**Report on Eliminating Intolerance and Discrimination Based on Religion or Belief and the Achievement of Sustainable Development Goal 16 (SDG 16) in the southern border provinces of Thailand**

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**Background**

Muslims are the largest religious minority in Thailand, with 2,777,542 or 4.5% of the total population. In the 2010 census shows that,80 percent of the Malay Muslim live in the southern border provinces near the Malaysian border (Pattani, Yala, and Narathiwat provinces). In this region, there were 1,879,801 for the total population, 22% are Buddhists and 78%are Muslims. The conflict between the Patani independence movement and the Thai government have been lasting for more than 16 years. The study found that there are many significant factors that cause the conflict such as ethnicity, religion and social inequality.[[1]](#footnote-1) From 4 January 2004 until 30 April 2020, there were 7,128 deaths and 13,314 injuries. [[2]](#footnote-2) Not only that, but there are also economic and property losses that cannot be assessed. The government, therefore, have been enforcing three special laws, namely the Martial Law Act of 1932, the Emergency Decree on Government Administration since 2005,following the National Security Act in 2008 for resolving the conflict. However the the law enforcement leads to serious human rights violations, especially the using of these laws against the Malay-Muslim groups in the southern border provinces. This report is intended to examine the record of human rights abuses in Thailand on the elimination of ethnic discrimination. The report describes many forms of human rights violations committed in the Malay Muslim border provinces in the southern Thailand. Part 1 is the legal discrimination and practices that cause human rights violations against Malay Muslims. Part 2 identify the impact of continuing discrimination on Malay Muslim citizens and the environment of impunity. Part 3 shows some best practices of the Thai Government in Protecting the Malay Muslim People.

**Legal discrimination and practices that cause human rights violations**

1. The special law enforcement in 2004 in the 3 southern border provinces and 4 districts of Songkhla province started when martial law was declared due to the gun robbery at 4th Battalion, Kromluang Narathiwat Rajanagarindra Camp, Cho-Airong District, Narathiwat Province, which is a law that gives military power over civilians to maintain order. Martial law is a law that has been issued since 1932 and will come into force only when a war is declared or a war situation occurs, even though no war has been declared against each other. In practice, Martial law is also enacted for the military can use special powers. Later, the Cabinet passed a resolution "Emergency Decree on Administration in 2005" to give the Prime Minister has the right to declare an emergency and transfer the powers to all parties for resolve the situation under the Prime Minister control. The National Security Act 2008 is a law that has recently been enacted only if there is an event affecting the security in the Kingdom that the situation is not necessary to declare a state of emergency decree.[[3]](#footnote-3) Martial law empowers military officials to detain suspects for a period of 7 days without an arrest warrant, while the Emergency Decree allows investigations of suspects during the thirty-day period with the permission of the court. While the National Security Act requires an arrested warrant before the arrest, but due to the monitoring situation, it is found that the law has acted against Malay Muslim, both male, female and children only because of Thai government mindset think that members of the Patani independence movement are only Malay Muslim.
2. From the stereotype and prejudice towards the Malay Muslim, leads to the enforcement of special laws for the blockade of the village, as happened between 17 September 2018 in two sub-districts, Bang Khao and Tha Kamcham Sub-districts, Nong Chik District Pattani Province that were stigmatized by the commander in region 4 said "From the incident, the officials look after all people, all nationalities are the same. As the following offences, the parent is responsible for the actions of the offspring. Right now we are setting up a legal team to oversee it because we do not let the children did violence for money and give it to the family".[[4]](#footnote-4) In addition, the security officials closing the two villages and collecting the villager's DNA on July 17, 2019. There are 70 households that have been searched and 60 villagers have been collected DNA or genetic material. These are divided into 19 women and 41 men.[[5]](#footnote-5)

**The impact of discrimination with special laws**

1. Arbitrary arrested

4,529 suspects were detained at the Pitaksanti Center, National Police Front Office and Military intelligence division in front of the province Southern border from 2005 - 31 December 2017 and released without prosecution of 3,121 people.[[6]](#footnote-6) It shows that the Malay Muslims have been violated for their rights and freedoms and have not been given access to justice due to their inability to meet lawyers, claiming they are just suspects and not accused. The Duayjai group has collected a number of detainees with special laws from the online media, found that by 2020 there were 168 people being detained, and adding more 43 persons up to 30 April 2020.

1. Torture and Ill Treatment

There are ongoing complaints of torture in the southern border provinces, with some cases being able to prove and lead to compensation for the victims and their families, such as the Imam Yapakaseng, but in some cases, it cannot be proven as torture or not, even though they died in military custody, such as In the case of Mr Sulaiman Naeza. From the data collected by the Duayjai group, found that from 2011-2019, torture cases continues to occur every year. The victims of the torture suffered from psychological effects that affected the disclosure of their grievant stories, as well as the unrest situation, which made it difficult to reveal the stories. In 2011-2019, the Duayjai group interviews 137 people who claim to have been tortured during detention under a special law. And the situation of torture is to be worrying in 2019 when the detainees namely Mr Masukri Salae who detained with the special law was sent to the hospital for the cause of the falling down in the bathroom . Before he was in paralysis, he had said that he was enforced to sleep deprivation for 3 days and 3 nights, resulting in dizziness. [[7]](#footnote-7) Later, there was a complaint process about torture in a military unit in Yala Province, causing him to be admitted to Yala Province hospital for cure an ankle injury, he felt so frustrated that he could not walk normally. He claimed that he was hit on the soles of the feet with a broom during the interrogation.[[8]](#footnote-8) Another case on July 21, 2020, Mr Abdullah Iso Muzo lost his conscious and was taken to Ingkharayuthboriharn Army Hospital. He was later admitted to 2 hospitals until he finally died after being treated for 35 days. [[9]](#footnote-9)

1. Extrajudicial Killing

According to a report from the Deep South Watch, 244 suspect persons died in the attack between Thai security agencies and armed forces since 2004 until 2019. Which many events are witnessed by the public such as in the Puolo Puyo case, Pattani Province in the year 2012 or the Toh Chud case in the year 2015, both case were they were 8 civilian deaths.In this case, the parents of the victims filed a lawsuit with the Pattani Provincial Court on July 24, 2017, in order to claim damages from the Army, on the Royal Thai Police and the Office of the Prime Minister under the Liability for Wrongful Act of Officials Act B.E. 2539 .There was was Black Case No. 397/2560 ,on March 28, 2019, Pattani Provincial Court made an appointment to hear the first court hearing . The court ruled that Military officer and the police perform their duties legally, so all 3 defendants are not liable to the plaintiff under Section 5 of the Official Liability Act 1996[[10]](#footnote-10) Which shows that the Emergency Decree gave the officials license to the people violation by the state, they do not have to be punished in any way. And the latest event at the Tawae Mountains Narathiwat Province on December 16, 2019, causing dissatisfaction with the operation of officials who shot 3 loggers dead while working at the mountains. Which is currently under the process of the court. All 3 cases have been healed by the Southern Border Provinces Administrative Center.

1. Collecting Malay Muslim’s DNA profiles.

Collecting DNA profiling the Malay Muslims are widespread in the southern border provinces when DNA is used as evidence in allegations of security accusations. Members of the Malay Muslim family who have fled or have been detained will be the primary target of DNA collection, including newborns, parents, siblings and wives. [[11]](#footnote-11)In addition, on April 1, 2019, officials have collected DNA samples of enlisted men in the three southern border provinces of Pattani, Yala, Narathiwat and the 4 districts of Songkhla province, which are Chana, Na Thawi, Saba Yoi and Thepha. Campaigning by the Peace Center of Internal Security Operations Division Region 4 (ISOC, Division 4, Front) , they announced through the media that sample of DNA help facilitate the database to the proof of evidence in the event of violence in the area. This DNA collecting only processed in the southern border provinces. In addition, most enlisted signatures have signed consent to the collection of DNA samples, with not giving prior notice by officials (Prior Informed Consent - PIC), causing them to surrender in fear.[[12]](#footnote-12) Following the outbreak of the COVID -19 in the southern border provinces from the people who participated in religious activities in Malaysia, causing the resistance by people to the Dawah group in Thailand and the discrimination against the returning Malay Muslims from religious activities in India, Indonesia and Pakistan, including Malay Muslim students returning from those countries. All these people that have to be quarantined and stigmatized by the people in the country.[[13]](#footnote-13) Also in the situation of COVID 19, Malay Muslims who returning from Malaysia have problems with passports or fleeing into the country through natural paths must be collecting DNA. [[14]](#footnote-14) While the return of Thai people from Europe or America did not find any DNA collection at all.

1. Stereotype and stigmatized

Human rights defenders, Malay Muslims and human rights defenders for people in the southern border provinces working on civil and political rights violations and anti-torture were attacked the website namely pulony.blogspot.com. Which is a website for hatred in 3southern border provinces and has received the budget from Internal Security Operations Command in 2017-2019"[[15]](#footnote-15) This website is the Information operations (IO) by using fake accounts to threaten people who different mindset and building hatred. In addition to this website, there are pages that attack Malay Muslim human rights defenders who demand of Right to Self Determination.

1. Some Malayu Muslim are blacklisted by a security agency claiming their participation in separatist movements which leas to the detention of persons wishing to travel abroad, often to people who have been detained under a special law or former detainees. In the year 2019 found that there are cases of general citizens travelling in and out of the country often, especially those who travel to Malaysia to be detained before leaving the country and returned to the country, with officials claiming that it was listed on the Blacklist of the Region 4 Security Command. For example, in the case of Abdulrozi Tanah, the president of the Baro Subdistrict Administrative Organization, who has been detained by the police, immigration, arrivals and departures because they are listed in the blacklist of the ISOC.4, in September 2019 and Mr Abdul Rosi also said that there are another five thousand people to be processed in this way. The incident occurred on December 18, 2019, while going on a study trip to China when scanning an outgoing passport, but the device was unable to do the process. Therefore, he entered the airport's immigration checkpoint on the other side and conducted fingerprint process .Then, on 24 December 2019, during the arrival of the city at Suvarnabhumi Airport, the same problem occurred. This event affects the right to travel from a country to another country. And also affect the stigma from the society that understood he involved in the rebel movement.
2. Students and youth organizations such as PERMAS have been labelled as a youth group of the Barian Revolusi national movement, especially in the bombing event in Bangkok on 1-2 August 2019. Then,the Special Branch Bureau sent a letter requesting information of Muslim students who studying in the university. This letter was signed on September 9, 2019, and sent to the university at least 3 universities that have locations in Bangkok and its surrounding provinces. Later this order was cancelled.[[16]](#footnote-16)
3. Private Islamic schools and Tadika schools or Islamic education Center at the mosque is an religion school in the southern border provinces of Songkhla, Pattani, Narathiwat, Yala, and Satun. There are 2,083 Tadika schools open to Muslim youth aged between 5-12 years on Saturday-Sunday. Since 2017, found that activities were conducted at Tadika School by military units from the area. Which tend to do short-term activities that are not related to Islam curriculum and found that military carrying weapons come into the Tadika school during activity. This is believed to be in accordance with the policies of the Thai government within the framework of the 20years national strategy and related action plans It aims to dissolve the ideas of the opposite parties through various activities in the project to promote and spread the truth. Which is specified in "Integrated Plan for the Resolution of Southern Border Provinces 2020"One of the key indicators is the intention of changing mindset f children aged 1-5 years which the military claim that Tadika School is a place of incubation and persuading children to join the movement in the southern border provinces. The military activities at Tadika School occur only in the southern border provinces but do not have these activities in other areas of the country.
4. Prohibition of students to dress according to Islamic principles in public schools. The prohibition of wearing hijab for girls and boys forbidden by wearing long pants in accordance with Islamic principles. According to Ministry of Education, they issue regulations on student in 2018 who respect Islam in other institutions besides private Islamic teaching schools may choose to wear the school uniform according to the first paragraph or according to the form specified by the school on a voluntary basis except for the educational institution that place to use the temple area or the religious places as the location of the school. The dress of the school uniform shall be in accordance with the contract or agreement between the temple and the school. [[17]](#footnote-17) This leads to conflicts in schools and the surrounding community lead to parents to submit a case to the Administrative Court in order to protect children from school threats.
5. SIM registration with Face Recognition System only in the southern border provinces or those coming to the southern border provinces by the order of the Internal Security Operations Command Region 4 (ISOC. Region 4) Requesting cooperation for mobile phone users in 3 southern border provinces, including Pattani, Yala, and Narathiwat provinces, and in the 4 districts of Songkhla, consisting of Saba Yoi ,Jana, Thephana and Na Thawi district, must register with the face recognition system at the customer service centre of the mobile phone network from June 23, 2019, to April 30, 2020. Along with clarifying that If the SIM card users does not follow the instructions,they will not be able to use the phone number by staff stating that "In accordance with the announcement of the Broadcasting Commission Television business and the National Telecommunications Commission which has been enforced since 2014 and the ISOC empowered by virtue of Article 16 of the National Security Act 2008 together with Section 11 (6 ) The Emergency Decree on Government Administration in 2005 specifies the specific purpose of collecting data from users of SIM cards of each mobile phone network in that area only. To prevent the insurgency group using the SIM card of another person's mobile phone for detonate bombing.” Cutting the mobile phone connection will affect the education of children who have to study online from phones, Youtube and television, causing children to lack of educational opportunities.
6. Children and women are not yet adequately protected from violence in the area, causing children and women in the suspects family to be under constant threat from daily home visits. DNA collection form children and women. And detain women who relatives fleeing or their husbands away from home, claiming that they support the military operations of their fleeing husbands or brothers.[[18]](#footnote-18)

**The Impact of discrimination against Malay Muslim in the Southern Border Provinces**

1. Mainstream media that reach a large number of people, such as newspapers, radio and television, continuously monitor the incidents. But mostly only report data from government officials such as the crime scene number of deaths and the list of suspects. It also reproduces the same discourse by choosing words that create gross negative images, such as "South bandits" "insurgent separatists" or "extreme Muslims".Most recently, one print media has a headline on the front page that "The paramilitary fought and killed 3 south bandits" but the truth came out later that was the case of an extraordinary killing to civilian at Khao Tawao, Narathiwat Province, on December 16, 2019, which is regarded as Headlines that don't match the truth Causing hatred among people and adding to the hate of Islam (Islamophobia) is increasingly concentrated in Thai society.**[[19]](#footnote-19)**
2. A. Establishing security policies and strategies for solving problems in the southern border provinces of Thailand by the Internal Security Operations Command which focuses on the change of opinion towards the Muslim people in the southern border provinces as shown in the documents. Budget No. 3, the budget expenditure for the fiscal year 2020, which identifies the project to promote and support the truth with the target group of children aged 1-5 years, youth[[20]](#footnote-20)

**Good practices**

1. The Southern Border Provinces Administrative Center established the Coordination Center for Children and Women of the Southern Border Provinces on June 10, 2019, with relevant government agencies and civil society working together for protection and prevention children and women in the southern border provinces.[[21]](#footnote-21) It also increases the efficiency of the healing process for people affected by unrest in the southern border provinces, both physically, mentally and financially. And also increased the training of religious and security agencies in the area to understand human rights principles[[22]](#footnote-22)
2. The Internal Security Division, Division 4, has set up the Committee on Human Rights Protection in the Southern Border Provinces on April 27, 2019. The Committee is from all party, both the government and the public. In order to investigate the case of complaints regarding actions or omissions which violate human rights in southernmost of Thailand.[[23]](#footnote-23) But from the operation, it was found that an investigation aimed for financial remedies rather than bringing the wrongdoers to punishment and causing doubt in the work of the committee.
3. The Central Islamic Committee of Thailand has approved the draft of the Marriage Regulations (Nikah), with people under the age of 17. The essence of the new regulation is that the Commission can issue a marriage certificate to spouses. But must comply with the provisions of Islam and the spouse is not less than 17 years of age. In the case that there is a reasonable cause, the Central Islamic Council of Thailand may exempt or waive the implementation of this regulation, which Chulalongkorn has signed the agreement Central Islamic Committee of Thailand on Marriage (Nikah), persons under 17 years 2018, to solve the problem of child marriage in the southern border provinces.[[24]](#footnote-24)
1. Chumphot Nurakkate,2012 , The Confl ict in Southern Thailand , Retrieved on 22 April 2020. <https://www.defence.gov.au/ADC/Publications/documents/Shedden/2012/SheddenPapers12_120306_ConflictinThailand_Nurakkate.pdf> [↑](#footnote-ref-1)
2. DeepSouthWatch , Summary of Incidents in Southern Thailand APRIL 2020 (Deep South Watch Database), Retrieved on 21 May 2020 <https://deepsouthwatch.org/th/node/11954> [↑](#footnote-ref-2)
3. Journal of Law, Thaksin University, Year 5, Issue 7, January-December 2014, pages 1-19 [↑](#footnote-ref-3)
4. Workpoint News , Martial Law Announcement in 2 Sub-districts in Nong Chik Hand hunting, shooting 2 dead rangers, Retrieved on May 22, 2020<https://workpointnews.com/2018/09/17/%E0%B8%A1%E0%B8%97%E0%B8%A0-4-%E0%B8%9B%E0%B8%A3%E0%B8%B0%E0%B8%81%E0%B8%B2%E0%B8%A8/> [↑](#footnote-ref-4)
5. Thai PBS News , Open the knot: DNA-SIM card Operating on a two-way crossroad, Retrieved on May 22, 2020<https://news.thaipbs.or.th/content/282515> [↑](#footnote-ref-5)
6. Phatthawut Angkhavarin, 2018, Special Law for Security cases in the Southern Border Provinces, Retrieved May 22, 2020.<http://www.dsdw2016.dsdw.go.th/doc_pr/ndc_2560-2561/PDF/8465p/%E0%B8%A3%E0%B8%A7%E0%B8%A1.pdf> [↑](#footnote-ref-6)
7. Prachatai, Cross-cultural Foundation ', claimed the knot of suspects, seriously injured, Cease to enforce special laws arrests and detain suspects, Retrieved on 22 May 2020 <https://prachatai.com/journal/2019/03/81625> [↑](#footnote-ref-7)
8. The Duayjai group interviewed on 15 May 2019 [↑](#footnote-ref-8)
9. BBC Thai , Torture : From arrested, unconscious, death. What happened to Abdullo-Isomuso, Retrieved on May 22, 2020? <https://www.bbc.com/thai/thailand-49470456> [↑](#footnote-ref-9)
10. MGRonline , Pattani court dismissed the plaintiff's case. The case of the deceased parents suing for the shooting of 4 dead bodies at Thung Yang Daeng, Retrieved on May 23, 2020. <https://mgronline.com/south/detail/9620000031394> [↑](#footnote-ref-10)
11. Duayjai group, Human rights situation in southernmost of Thailand ,Retrieved May 23,2020 <https://ilaw.or.th/node/5269> [↑](#footnote-ref-11)
12. ISRA News Agency, Urged the army "Stop Collecting - Destroying" DNA. Thai men enlist in the military on the southern border, Retrieved on May 23, 2020.<https://www.isranews.org/content-page/67-south-slide/75476-dna-75476.html> [↑](#footnote-ref-12)
13. Khawsod online, Suvarnabhumi Disease Checkpoint, ordered 256 Thai students returning from Pakistan, searched on May 26, 2020.https://www.khaosod.co.th/special-stories/news\_3853904 [↑](#footnote-ref-13)
14. Thairat online, Officials inspected and sent to quarantine, Retrieved on May26,2020 <https://www.thairath.co.th/news/local/south/1840124> [↑](#footnote-ref-14)
15. ISRA News Agency, Orange politician, alleged army documents - ISOC unfolding operations IO-pay per head 100-300 baht/month, retrieved on 23 May 2020<https://www.isranews.org/isranews-news/85973-isranews-85973.html> [↑](#footnote-ref-15)
16. The public post, heavy criticism! Public Security sent a letter to the chancellor request information on the number of Muslim students and sects, Retrieved on May 23, 2020.https://www.publicpostonline.net/30322 [↑](#footnote-ref-16)
17. ISARA news agency, ending - not ending? Ministry of Education, amendment of regulations Disabling hijab wear in school "At the Government House", Retrieved on 23 May 2020https://www.isranews.org/content-page/67-south-slide/66823-end.html [↑](#footnote-ref-17)
18. Duayjai group interviewed on Febuary18,2020 [↑](#footnote-ref-18)
19. Sarawut Aree, Overcoming Hate Islam through the media: case of unrest reporting in the southern border provinces, Retrieved on May 26, 2020.<https://www.facebook.com/srawutaree/posts/10219557746588286>? [↑](#footnote-ref-19)
20. Budget document no. 3, Budget expenditure for fiscal year 2020, retrieved on May 26, 2020https://bit.ly/2Djr3QQ [↑](#footnote-ref-20)
21. Southern Border Provinces Administrative Center, SBPAC with government agencies Join hands with civil society Discuss the establishment of the Coordination Center for Children and Women The Secretary-General of the Southern Border Provinces of Thailand (SBPAC) revealed the solution to child-women problems. Is a part of creating peace in the area, Retrieved on May 26, 2020 <http://www.sbpac.go.th/?p=39204> [↑](#footnote-ref-21)
22. Southern Border Provinces Administrative Center, SBPAC organizes activities to improve the capability of practitioners to protect children and women. Use human rights principles Religion and law to become a collaborative network Reduce unfair conditions, Retrieved on May 26, 2020 <http://www.sbpac.go.th/?p=41461> [↑](#footnote-ref-22)
23. At the southern border, ISOC has appointed the investigation committee. In the case of human rights violations, government agencies and civil society work together. Retrieved on May 26, 2020 <http://www.chaidantai.com/?p=35101> [↑](#footnote-ref-23)
24. Public Relations Bureau, Sheikhul Islam Office Preparing to issue regulations prohibiting children under 17 from marriage, Retrieved on May 23, 2020.http://thainews.prd.go.th/th/news/print\_news/TCATG190110161806690 [↑](#footnote-ref-24)