



Human Rights Watch statement

Item 6 – Adoption of the outcome of the UPR of Thailand

15 March 2012

We welcome the adoption of the outcome of the Universal Periodic Review of Thailand, which reflects a large number of important recommendations.

We regret that Thailand rejected all recommendations calling for the review of *lese majeste* to safeguard freedom of expression. Thai authorities continue to use the Computer Crimes Act and the penal code provision on *lese majeste* (insulting the monarchy) to enforce censorship and persecute dissidents. Often those charged with *lese majeste* offenses are denied bail and remain jailed for many months awaiting trial. Harsh punishments have been delivered by the court in several instances. Senior officials, including the deputy prime minister and the army commander-in-chief, have issued several blunt public calls warning human rights activists, academics, and members of political movements to desist in their calls for reform of *lese majeste* laws.

We note that Thailand accepted the recommendations to investigate killings by security forces. However, at least 90 people died and more than 2,000 were injured during violent confrontations between the previous government of Abhisit Vejjajiva and the United Front for Democracy against Dictatorship (UDD) from March to May 2010 as a result of excessive and unnecessary use of lethal force by the state security forces, attacks by armed elements within the UDD, and incitement to violence by some UDD leaders. The new government of Yingluck Shinawatra's decision to provide financial reparations and other remedies to victims of politically motivated violence that took place between 2006 and 2010 is a welcome step. However, the government has yet to provide necessary support for other major recommendations made by the Truth for Reconciliation Commission of Thailand (TRCT). Some actions by the government appear one-sided, for instance criminally investigating soldiers for the deaths of protesters, while ignoring the violence committed by the UDD, which backs the new administration.

A long-running civil armed conflict in the southern border provinces has resulted in thousands of civilian deaths, including many unlawful killings by the insurgents. We note that Thailand accepted recommendations to address impunity. In addition, in February 2012, the government introduced a plan to provide financial reparations to victims of state-sponsored abuses in the southern border provinces. While this is welcome, there is still no progress addressing accountability and justice. Since 2004, no member of the security forces has been criminally prosecuted for extrajudicial killings, enforced disappearances, arbitrary detentions, and torture in the southern border provinces. While the Thai government took a positive step by signing the International Convention for the Protection of All Persons from Enforced Disappearance in January 2012, as pledged during its UPR, it needs to back up its support for the convention with genuine progress in the many ongoing "disappearance" cases. Torture also remains a serious problem in the context of the conflict.

Successive Thai governments have failed to conduct an inquiry regarding the killing of 2,819 people and other human rights violations during the 2003 "war on drugs." The government has now set a target to "rehabilitate" 400,000 drug users in 2012. This is of serious concern, as the military and other security forces continue to operate compulsory drug detention centers where drug users are

subject to military-style exercises in place of voluntary treatment options that comport with international standards.

We urge the government to respect its international legal obligation not to forcibly return any asylum seeker or refugee to where they would face persecution. The government should also ensure access to proper screening and status determination procedures by the UN High Commissioner for Refugees for all asylum seekers, including those detained in immigration facilities, prior to deportation or forced return. Persons determined to be "persons of concern" to UNHCR should not be held in indefinite immigration detention. We also urge Thailand to accede to the 1951 UN Refugee Convention and its 1967 Protocol.

Thailand accepted recommendations to prevent and combat arbitrary arrest, violence, abuse and exploitation of migrants. In order to do so, the government should establish a special commission to independently and impartially investigate the allegations of systematic human rights violations perpetrated by the police, immigration officers, and other officials against migrant workers. Thailand should accede to the 1990 Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

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