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Committee on Economic, Social and Cultural Rights

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Summary record of the 28th meeting

Held at the Palais Wilson, Geneva, on Thursday, 4 June 2015, at 3 p.m.

Chairperson: Mr. Sadi

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The meeting was called to order at 3 p.m.

Consideration of reports *(continued)*

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant *(continued)*

Combined initial and second periodic reports of Thailand (E/C.12/THA/1-2; E/C.12/THA/Q/1-2 and E/C.12/THA/Q/1-2/Add.1)

1. *At the invitation of the Chairperson, the delegation of Thailand took places at the Committee table.*
2. **Mr. Roujanavong** (Thailand) said that the reporting process had not only provided an opportunity to demonstrate the Government's continued commitment to the implementation of the International Covenant on Economic, Social and Cultural Rights but also to reflect on its achievements, to identify the remaining challenges — one of which was the need for an improved system of data-collection — and to reach out to civil society organizations to exchange information and find ways to work towards shared goals.
3. While the report being considered by the Committee had been drafted on the basis of the 2007 Constitution, the interim Constitution of 2014 guaranteed all the human rights that had been protected under the previous Constitution. Thailand was working towards the establishment of a sustainable democracy that would uphold human rights and the rule of law and would promote good governance and national reconciliation. Human rights would also be protected under the new draft Constitution, which was currently at the review stage. It was hoped that the draft would be approved by the end of the year and that a referendum and general elections would be held shortly afterward.
4. The current political situation notwithstanding, the Government was committed to bringing about social reform and, to that end, was reviewing and amending existing laws and introducing new legislation. It had, for example, recently enacted the Gender Equality Act, the Public Assembly Act and the Prevention and Suppression of Human Trafficking Act, among others. Under the dualist system in Thailand, international instruments were not directly applied but were instead incorporated into national legislation. Thailand would continue to strengthen its national legal system so as to ensure the effective implementation of the principles of the Covenant.
5. The Third National Human Rights Plan, which covered the period 2014–2018, contained numerous sections on economic, social and cultural rights. The Government was well aware that only by means of a comprehensive and participatory effort could the goals set out in that plan be achieved. The human rights principles enshrined in the Covenant were embedded in the Government's development policy, which was designed to ensure that all sectors of society could enjoy and share in the country's continuing economic growth. Its commitment to that policy was reflected in the fact that the budget of the National Human Rights Commission currently stood at US\$ 6 million, which was a fourfold increase in funding since its establishment in 2001, and large-scale investments had been made in human capital development and health-care initiatives. As a result, Thailand had made great strides towards achieving several of the Millennium Development Goals ahead of schedule. It had, for example, halved the poverty rate, reduced wage inequality, eliminated gender disparities in primary and secondary schools, and invested heavily in education in overall terms. The targeted reduction in the mortality rate for children under 5 years of age had been met, and child vaccination coverage stood at 99 per cent. Maternal mortality and HIV/AIDS infection rates had also been sharply reduced. While the delegation was very much looking forward to the Committee's suggestions as to how Thailand could improve its implementation of the Covenant, it was clear that people in

Thailand were among the happiest in the world, as evidenced by the 2015 Bloomberg Misery Index.

6. **Ms. Bras Gomes** (Country Rapporteur) said that she looked forward to a constructive dialogue with the Thai delegation. She wished to commend the State party on its informative, if long overdue, report and subsequent replies to the Committee's list of issues. There were, however, gaps in some of the statistical data which the State party had supplied that needed to be rectified. The International Coordinating Committee (ICC) of National Institutions for the Promotion and Protection of Human Rights had warned that the status of the National Human Rights Commission might be downgraded owing to the existence of serious institutional shortcomings, and she wondered whether the delegation could provide an update on the situation. Concerns had been raised by several NGOs regarding a proposal to merge the Commission with the Ombudsman, which, in the opinion of the Committee, risked weakening it.

7. Section 45 of the draft Constitution appeared to draw a distinction between Thai nationals and non-nationals in terms of the protection to be afforded for their economic, social and cultural rights. If that wording remained unchanged, she wondered how the Government would reconcile that provision with its obligations under the Covenant to protect the rights of any and all persons within its jurisdiction, regardless of whether or not they had Thai nationality. Further information on the new constitutional review process would also be appreciated.

8. With regard to the right to enjoy and utilize land and natural resources, it would appear that the objectives of economic growth and industrial development had been given precedence over the rights of local communities, which were rarely consulted prior to the implementation of large-scale development projects. In that connection, information on the status of the lawsuit regarding environmental degradation in the Map Ta Phut Industrial Estate would be appreciated. She would also be interested to know how the State party dealt with cases of cross-border human rights violations committed by Thai companies. Ethnic minorities — a designation she used in view of the fact that the State party did not officially recognize them as indigenous peoples — apparently had limited access to the lands and resources that they depended on for their very survival. The application of National Council for Peace and Order directives intended to reduce deforestation and encroachment on forest reserves was reportedly being carried out in such a way that the legal obligation to minimize the impact on disadvantaged and marginalized groups was not being fulfilled. There had been complaints about the destruction of food crops and forced evictions as well as intimidation and violence directed at local communities and community-based human rights defenders. Furthermore, the procedures used to identify such groups and ensure that they were compensated for the loss of their land and livelihood were said to be unclear or ineffective.

9. While the Government had taken steps to safeguard the rights of refugees and asylum seekers, stateless persons and those at risk of statelessness, the current Immigration Act did not appear to draw a distinction between refugees and asylum seekers, on the one hand, and so-called "illegal immigrants", on the other. The need to protect those groups had been brought into sharp focus following the recent events involving the Rohingya and other migrants in the region. Those people would no doubt continue to risk life and limb to flee the persecution and extreme poverty that they faced in their own countries and seek a life of security and dignity in countries such as Thailand, where they were confident that their right to live in dignity would be respected. She was sure that the delegation would agree that the recognition thus accorded to Thailand imposed huge responsibilities on the State party.

10. She was concerned to note that specific anti-discrimination legislation had not been deemed to be a top priority in the country, and she wondered what provisions in existing

legislative and administrative instruments were considered to ensure effective protection against discrimination. She would also be interested to know whether new gender equality legislation would close the existing legal gaps in that connection.

11. **Mr. Schrijver** said that he would be interested to know what impact the recent political turmoil in Thailand had had in terms of people's enjoyment of economic, social and cultural rights. It was unclear what precisely was meant by the interpretative declaration submitted by Thailand in reference to article 1, paragraph 1, of the Covenant, and he wondered whether the Government might consider withdrawing it. Although Thailand had been among the 144 States that had voted in favour of the United Nations Declaration on the Rights of Indigenous Peoples, in its replies to the list of issues, the State party had asserted that there were no indigenous people living in Thailand. It was difficult to understand how there could be such an inconsistency between its enthusiastic support for the Declaration and that assertion.

12. **Mr. Kedzia**, quoting from article 4 of the interim Constitution, said that it was unclear whether in actual fact the provisions of the 2007 Constitution were still in effect. In that connection, he wished to know how the current constitutional situation affected the standing of international instruments. According to section 257 of the 2007 Constitution, the National Human Rights Commission had the power to review legislation that was not in conformity with international treaties and to propose remedial measures. Was that provision still in force? It would be useful to know whether the dualist system in Thailand would be maintained under the new Constitution and to have information on the scope of the section on rights and freedoms. He wished to know whether the Government intended to expand the scope of that section, since the 2007 Constitution had not included some basic economic, social and cultural rights, such as the right to food and water. Would the new Constitution expand on such rights as trade union and labour rights, the right to social security and the right to equal pay for work of equal value by ensuring that the corresponding provisions were worded in such a way as to define them as individually enforceable rights?

13. In paragraph 50 of its replies to the list of issues, the State party had said that specific anti-discrimination legislation was not a top priority because the principle of non-discrimination permeated the entire society. The State party was to be commended for having adopted the Gender Equality Act, which criminalized discrimination against women, but he noted that the list of grounds for discrimination that were prohibited under section 30 of the 2007 Constitution was not exhaustive. He wondered whether the new Constitution would contain a list of prohibited grounds for discrimination that was open-ended or would include other grounds, such as sexual orientation. In the Committee's experience, a comprehensive law in that regard could be a very effective tool for countering discrimination.

14. The detailed information on efforts to combat corruption that was contained in paragraphs 41 to 49 of the replies to the list of issues was extremely useful, and he was glad to learn that section 35 of the interim Constitution established that the new Constitution would provide for an efficient mechanism for dealing with corruption, since corruption was a worldwide problem that impeded the implementation of the Covenant. He noted, however, that, in paragraph 42, the National Anti-Corruption Commission was described as an "independent government agency". He would appreciate it if the delegation could elaborate upon how the Commission's independence was ensured and its role in the work being conducted by the Implementation Review Group under the terms of the United Nations Convention against Corruption. He would also appreciate further details on the specific measures adopted by the Commission to prevent corruption. Lastly, he would welcome further information on the witness protection programme mentioned in paragraph 48.

15. **Ms. Shin** said that she hoped that the process involved in making the transition from the interim Constitution to a new Constitution, including the referendum, would proceed

smoothly. In his introductory statement, the head of delegation had said that the interim Constitution guaranteed the same human rights as the 2007 Constitution had, but she was concerned by the fact that, under the interim Constitution, military personnel and law enforcement officials had sweeping powers, and she wondered whether there was any oversight body that could avert human rights violations or the abuse of power.

16. Since the Thai Government did not recognize the existence of indigenous communities in its territory, despite having signed the United Nations Declaration on the Rights of Indigenous Peoples, ethnic minorities were in a precarious situation. In her travels around Thailand, she had found that the members of such groups were fearful. Women, in particular, were afraid of being raped whenever a soldier appeared, and the members of those communities found it hard to deal with local government officials because of linguistic difficulties. There appeared to be a need for more consultation with those communities, whose members sometimes failed to understand the changes that the country was undergoing.

17. The adoption of the Gender Equality Act was a great achievement, but she wondered why it stated that discrimination against women was permissible if it were deemed to be in the interest of national security or to be justified by religious or safety concerns. That provision restricted gender equality and should be rescinded. Any legislation on equality needed to be based on disaggregated data and be subject to a gender impact assessment.

18. **Mr. Uprimny Yepes** said that the Committee's task was complicated by the fact that there were three Constitutions to be taken into account: the 2007 Constitution, the interim Constitution, and the draft Constitution. All three Constitutions, however, maintained the country's dualist system, whereby international treaties did not apply directly but had to be explicitly incorporated into Thai law. In Latin America, many countries had retained the dualist system except in cases relating to international human rights law, where international treaties took precedence. He wondered whether the Government might consider that approach.

19. He would like to know whether a person could challenge violations of his or her economic, cultural or social rights in court and if there were avenues for seeking redress. If that was not possible, Thailand would be failing to fulfil its obligations under the Covenant. He wondered how human rights, in general, and economic, social and cultural rights, in particular, were protected in the light of section 44 of the interim Constitution, which gave the National Council for Peace and Order sweeping powers of derogation, and section 48, which exempted persons acting on the Council's orders from any accountability.

20. He wished to take another look at a number of points that had been raised previously. The first related to the fact that minority groups were not recognized as being indigenous peoples. He would like to know what specific measures had been taken to prevent discrimination against peoples who had a different ethnic or religious background from the majority of the Thai population. What types of land rights did those groups have? He shared Ms. Shin's concern about the fact that the exceptions set out in the Gender Equality Act could undermine the guarantees of equality between men and women which it established. Lastly, the draft Constitution seemed to make a distinction between Thais and others, since it referred to a person "other than a person of Thai nationality residing in the Kingdom", who could enjoy his or her economic, cultural and social rights "as provided for by law". Such a distinction amounted to discrimination.

21. **Mr. Atangana** said that, in a dualist system such as that used by Thailand, the transposition of the Covenant into national law posed a number of difficulties, since it was crucial to retain the sense of all of its provisions. The degree of success with which that had been done could be assessed by examining the actual case law of the courts.

22. **Mr. Abdel-Moneim** said that, given that the State party's report was actually two reports in one, the Committee had expected a longer document, although it did contain a great deal of information, nonetheless. However, article 2, which was covered in paragraphs 9 to 11 of the report, was much broader in scope than its coverage in the report would suggest. The Committee would also welcome more details regarding the implementation of articles 4 and 5. The State party's efforts to protect the right to work during the global economic crisis were commendable, although the report covered only the early years of that crisis. The tables of supplementary data that had been provided were also very informative.

The meeting was suspended at 4.10 p.m. and resumed at 4.25 p.m.

23. **Mr. Muntarbhorn** (Thailand) said that he would be replying to the questions raised concerning the 2007 Constitution and the transition from the interim Constitution to the new Constitution. He would also discuss the interpretative declaration in respect of article 1 of the Covenant relating to self-determination; the question of how Thailand should deal with the recommendations of the International Coordinating Committee concerning the National Human Rights Commission and the possible merger of the Commission with the Office of the Ombudsman; the exceptions provided for in the Gender Equality Act; and the question of the national perception of what constituted indigenous peoples.

24. The 2007 Constitution had used the phrase "human dignity" as a synonym for human rights. The concept was also present in the new draft Constitution, but the terminology was different: whereas the 2007 Constitution had referred to human dignity in relation to the rights of every person, the draft Constitution drew a distinction between Thai nationals and other persons. The issue was currently being debated in Thailand, but he hoped that the new provisions would cover all people, irrespective of their citizenship. The Committee's views would be an extremely useful contribution to the debate. The process of moving from one Constitution to another was fluid, and that was particularly true in the case of section 4 of the interim Constitution, which referred to human dignity and to the rights and freedoms that were protected under a democratic system of government, by the King as the Head of State and under the international instruments to which the State was party. The delegation's appearance before the Committee was testimony to the State party's commitment to the fulfilment of its obligations under the Covenant.

25. Under the country's dualist system, international treaties were not directly applicable in the nation's courts, and there was no provision in any of the Constitutions stipulating otherwise. The principle of dualism was reflected in section 190 of the 2007 Constitution and repeated in section 193 of the draft Constitution, which stated that treaties that would have an impact on the territorial integrity or jurisdiction of Thailand had to be presented to parliament for approval even before they were signed. That was not, however, to say that the courts did not cite international instruments. For example, the citation by the Administrative Court of the provision in the Universal Declaration of Human Rights concerning secret ballots had led to the annulment of an election because the ballot papers had been visible to people standing nearby. Some years earlier, the Constitutional Court had cited the Convention on the Rights of Persons with Disabilities when it had ruled that regulations barring persons with disabilities from being judges were unconstitutional. He hoped that the courts would take a proactive approach and make more use of international instruments.

26. The draft Constitution, which was still the subject of extensive debate, would contain separate sections on human rights and citizens' rights that would cover economic, social and cultural rights as well as civil and political rights. The State party's interpretive declaration with regard to article 1, paragraph 1, of the Covenant confirmed the Government's understanding that the right of self-determination should not impinge upon the territorial integrity of the State; in other words, it should not be interpreted in a way that

would lead to secession or separatism. The delegation would welcome the opportunity to engage in a reasoned dialogue about the subject with the Committee with a view to achieving a balanced interpretation of the notion of self-determination.

27. The National Human Rights Commission was at risk of being downgraded from its “A” status by ICC because reforms were needed. When the Commission had been founded under the Constitution of 1997, over half of the 20 members of the selection committee that appointed the 11 commissioners had been NGOs; by 2007, the Commission and the selection committee had been reduced to 7 members each, none of whom were representatives of civil society. In addition to ensuring that the membership of the National Human Rights Commission would be more diverse, in keeping with the Paris Principles, consideration was being given to legislation under which commissioners would enjoy immunity, but that bill was still pending before parliament. Consideration had been given to the possibility of merging the National Human Rights Commission with the Office of the Ombudsman, but a number of government and civil society representatives had advised against that step since their roles and mandates were different: the Ombudsman dealt with problems relating to the administration of justice, while the Commission dealt with the application of international human rights standards.

28. The principle of non-discrimination would be enshrined in the new Constitution, and the Committee’s general comment No. 20 on non-discrimination would be heeded in the application of that principle. Every effort would be made to ensure the elimination of both formal and substantive discrimination and both direct and indirect differential treatment. The new Constitution would build on the definitions of non-discrimination included in the Constitution of 1997 and the 2014 interim Constitution. For the first time, a reference to gender would be incorporated that would encompass LGBTI rights. The new Gender Equality Act referred to “gender expression” and was understood to cover LGBTI persons. The only exceptions to non-discrimination in respect of women arose when national security was at stake — in which case the application of that exception would be in accordance with international standards — and in the case of religious traditions. All citizens in the country enjoyed equal rights. As noted earlier, Thailand had supported the adoption of the United Nations Declaration on the Rights of Indigenous Peoples; the challenge lay in implementing the corresponding legislation at the local level, where it was not always clear who belonged to an indigenous community, since the authorities relied to a certain extent on self-identification for that purpose.

29. **Mr. Roujanavong** (Thailand) said that the 1999 Anti-Corruption Act was still in effect, and the new Constitution would not introduce any changes in that regard. The guarantees of the independence of the National Anti-Corruption Commission established under the former Constitution and under the current draft Constitution were in accordance with those stipulated in the United Nations Convention against Corruption. The Government attached great importance to the fight against corruption; it had expanded the number of regional anti-corruption offices and had increased their total staff from 1,200 to 2,000 in 2015. Recent legal amendments had extended the authority of the National Anti-Corruption Commission to include investigations into the actions of Thai officials based overseas and had revised the definition of the offence of bribery of national public officials overseas, foreign public officials and officials of public international organizations in line with Article 16 of the Convention against Corruption. The relevant laws were also in compliance with Article 26 concerning the liability of legal persons. A joint task force on corruption was also to be set up. The Commission’s witness protection programme was of crucial importance in paving the way for the successful prosecution of corruption cases. Between 2006 and 2015, the Commission had referred 1,080 cases to the Attorney General’s Office for prosecution; 964 of those cases had been prosecuted, 113 cases were being processed and 3 cases had been dismissed. High-profile cases included a former minister of public health who had been sentenced to 15 years in prison for taking kickbacks

on purchases of medical equipment and supplies. Two former prime ministers had been prosecuted, and one of them had been sentenced to 2 years in prison for malfeasance. A former minister of commerce was currently on trial for corruption.

30. **Ms. Suwansathit** (Thailand) said that the protection of the economic, social and cultural rights of ethnic communities in Thailand posed huge challenges. Thailand was a country of great cultural diversity; different ethnic communities had migrated to Thailand throughout history and, apart from a period before and during the Second World War, they had been able to express their cultures and traditions freely. Although it had not been policymakers' intention, the cultural traditions and languages of ethnic communities in Thailand and elsewhere were under threat as a result of rapid development, urbanization and rural-to-city migration. A recent language-mapping research project had shown that the 5 main language families in Thailand could be broken down into 68 main languages, with some of them being spoken by communities of fewer than 100 members. In support of the Government's decision to ratify the Convention for the Safeguarding of the Intangible Cultural Heritage, the Ministry of Culture had created a unit within its Cultural Promotion Department to focus on the preservation of ethnic communities' languages and traditions. The Ministry also funded libraries and archives in all the country's provinces and had established cultural learning centres at the district and community levels in cooperation with those communities. Folk art festivals encouraged communities to celebrate their traditions and helped them to attract tourism and build up their local economies. Within the formal education system, for the past five years, four pilot primary schools in border areas had provided bilingual education to children in their mother tongue and in Thai. Based on that experience, 14 more schools would be opened in the coming years.

31. **Ms. Wuttisorn** (Thailand) said that the free, informed consent of groups likely to be affected by large-scale development projects was obtained by means of an established process that entailed the consideration of a wide range of factors. Feasibility studies were not confined to an evaluation of economic liabilities; they also had to include social and environmental impact assessments. Information was sought from a diverse range of sample groups, and community members were given the opportunity to voice their opinions and concerns. Public hearings were organized, and cabinet and parliamentary approval were required in most cases so as to ensure a thorough and transparent evaluation of all the possible impacts. The fact that small- and medium-sized dams had been built instead of mega dams because there had been opposition to large-scale projects of that type illustrated the Government's respect for public opinion.

32. As to the questions asked earlier about data collection, the statistics provided in the replies to the list of issues went up to the year 2012. Following the economic crisis of 1997, the authorities had become more aware of the importance of having a proper data-collection system, and ongoing improvements had been made in terms of the speed of data collection and the quality of the data, which were now disaggregated by gender, by urban and rural area, by province and by population group. Administrative data were recorded by government agencies, survey data were compiled by the National Statistical Office and a national population census was conducted approximately once every 10 years. Economic statistics were processed in line with international standards. The delegation could provide the Committee with employment figures up to the first quarter of 2015 and figures on the national poverty rate up to 2014.

33. **Mr. Akapin** (Thailand) said that a request made in 2009 by the local community to have Map Ta Phut designated a pollution control area had been refused by the Government at that time, despite the fact that it was an industrial hub. The community had taken the case to the Administrative Court and had won its appeal. As a result, additional government controls had been introduced and businesses were required to conduct environmental health impact assessments. The Government had provided additional funding for improvements in

medical and health care and in environmental waste management between 2009 and 2011. A further budget allocation of US\$ 20 million had been approved in 2014 to support the introduction of sustainable environmental protection measures in the province. Map Ta Phut had become an example of best practices in cooperation between industry and the local community in Thailand. A community partnership association had been formed, and the goal was to make the Map Ta Phut Industrial Estate into the industry standard by 2018.

34. **Ms. Khomepatr** (Thailand) said that the principle of gender equality was set forth in the draft Constitution and that the Gender Equality Act had been amended to make gender one of the prohibited grounds for discrimination and to introduce additional preventive and protective measures. The Act defined the concept of “unfair discrimination” in a way that included discrimination against persons whose chosen gender differed from their gender at birth. It also provided for gender sensitivity training for law enforcement officials. Victims of discrimination could file complaints and seek compensation. The Government was working to mainstream a gender perspective into public policies and to enhance women’s role in politics and the civil service. The objectives of the Women’s Development Plan was to promote women’s health, including sexual and reproductive health, and increase their participation in the economy. From 2012 to 2015, the Government had allocated US\$ 10 million per year to the promotion of gender equality, while the Thai Women Empowerment Funds had provided some US\$ 18 million to local women’s groups in 2014.

35. **Mr. Akaara** (Thailand) said that the principle of free, prior and informed consent was adhered to and that land disputes between villages and corporations were settled in accordance with existing laws and regulations. The Government was committed to preventing deforestation and safeguarding the right of local communities to a fair share of the income from natural-resource development projects. The National Council of Peace and Order had launched a forest protection campaign that called on the Government to end forest encroachment and had explicitly stated that low-income and landless persons living in areas slated for conservation projects should not be adversely affected by those schemes. Members of minority groups were permitted to live in national parks in the southern part of the country and were provided with basic services.

36. **Mr. Schrijver**, noting that Thailand was not a party to several of the fundamental International Labour Organization (ILO) conventions, asked what the Government’s view of international labour standards and the ILO Declaration on Fundamental Principles and Rights at Work was and how the Government intended to bridge the existing gaps in the legal protection afforded to migrant workers.

37. **Mr. Ribeiro Leão** said that he would like to know what the minimum wage was, how it had been calculated and why it did not apply to the categories of people listed in paragraph 41 of the report. He would also appreciate further information on the fund for labourers referred to in paragraph 48 of the report and specifically on what such workers’ main reasons for applying for a loan were and whether steps were being taken to ensure that labourers did not need loans in the first place.

38. **Mr. De Schutter** said that he would like additional information on the voluntary benefits package made available to undocumented and informal sector-workers under the Social Security Act because it could serve as a model for other countries. In particular, he would be interested to learn how the social security system could identify those workers, given their irregular situations, what the package included and whether informal-sector workers might face retaliation from employers who had failed to register them. He wished to know whether the labour rights of workers in the Special Economic Zones, especially those who commuted daily from neighbouring countries, were upheld, whether the labour inspectorate operated in those zones and whether any derogations from labour and social security rights were applied there.

39. **Mr. Kedzia** asked whether trade union rights were observed in the Special Economic Zones and how guarantees in that regard were enforced. Referring to the registration of fishing vessels mentioned in paragraphs 82 and 83 of the replies to the list of issues, he asked what impact the intensification of inspections had had on the industry and on workers' exercise of their rights.

40. **Mr. Martynov** asked what mechanism was in place to enforce the quota of employees with disabilities, what percentage of private and public businesses complied with the quota, whether there were penalties for non-compliance and, if so, how effective they were. He wished to know whether persons with disabilities took part in vocational training and, if so, what proportion of the trainees had a disability. How well did the training match the needs of the job market? Referring to the voluntary package of social security benefits for informal-sector workers, he asked how large the informal workforce was, what percentage was covered under the scheme and what proportion of the package was financed by the State. He would welcome further information on informal-sector workers' access to universal health care and, in particular, would like to know whether their families had the same entitlements and what services were covered under the universal health-care system. Further information about the results of the work of the Social Protection Floor Joint Team would be appreciated.

41. **Mr. Uprimny Yepes** requested further information on the right of public-sector trade unions to call a strike. He wished to know whether it was possible for domestic workers to form a trade union and, if so, whether there were any unions in that domain.

42. **Ms. Bras Gomes** asked what steps were being taken to address the fact that the employment rate for persons between the ages of 15 and 24 was consistently lower than the rate for other age brackets. She would also appreciate information on the steps being taken to reverse the upswing in unemployment in the southern part of the country and to close the gap between the employment levels of men and women. She would also like to know what kind of protection was provided to persons employed by subcontractors, who constituted a substantial portion of the workforce. She wished to know how domestic workers who were employed by private individuals were protected, and she invited the delegation to comment on the fact that quasi-public institutions were not allowed to form trade unions.

43. **Ms. Shin**, noting that the Labour Protection Act covered sexual harassment in the workplace only when committed by senior staff, said that she would like to point out that that type of behaviour could be exhibited by anyone, from co-workers to customers, not only by hierarchical superiors. How was the harassment by persons other than senior staff addressed and how, exactly, was the Labour Protection Act enforced?

44. **Ms. Patarachoke** (Thailand), responding to the concern expressed about the sweeping powers of the National Council of Peace and Order under section 44 of the interim Constitution, said that the Deputy Prime Minister had held a briefing after similar concerns had been raised within the country. The objective of section 44 was to enable the National Council to put an end to violence and effectively restore peace and stability. Section 44 could be invoked only under specific circumstances and had been used in a limited manner since its entry into force in July 2014.

The meeting rose at 6 p.m.