 2019, more progressive opposition parties have come into parliament. The presence of young and progressive politicians stepping in to make space for CSO participation in parliamentary committees is a sign of hope. There is now a political opposition, even if CSO participation in policymaking has unquestionably deteriorated since the time of the 1998 constitution³⁹.

Regardless of the limited space for the CSO involvement in policymaking, there are cases where CSOs influenced political processes. For example, the group Tamtang recently pushed for an amendment to Article 301 of the Criminal Law, which would allow women to terminate their pregnancy at up to 12 weeks⁴⁰. The new law was adopted in early 2021 after this group had been campaigning and building a coalition of government and civil society supporters since the previous year⁴¹.

38 <https://www.thaienquirer.com/27209/shrinking-space-for-thai-human-rights-defenders-is-beyond-the-point-of-crisis/>

39 <https://www.thaienquirer.com/27209/shrinking-space-for-thai-human-rights-defenders-is-beyond-the-point-of-crisis/>

40 Recent progress for Thai abortion law: <https://ilaw.or.th/node/5816>

41 <https://www.hrw.org/world-report/2022/country-chapters/thailand#:~:text=In%20February%202021%2C%20Thailand%20passed%20a%20law%20permitting,short%20of%20fully%20protecting%20pregnant%20people%E2%80%99s%20reproductive%20rights.>

42 <https://www.bbc.com/thai/thailand-58053739>

43 <https://www.bbc.com/thai/thailand-58053739>

44 <https://www.bbc.com/thai/thailand-58053739>

Similarly, in August 2021, media groups including The Reporters, Voice, The Standard, The Momentum, The MATTER, Prachatai, Dem All, The People, Way Magazine, Echo, PLUS SEVEN, and Beer People filed a lawsuit against General Prayut Chan-o-cha as Prime Minister and Commander of the Coronavirus Epidemic Control Centre, so that the Civil Court may revoke Regulation No.29 of the Emergency Decree which restricts the people's freedom of expression⁴². No long after, the Civil Court issued a provisional protection order, and it only took seven days for the government to agree to withdraw Regulation No.29 altogether⁴³.

Moreover, CSOs can also participate in policymaking by becoming members or advisors of various congressional committees or by filing complaints. For example, JELI has been working with platform worker representatives, labour scholars, and other civil society experts in the newly formed Government Subcommittee on Labour Welfare and Platform Work under the Labour Committee of the House of Representatives, to discuss issues of labour welfare in the gig economy and come up with solutions. While the Ministry of Labour considers platform workers to be a part of the informal economy, the subcommittee is trying to push for their recognition as employees who are entitled to protections from the platform companies⁴⁴.

Finally, some members and partners of SOLIDAR, had the opportunity to participate in consultations and meetings with the EU Delegation. In early 2021, Sulakshana Lamubol, advisor to JELI and former Protection Officer of Protection International, took part in a consultation on the EU five-year strategic plan on human rights work in





Wat Mahathat Temple in the precinct of Sukhothai Historical Park, a UNESCO World Heritage Site in Thailand. Source: shutterstock.com



Thailand. CSOs working on various issues such as migration and the environment, who received funding from the EU were also invited to give feedback and support in the work plan for the next five years⁴⁵.

3.6 Recommendations

Taking into account the above-mentioned remarks, the SOLIDAR network in Thailand considers that, in line with its EU Action Plan on Human Rights and Democracy 2020-2024, the EU should:

- Develop tools to detect and respond to early signs of closing civic space and space for civil society and be more vocal and active in promoting democracy and civil and political rights in Thailand. At the same time, the EU must condemn and take actions to discourage the Thai government from enacting laws, which obstruct civil society participation, such as the NGO draft law which was recently approved by the Cabinet in February 2021.⁴⁶ The EU should help to publicize and spread this information among the international community.

- Promote a safe and an enabling environment for civil society as actors in their own right, including long-term strategic support for capacity building and meaningful participation. The EU should use all political leverage and instruments at its disposal to guarantee the protection of HRDs, especially aimed at actors such as public attorneys, the court, or the police and monarchy, which civil society finds hard to reach and influence.
- The EU should support CSOs through the provision of grants and funding, especially for smaller groups and organizations, which do not receive support from the State. It is important that EU funding focuses on grassroots organizations' capacity building and organizational development.
- The EU should finally support the staff of these organizations, which need more capacity and skills building support.

⁴⁵ https://www.solidar.org/system/downloads/attachments/000/001/023/original/2019_2611_SOLIDAR_ON_ESR_ASEAN_INPUT_PAPER.pdf?1575018756

⁴⁶ <https://www.amnesty.or.th/latest/blog/890/>

4. DECENT WORK FOR ALL

Thailand ratified the Forced Labour Convention (No. 29) (1969), the Equal Remuneration Convention (No. 100) (1999), the Abolition of Forced Labour Convention (No. 105) (1969), the Discrimination Convention (No. 111) (2017), the Minimum Age Convention (No. 138) (2004), and the Worst Forms of Child Labour Convention (No. 182) (2001) amongst others. Given that the mentioned Fundamental ILO Conventions are in force in the country, it is bound to protect fundamental labour rights⁴⁷.

Nevertheless, the Covid-19 pandemic has brought economic downturn and high unemployment in Thailand. Moreover, the rise of the gig economy also increased the precarious working conditions of platform workers and raised poverty. For these reasons, it is more important than ever to guarantee access to decent work for all and universal social protection system⁴⁸.

Thailand remains in a critical regarding the situation of human and labour rights violations. In 2019, the International Trade Union Confederation (ITUC) lowered the ranking of Thailand from level 4, or having systematic violations of labour rights, to level 5, being that there is no guarantee of labour rights.⁴⁹

4.1. Fundamental rights at work and challenges concerning working conditions

In Thailand, a common issue is the widespread use of contract and agency (CAL) workers in the manufacturing sector. The common use of CAL is attributed to several structural issues, particularly the dominance of the lean production approach, legal loopholes and power differentials between employers and employees. From a labour standards perspective, the common use of CAL leads to the race to the bottom and the informalization of work, a situation in which most workers are unable to access job security and social protection.

In addition, migrant workers are facing worsening conditions of work. Those in the fishery⁵⁰, seafood processing, farming and construction industries are subject to dangerous working conditions due to the lack of occupational and safety training or access to protective gear. Throughout the Covid-19 pandemic, migrant workers have been facing heightened health and economic security risks as well⁵¹.

For the most part, Thai labour laws only address labour protections for workers in the formal sector. It does not cover changing employment conditions such as those present in the emerging platform economy. For example, food delivery workers who generally receive piece-rate remuneration are subjected to algorithmic control and increasingly harsh working conditions. They report abuses of power by the platform

47 https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::P11200_COUNTRY_ID:102843

48 <https://www.nationthailand.com/in-focus/30353750>

49 ITUC Global Rights Index 2021: https://files.mutualcdn.com/ituc/files/ITUC_GlobalRightsIndex_2021_EN_Final.pdf

50 https://www.voanews.com/a/east-asia-pacific_thailand-migrant-workers-sign-contracts-they-dont-understand-undercutting-efforts/6207609.html

51 <https://laborrightrights.org/blog/202003/covid-19-impact-migrant-workers-thailand>



companies that often arbitrarily change the terms of work without prior notice⁵². During the pandemic, these workers were not provided with personal protective equipment, faced constant reductions of payment under harsher working conditions, and saw an increased number of fatal accidents⁵³.

Working conditions of contracts and agency workers and migrant workers

It is estimated that CAL accounts for 40-50 percent of the total workforce in the automotive sector, one of the most important sectors and biggest employers in Thailand. It is up to 70 percent in some companies according to the ILO's forthcoming report⁵⁴. Many factories in Thailand avoid legal responsibility to their workers by hiring subcontracted workers through placement agencies. By doing so, the companies conceal their employment relationships and legal responsibility, denying regulation compliances in terms of ensuring decent working conditions.

A recent survey of migrant workers' conditions in fisheries found that workers faced various rights violations and harsh working conditions such as long working hours, inadequate rest hours, existence of harsh punishment, as well as insufficient provision of clean water and hygienic living quarters on board the fishing boats⁵⁵.

The general closing of political space in recent years has led to the worsening of freedom of association and assembly in the workplace. When workers cannot enjoy their rights to representation and collective bargaining, violations of the workers' rights at the workplace level can easily occur.

The labour movement in Thailand has long campaigned for the ratification of ILO Conventions 87 and 98 but has not yet succeeded. Accordingly, major gaps remain in Thailand's labour law, including the prohibition on collective bargaining at the industrial level, and the gap in legal protection for organized workers and workers engaging in collective bargaining with the companies⁵⁶.

4.2 Forced labour

Forced Labour still exists in Thailand, especially among vulnerable groups such as migrant workers. The common cases of labour violation which are met by ILO forced labour indicators include document confiscation, wage withholding, inability of migrant workers to change employers, physical violence and government intimidation and inaction. Although Thailand has recently amended the Anti-Trafficking Act to clarify the definition of forced labour under the Section 6/1 as "coerced work, including work subjected to violence, confiscation of identification documents and debt bondage", clarification on the implementation is still a challenge on the ground, and competent authorities and law enforcement having different interpretations is an issue. Moreover, labour inspectors often settle the dispute between workers and employers without referring to the forced

52 On-demand food delivery: Emerging Realities in Thailand's Platform-mediated Work by JELI https://d025f720-b692-493d-b9a9-988db8c91558.filesusr.com/ugd/8d95f1_6f83ab7b57a44afaa17b5bc15b47058c.pdf?index=true

53 <https://laborrights.org/blog/202003/covid-19-impact-migrant-workers-thailand>

54 *Driving Change: A market system analysis of responsible business practice in Thailand's automobile parts sector, a research project led by Kriangsak Teerakowitkajorn, JELI's Managing Director*

55 <https://policy-practice.oxfam.org/resources/falling-through-the-net-a-survey-of-basic-labour-rights-among-migrants-working-621030/>

56 <https://www.fidh.org/en/region/asia/thailand/thailand-emergency-regulation-threatening-online-freedoms-should-be>
<https://www.hrw.org/news/2021/08/03/thailand-immediately-repeal-emergency-regulation-threatens-online-freedoms>

labour screening mechanism or law enforcement. As a result, many workers face difficulties in accessing justice⁵⁷.

Brokers and recruitment fees of migrant workers are major causes pushing workers into debt bondage situations. Migrant workers have to pay excessive fees to brokers or recruitment's agencies, but they do not get the jobs which are promised. Workers earn minimum wage or lower while they have to pay the debt off from their agencies. Most employers do not comply with the regulations to co-pay the recruitment fee, while immigration policies and practices pose too much of a burden for workers to take any action against the employers. To conclude, workers are still at high risk of exploitation and have no legal immunity to negotiate and bargain with their employers. Therefore, Thailand's legal reforms and efforts to eradicate forced labour have not yet been realized⁵⁸.



4.3 Child labour

A large number of Thai and migrant children remain engaged in various kinds of hazardous, exploitative and risky work. Although the government has progressively established laws and regulations related to child labour, children (particularly of vulnerable groups including migrants and ethnic minorities) are still found in concerning areas of dangerous and exploitative work. The major causes of this include enforcement gaps in labour standards in general and in child labour in particular, unsuccessful resolution of human trafficking by the local authorities, exclusion of migrant families and children from social welfare, and lack of societal awareness on child labour issues⁵⁹.

57 <https://accountabilityhub.org/country/thailand/#:~:text=Human%20trafficking%2C%20forced%20labour%20and%20slavery%20are%20a,factories%2C%20and%20in%20the%20garment%20sector%2C%20among%20others.>
58 https://www.ilo.org/global/about-the-ilo/multimedia/video/video-news-releases/WCMS_074442/lang--en/index.htm
59 https://www.ilo.org/asia/projects/WCMS_161095/lang--en/index.htm#:~:text=The%20ILO-IPEC%20project%20in%20Thailand%20aims%20to%20create,Prakan%2C%20Surat%20Thani%2C%20Nakhon%20si%20Thammarat%20and%20Songkhla.
60 https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2019/2019_TDA_Report_Online_Final.pdf
61 https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2019/2019_TDA_Report_Online_Final.pdf
62 https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2018/thailand.pdf
63 https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2018/thailand.pdf

Since 2012, the Thai government has updated the list of hazardous occupations and working conditions prohibited to children. Yet, the progress has remained on paper and has not been translated into practice. This shows how law enforcement inefficiency remains a huge issue in Thailand.

Children in Thailand are forced into the worst forms of child labour including commercial sexual exploitation or participating in dangerous Muay Thai fighting competitions for remuneration (the 2019 Findings on the Worst Forms of Child Labour, US Department of Labour)⁶⁰. Thai and migrant children are found in commercial sexual exploitation both in traditional sites such as bars and online venues such as private chat rooms. Migrant children continue to be found working in the hazardous fields of seafood processing, fishing, farming, construction, and manufacturing⁶¹.

According to the Child Labour Progress Report by the Ministry of Labour of Thailand⁶², in the 1st trimester of 2021, there were 194,548 youths (between 15 and 18 years of age) in the workforce. The survey on working children was first conducted in 2018 by the Thai government in coordination with the ILO, which found approximately 177,000 children engaged in child labour among which 133,000 were in hazardous work. Accordingly, there has been a slight increase in the number of working children. In the first trimester of 2021, children were reportedly hired in both agricultural (44.3 percent) and non-agricultural (55.7 percent) sectors and regularly spent up to forty-eight hours per week on the job⁶³.



Job discrimination remains a major challenge in Thailand for disadvantaged groups including people with disabilities (PWDs), migrant workers, women and the LGBTI+ community. Although Thai labour laws specifically prohibit discrimination with regard to sex, they do not explicitly prohibit other forms of job discrimination (i.e. ethnicity, race, religion, age, disabilities, sexual orientation etc). Therefore, it is imperative that government agencies responsible for promoting employment of PWDs and vulnerable groups of women take proactive roles and steps toward its implementation⁶⁴.

PWDs have faced structural barriers and exclusion from the labour market due to inaccessibility to education and inadequate support. There have also been cases of LGBTI+ people facing both formal and informal forms of discrimination during the job recruitment and selection process, especially when applying for positions in public or government institutions. The UNDP 2019 report titled “Tolerance but not inclusion” which found that, despite general acceptance in the urban area, 10 percent of LGBTI+ people and 32 percent of transgender women reported discrimination in their current or most recent jobs⁶⁵.

Women in general are also subject to pay inequality. Thai and migrant workers, mostly in the lower rung of the economy, face unfair treatment and dismissal while pregnant.⁶⁶ Mandatory pregnancy tests are reportedly forced upon migrant women workers seeking jobs in Thailand.⁶⁷ Additionally, in the context of the emerging gig economy, digital and internet literacy have become new hindrances for access to opportunities, albeit with a precarious nature⁶⁸.

Successful actions to improve working conditions in Thailand
The effort to organize migrant workers has led to some visible improvements throughout the years.

One notable case involves the Thai poultry company Thammakaset Co. Ltd. Burmese migrant workers working for this company organized themselves, filed a lawsuit for wage theft, and won⁶⁹. This case was picked up by so many organizations and international campaigns that the company’s reputation was destroyed. They ended up filing something like 50 defamation lawsuits against various actors involved in this case. This had a ripple effect which led to improvements in other sectors such as the seafood industry which employs lots of migrant workers. This is a great example of how workers organizing with CSO support can lead to improved working conditions⁷⁰.

There are ongoing efforts to continue the fight for improved working conditions in Thailand. For example, the Women and Men Progressive Movement Foundation (WMP) are fighting for the expansion of maternity leave and social security. Currently, the Freedom Riders Union are also doing important work raising awareness about the poor working conditions of delivery riders. This puts pressure on the platform companies, which has resulted in small wins for the riders, though structural change (such as the legal recognition of gig workers as employees) still needs to happen.

64 https://www.ilo.org/wcmsp5/groups/public/--asia/--ro-bangkok/documents/publication/wcms_239483.pdf

65 <https://www.undp.org/publications/tolerance-not-inclusion>

66 For gender-based discrimination in Thailand, particularly for migrant workers, see https://www.fairlabor.org/sites/default/files/documents/reports/triple_discrimination_woman_pregnant_and_migrant_march_2018.pdf

67 <https://www.bangkokpost.com/opinion/opinion/1439815/female-migrants-at-a-disadvantage>

68 https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/THA/INT_CEDAW_NGO_THA_27766_E.pdf

69 Thammakaset vs. human rights defenders and workers in Thailand: <https://www.fidh.org/en/issues/human-rights-defenders/thailand-thammakaset-watch>

70 <https://www.fidh.org/en/issues/human-rights-defenders/thailand-thammakaset-watch>

4.4 Recommendations

Taking into account of the above, SOLIDAR network in Thailand considers that, in line with its EU Action Plan on Human Rights and Democracy 2020-2024 and its commitment to achieve the SDGs by 2030, the EU should

- **Provide funding to CSOs and local groups that conduct research and work to resolve labour issues on the ground.** There should be emphasis on **supporting activities that will empower workers and encourage them to organize.** Funding is also needed for labour organizers who face SLAPP lawsuits and are prevented from exercising their rights.
- **Encourage the import of Fair-Trade products or goods produced under monitored and fair labour conditions and discourage exports with a history of labour violations.** In line with the European Commission and European External Action Service's initiative to fight forced labour,⁷¹ the EU should **ban products whose production process does not comply with the respect of the ILO Fundamental Conventions.**
- **Put pressure on the Thai government to amend labour laws to meet international standards.** It must be recognized, however, that the current government came to power from a military dictatorship. Therefore, any measures taken by the EU to put pressure on the Thai government should be followed by **careful monitoring of the situation.** The Thai government tends to use their absolute power to enact hasty legislation that does not take into consideration how local communities and workers will be affected.

⁷¹ See the European Commission and the European External Action Service (EEAS) Guidance on due diligence (13 July 2021), https://trade.ec.europa.eu/doclib/docs/2021/july/tradoc_159709.pdf.



Workers are preparing shrimp in a line in a seafood factory in Thailand. Source: shutterstock.com



5. UNIVERSAL ACCESS TO HEALTH AND EDUCATION

5.1 Access to health

As before stated, Thailand ratified the International Covenant on Civil and Political Rights (1996), and the International Covenant on Economic, Social and Cultural Rights (1999)⁷². Therefore, the country is bound to protect the relevant obligations regarding the right to access to health⁷³.

Thailand's health insurance system is divided into several subcategories, including:

1. The universal health insurance card system available to all citizens carrying a national ID card, funded by taxes. It has been criticized for creating long waiting lines at public hospitals due to the high number of users.
2. The health insurance card system reserved for civil servants and their families. This is also funded through taxes. There are not as many people eligible for this insurance, so it receives a larger budget in comparison to the universal plan mentioned above. It is known for causing families to pressure their youth into entering government service so that they can receive these benefits.
3. The social security card system, for full-time workers.

4. Private health insurance system, which is 100% funded by the individual. Some believe that it provides more convenience and higher quality care than state health insurance.

This **separation of the health insurance system according to “occupation” and “ability to pay” makes it so that many people in the informal sector such as street vendors or platform-based workers do not have access to care.** In addition, **informal workers are not guaranteed workers compensation for work-related accidents or illnesses.** This is an important issue for platform workers like delivery riders whose employment status remains ambiguous. The platform company has the power to control the delivery riders as if they were their employers, but do not have to take responsibility for when the rider gets into an accident on the job⁷⁴.

Compared to private healthcare, the universal healthcare at public hospitals is known for extremely long lines and poor service. Migrant workers who buy health and social security cards often do not get the care they need because of problems with language interpretation, or they do not understand their rights and are afraid of being detained. It could also be that the nearest hospital is too far from the factory in which they work. These challenges call for a total reassessment of this healthcare system with separate categories that results in **unequal access, and at unequal costs.** Quality healthcare should be paid for

⁷² https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=172&Lang=EN

⁷³ <https://www.ohchr.org/Documents/ProfessionalInterest/cescr.pdf> <https://www.ohchr.org/Documents/ProfessionalInterest/ccpr.pdf>

⁷⁴ <https://www.who.int/bulletin/volumes/97/6/18-223693/en/>

through taxes and available to everybody regardless of occupation or nationality. The government should incentivize people to stop buying their own private health insurance and have that money go to taxes which will pay for collective care⁷⁵.

CSOs have been working on expanding healthcare coverage and improving the system on various fronts. The group Tamtang, for example, have been pushing for the right to safe abortion, calling on the state to provide these services to women who are 12-24 weeks pregnant. The Women and Men Progressive Foundation (WMP) have been behind efforts to expand social security for the past 30 years and are currently pushing for benefits for gig workers. Amidst the rising popularity of the current pro-democracy movement, Dr. Satharam Thambutsadee from Thammasat University and various CSOs such as We Fair, the Labor Network for People's Rights, and the Pridi Banomyong Institute, have been campaigning for the development of a universal health insurance system that covers marginalized groups such as migrant workers. More generally, the concept of a “womb to tomb” welfare state to foster meaningful change at the structural level is an increasingly common topic within the pro-democracy movement⁷⁶.

In this context, the international community, including the EU, should **help in making medicine cheaper and more accessible by encouraging foreign pharmaceutical companies to drop their patents and drug monopolies.** The EU can also put **pressure on the government to resign and demand that the military stay out of political affairs, because universal healthcare is not going to come from a dictatorship.** There needs to be a solid plan to address the corruption and lack of resources in the public health system, as the Covid-19 pandemic has further highlighted.

⁷⁵ <https://www.who.int/publications/i/item/uhc-law-in-practice-legal-access-rights-to-health-care-country-profile-thailand>

⁷⁶ Dr. Satharam Thambutsadee interview on fight for a welfare state: <https://thematter.co/social/sustar-um-thammaboosadee/110865>



People get vaccinated. To prevent COVID-19 at Mahasarakham, Thailand
Source: shutterstock.com

Independent CSOs: a greatly needed watchdog

After scandal broke out about Thailand's Social Security Office (SSO) putting investments into luxury hotel real estate in late September 2020, the Labor Network for People's Rights (LNPR) initiated a campaign demanding reforms to this government agency that had already been failing to serve working people and other groups struggling through the pandemic. Their demands were the following: reform the SSO system of investments to be more transparent; reform the SSO to be independent from political influence; allow public participation; demand that the government immediately pays the 87 billion baht that they owe to the SSO; expand social security benefits to cover everyone, including vulnerable groups such as the poor, the elderly, and migrant workers; allow people to borrow money from social security at a low interest rate; and provide mRNA COVID19 vaccines to all members of the public, regardless of insurance plan or nationality.

As a result, LNPR representatives have been invited as consultants to a few SSO meetings. To follow up on these demands and put pressure on the SSO, LNPR recently organized a demonstration in front of their building in Bangkok on September 8, 2021⁷⁷.

LNPR has been particularly active in the ongoing pro-democracy movement which has been gaining momentum since 2020, regularly organizing local rallies and actions to advocate for workers' rights while also participating as a contingent in larger demonstrations in Bangkok. A quote from their statement of support for the pro-democracy movement in August 2020:

"The fundamental right that our labour movements have fought for and hold dear is the democratic right to question those who hold power. All workers, factory workers and beyond, cannot work and live with dignity without exercising the basic right to question those in power—including our employers and the government—when we see actions that conflict with the interests of the people"⁷⁸.



5.2 Access to education

Thailand is required to uphold the obligations regarding the right to education protected under the International Covenant on Civil and Political Rights (1996), and the International Covenant on Economic, Social and Cultural Rights (1999), ratified by the country⁷⁹.

However, in Thailand, the right to universal education is not a reality. The government does offer fifteen years of free education, but there are still uncovered expenses such as school supplies, uniforms, and even classroom air conditioning fees. Often, children will need external tutoring if they want to succeed. There are clear access

⁷⁷ <https://www.facebook.com/labornetworkforpeoplesright/posts/363789805448857>

⁷⁸ <https://prachatai.com/english/node/8740>

⁷⁹ https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=172&Lang=EN

inequalities involved. Children from poor backgrounds who exist on the margins of society do not receive the same quality education as for example, children in the city who were born into privilege and have more resources and opportunities. Children of migrant workers or stateless persons often have difficulties with access to this universal education provided by the state. Schools will sometimes ignore the law and demand documentation. As a result, children without a Thai national ID card are excluded. In some areas, such as the cities of Pattani and Songkhla where there is a large migrant worker population, these communities will sometimes set up schools themselves, though they are only able to provide very basic education. In addition, more support and resources for special education catering to disabled children are needed⁸⁰.

A major flaw in the Thai education system is the **outdated curriculum and the fact that it does not encourage students to pursue their own interests and skills** or prepare them for success in the interconnected and technology-driven world of the 21st century. All children are forced to study the same nine subjects under the Thai curriculum, and they are assessed on their ability to perform well in all of them⁸¹.

Another issue is the **patriarchal systems of belief, which is still prevalent among some communities**, including a number of ethnic minority groups, and lead to the restriction of women' and girls' right to education. They still hold on to the belief that women do not need a higher education and should instead focus on finding a husband and raising children at home.

Despite the current government's promises for reform, **no visible progress has been made to improve educational disparities or the quality of education in Thailand.** Instead, more international schools have been opening in Bangkok in recent years⁸². Although these schools are known for their more student-centered teaching approach and more modern curricula, they are expensive and almost exclusively available to children from urban middle and upper-class families. This only serves to widen the education gap between the elite and the rest of the population.

Demand for education reform has become a hot topic in the pro-democracy movement. A group of schoolchildren calling themselves "Bad Students" received a lot of publicity for their creative actions and organizing tactics. These children have brought national and international attention to the authoritarian and hierarchical nature of the Thai schooling system and the need for progressive, structural reforms that put students at the centre⁸³.

In this context, the EU should be **putting pressure on and working with the Thai government to completely restructure the national education system to equip students for success in the 21st century.** A starting point would be the recommendations presented in the 2016 OECD-UNESCO report to conduct a thorough curriculum review, reform the outdated standardized student assessment system, provide professional development to teachers and school leaders, and enhance the use of information and communication technology in schools (more important than ever with online schooling under Covid-19)⁸⁴.

80 <https://www.unicef.org/thailand/what-we-do/education>

81 <https://www.oecd.org/countries/thailand/education-in-thailand-9789264259119-en.htm>

82 <https://www.studyinternational.com/news/international-schools-thailand-booming/>

83 <https://www.hrw.org/news/2020/09/17/thailands-bad-students-are-rising-democracy-and-change>

84 OECD-UNESCO Report (2016): <https://www.oecd.org/countries/thailand/education-in-thailand-9789264259119-en.htm>



2020, October 25, Bangkok, Thailand. Tens of thousands of pro-democracy people gather on Ratchaprasong Road to address various social concerns, including government work problems, and criticize the monarch. Source: shutterstock.com

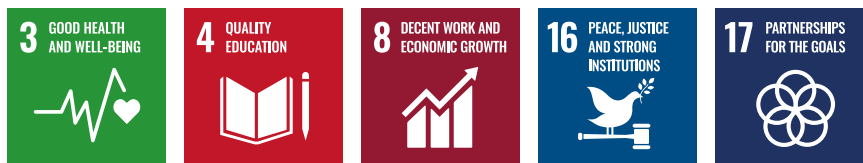
5. CONCLUSIONS AND RECOMMENDATIONS

An important cultural shift is happening in Thailand. **The government's mishandling of the COVID-19 situation has heightened frustrations over structural issues in Thai society, whether it be politics, economic and social rights, the environment, or other areas.** People are more willing to participate in movements for change, as demonstrated by the massive crowds showing up to pro-democracy rallies to this day.

In this context, as this report has showed, three areas should be prioritized in the future EU-Thailand partnerships:

1. Curbing inequalities by **promoting non-discriminatory access to social services, including quality and affordable healthcare and education** (also online), and building practitioners' capacity to respond to the specific needs of women, men, LGBTI persons, children, persons with disabilities, migrants, refugees and people in vulnerable situations. The social welfare and safety nets currently available are insufficient, and there needs to be significant investments into building public infrastructure that serves the people and supports these vulnerable groups.
2. Ensuring the respect of fundamental labor rights by **putting pressure on the Thai government to recognize and enforce universal labor standards.** This includes ratifying the core ILO conventions on freedom of association and collective bargaining (C.87 and C.98)

3. **Promoting a safe and an enabling environment for civil society** including
 - a. giving long-term strategic support in terms of **capacity building, technical support, and funding**
 - b. denouncing early signs of shrinking civic space, which includes being more vocal in **condemning Thailand’s public administration when they refuse to comply** with basic human rights principles.
 - c. closely **monitoring the situation on the ground** in order to present at conferences and on the international stage to raise awareness.



85 https://ec.europa.eu/international-partnerships/our-work_en
 86 <https://www.manushyafoundation.org/post/why-we-need-to-savebangkloi>

EU Commission’s priorities⁸⁵ and SOLIDAR Suisse Partners Work in Thailand

Green Deals:

Labor organizations such as JELI, We Fair, and the Women Workers Unity Group actively participate in efforts to protect the rights of indigenous people living on their ancestral lands within what is now Bang Kloi National Park. When the Thai government declared it a national park, they forced evictions and threatened violence on these indigenous communities that have been living in these forests for generations. Fighting these structural injustices and standing up for the rights of indigenous groups is key to protecting and conserving the natural environment⁸⁶

It is also time for the European and international community to start pushing more vigorously for **Thailand to adopt a green deal and invest more in the green sector and clean energy fields**. Recently, the general public has become more environmentally conscious, but the government does not have enough support or incentive to push environmental initiatives. Mining companies and the dirty energy sector still receive significant support from the state in the form of land commissions. This continues to affect the health and livelihoods of local communities. **A strong engagement in these issues will be crucial not only for the sake of the environment but also for the protection of human rights.**

Growth and lasting employment, inclusion of women

Given the ongoing COVID situation in Thailand, coupled with the fact that the country is still being ruled by a dictatorial government derived from a military coup, maintaining high employment and decent work has been a challenge.

However, there are labor coalitions within the democracy movement such as the **Labor Network for People's Rights**, a women-led network comprised of current and former industrial workers, and **Workers' Union**, comprised of workers from diverse backgrounds both within the formal and informal sectors. As a partner, **Just Economy and Labor Institute (JELI)** collaborates with these groups to address pressing labor issues such as rising unemployment, lack of severance pay for laid-off workers, and unfair employment practices. Other points of focus include amending the outdated Labor Relations Act to give migrant workers the right to organize and form a union, and the right for Thai workers to form multi-occupation unions and form a general strike.

JELI promotes labor justice by empowering workers and working-class communities and producing strategic research for campaigns and policies aimed at achieving a just economy and society. JELI has currently encouraged women gig workers in the care economy such as domestic workers and massage therapists to organize and strengthen their power. Moreover, JELI and the **Freedom Riders Union** have been campaigning

for the recognition of platform workers as formal workers, as the emerging gig economy becomes another area of concern for labor rights activists.

Because sex workers lack basic labor protections which make them even more vulnerable to exploitation, **Empower Foundation**, which is also one of JELI's partners, advocate for sex worker rights and an end to the Prostitution Prevention and Suppression Act.



Governance, peace, security and stability

JELI focuses on promoting democracy and civic space in Thailand by supporting democratic labor movements such as **Labor Network and People's Rights** and **Workers' Union** as their members.

Other organizations such as Thai Lawyers for Human Rights (TLHR), and People GO network work to promote civil and political rights, democracy, and building a constitution that centers people's rights, both economically and politically. JELI has participated in the events organized by People GO network such as the "Inclusive Constitution for the Poor" event.

Moreover, with the help of **Feminista**, JELI has received warm and insightful cooperation to help organize women gig workers. In general, Feminista is a Thai feminist organization works to promote gender equality, which is one of the peace indicators.

Partnership on migrations

MAP Foundation, JELI's partner organization in Chiang Mai, is a grassroots NGO that seeks to empower ethnic and migrant communities from neighboring Myanmar living and working in Thailand. They seek to empower migrant workers and their communities to take action to claim their rights and fight discrimination. Groups such as MAP and their CBO network work to secure full labor rights for migrant workers, so that they and their families may build their livelihoods and integrate into Thai society.

Migrant Working Group (MWG) is another organization working on migrant issues, advocating for their fundamental labor rights and right to a decent quality of life on the legal and policy levels.



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Organising International Solidarity (OIS)

*A presentation of the OIS programme can be found at the following link:
<https://prezi.com/view/9zuxuivoqUSD3w1pGJSz/>*