

## **Refugee Rights Network in Thailand Joint Submission Thailand Cycle 3**

### **Constitutional and legislative framework: National Screening Mechanism**

1. While Thailand has hosted diverse refugee populations for decades, its national policies regarding refugees have been fragmented, with refugees falling through the gaps. Thailand's refugee population is roughly divided between camp-based refugees along the Thailand-Myanmar border (around 92,000) and urban refugees (approximately 5,000).<sup>1</sup>
2. At present, Thailand does not conduct Refugee Status Determination, but the UNHCR is currently fulfilling this role. However, on December 25, 2019, the Royal Thai Government (RTG) enacted the Regulation of the Office of the Prime Minister on the Screening of Aliens who Enter into the Kingdom and are Unable to Return to the Country of Origin B.E. 2562, which created a National Screening Mechanism (NSM). Although the Regulation refers to 'protected persons' rather than refugees, the Regulation was in effect the adoption of a refugee screening mechanism from the Cabinet Resolution, which occurred on January 10, 2017. The Regulation came into force on June 22, 2020. However, it is still in the preparation stage. Criteria and guidelines are yet to be discussed, and most details remain unclear, including when refugees will be able to benefit from the protections provided within it.
3. At present, it is unclear whether the RTG will exclude groups who are currently under the responsibility of the National Security Council, for example, people fleeing conflict in Myanmar, as well as Rohingya, Uyghurs, North Koreans, and similar groups of migrants who have security issues related to international politics or may severely impact Thailand's international relations.<sup>2</sup> If this is the case, only a handful of refugees will have access to the NSM and, by extension, status under Thai law and the rights attached to it.
4. Recommendations
  - 1) Ensure CSO's meaningful engagement in the NSM implementation to provide inputs and comments in determining the criteria of screening.
  - 2) Ensure that the NSM is accessible to anyone who seeks asylum.
  - 3) The NSM and the Standard Operation Procedures (SOPs) should be in line with the definition of a refugee in the 1951 Convention Relating to the Status of Refugees and in line with international law and standards, including due process.
  - 4) As for the screening process indicated in article 20, Thai authorities should ensure that claimants have access to the right to appeal to the Administrative Court.
  - 5) Ensure that the claimants have access to legal representation throughout the process.

### **Right to be recognized before the law**

5. Under Article 6 of the Universal Declaration of Human Rights and Article 16 of the International Covenant on Civil and Political Rights, everyone has the right to recognition everywhere as a person before the law. Additionally, in its second Universal Periodic Review, Thailand accepted Namibia's recommendation to "[e]nsure birth registration for all children born on its territory...".<sup>3</sup> It noted Canada's recommendation that it "[p]rovide access to legal status for asylum seekers and refugees without discrimination"<sup>4</sup> and France's recommendation that it "[g]ive legal status to refugees and asylum seekers."<sup>5</sup>
6. Children born to refugees in Thailand can register a birth. Although this does not provide any additional rights or privileges, it is a 'Recognition of Legal Personality' by the Thai

government to prevent statelessness. It can also serve as evidence of the residence in Thailand that leads to the permit of temporary stay. However, particularly in urban contexts, there are problems on communication issues that lead to wrong information on the certificate. Some government officers are unaware of refugees and presume that refugee children are in the same category as children born to migrant workers.

7. Refugees should be recognized under the Thai laws through the NSM process. Still, there are stills issues of the unreasonable delay of the implementation and the concern on excluding those who may not be able to access the NSM.
8. Recommendations
  - 1) Increase government officials' knowledge and awareness of refugees, particularly in areas where refugees typically reside.
  - 2) Harmonize laws relevant to refugees, such as laws on immigration, laws on civil registrations, to fit their situation and context and make it easier for them to access their rights.

### **Freedom from arbitrary detention**

9. On January 28, 2021, the Human Rights Council Working Group on Arbitrary Detention reiterated that, under international human rights law,  
*[[I]ndefinite detention of individuals in the course of migration proceedings cannot be justified and is arbitrary ... a maximum period for detention in the course of migration proceedings must be set by legislation. Upon the expiry of the period for detention set by law, the detained person must be automatically released.*<sup>6</sup>  
Further, when the principle of non-refoulement renders expulsion impossible, "the detainee must be released to avoid potentially indefinite detention from occurring, which would be arbitrary."<sup>7</sup>
10. In 2016, the RTG accepted India's recommendation that Thailand "[a]ddress harsh living conditions in immigration detention centers."<sup>8</sup> The RTG also noted Luxembourg's recommendation that Thailand "put an end to the arbitrary detention of refugees and asylum seekers and stop the detention of children on the grounds of migration control" and Paraguay's recommendation that Thailand "establish a policy that allows decreasing the high levels of overcrowding conditions in detention centers".<sup>9</sup>
11. Over the past five years, the RTG has committed to ending the detention of refugee children in Thailand, has endorsed and adopted the Global Compacts on Migration and Refugees, has adopted the ASEAN Declaration on the Rights of Children in the Context of Migration, has implemented a Memorandum of Understanding on the Determination of Measures and Approaches Alternative to Detention of Children in Immigration Detention Centers (ATD MOU), and accompanying Standard Operating Procedures and has established the NSM mentioned above. Nevertheless, refugees in Thailand continue to be subject to arrest and detention. The RTG relies upon refugee resettlement and voluntary repatriation for case resolution. However, under the NSM, refugees are by definition unable to return to their country of origin, and resettlement is limited. As such, detention tends to be long-term.
12. The ATD MOU has led to some progress on the treatment of women and children in detention: over 230 women and children have been released from detention between 2019 and 2020 through community-based and case management alternatives to detention. Nonetheless, serious challenges remain, the RTG still perceives child

detention through a national security lens. The current ATD system always focuses on controlling and limiting their rights rather than holistic case management, which does not reflect the best-interests-of-the-child principle. For example, the use of "Day Care Centre" inside the Immigration facility for children and their family members as one of the states ATD placement options should not be considered an alternative to detention. Some children, including Rohingya children or children whose asylum cases at UNHCR are closed, are exempt from the community based ATD. As a result, many of them are held in a government shelter indefinitely with no other solution.

13. Family members are detained separately, and the ATD MOU mainly benefits detained mothers with children. The ATD MOU fails to ensure the family unity principle as it does not provide an alternative option for other family members, particularly fathers. Access to bail at the Immigration Bureau is extremely limited, depends on the officials' discretion, with burdensome conditions, for example, frequent reports, and requests a high amount of the bail money (THB 50,000), which limits refugees from the only option to be released from IDC and eventually leads to family separation. In some cases, CSOs were notified that children were separated from their mothers. The lack of coordination between government agencies leads to limited access to proper identification, vulnerability screening, and assessment measures. As a result, child detention time takes much longer than it should be.

#### 14. Recommendations

- 1) End the harmful practice of detaining refugees and asylum seekers and only use it as a last resort.
- 2) Where release is not feasible, immediately implement non-custodial and community-based alternatives to detention. These should provide appropriate and non-institutional reception and case resolutions and preserve the right to family unity.
- 3) Grant UNHCR and CSOs unrestricted access to screening existing detainees and provide necessary assistance to ensure that detainees can claim asylum if they could not do so before being detained.
- 4) Ensure that detainees can access the bail system and waive bail fees.
- 5) Ensure those remaining detainees can access health practitioners and legal counsel.

#### **Principle of non-refoulement**

15. During the 2nd cycle UPR in 2016, the Compilation of U.N. information recommended Thailand refrain from the refoulement of asylum seekers and refugees.<sup>10</sup> The summary of stakeholders' submission to the UPR also pointed out the risk to refoulement<sup>11</sup> and violated the international prohibition against refoulement.<sup>12</sup> Thailand did not receive any recommendations on this issue in 2016. Still, in its alternative report to the CERD committee in 2020, the National Human Rights Commission of Thailand suggested that the Thai government guarantee that it would not push back asylum seekers and refugees to their countries of origin based on the Non-Refoulement Principle.<sup>13</sup> Even though Thailand is not a party to the 1951 Refugee Convention and the 1967 Protocol, Thailand should respect the principle of *non-refoulement* under the ICCPR (Article 7), the CAT (Article 3), and as it is *jus cogens*.

16. Asylum seekers and refugees in Thailand are still subject to refoulement. In 2018, refugees from Cambodia were expelled to their country of origin. A Cambodian labor activist whom UNHCR had determined to be a refugee was arrested and deported.

While she was in the Immigration Detention Centre, UNHCR interviewed her for resettlement, and her case was appealed to the Court of Appeal on the ground that there was a real risk of deporting her.<sup>14</sup> Nonetheless, she was deported to Cambodia. Thai authorities stated that the deportation was under section 54 of the Immigration Act B.E.2522, and it was an act of cooperation between Thailand and Cambodia.<sup>15</sup> In December 2018, another Cambodian labor activist was arrested and deported to Cambodia at the Cambodian government request.<sup>16</sup> Although the deportation was legal under the Immigration Act B.E.2522, section 54, these cases show Thailand's failure to respect the non-refoulement principle and its obligations under international human rights laws. As a result, asylum-seekers and refugees in Thailand fear the possibility of repatriation.

17. Clause 25(1) of the NSM Regulation states that once someone has been granted 'protected person' status, authorities must "[r]efrain from repatriating the Protected Person to the country of origin." However, the Regulation includes an overly broad exception on national security grounds, such that it may not be an effective barrier to refoulement.
18. Recommendations
  - 1) Implement national legislation on non-refoulement to ensure that asylum seekers and refugees will not be subject to refoulement without exception.
  - 2) Ensure that authorities respect the principle of non-refoulement.

### **Right to a Fair Trial**

19. The RTG is not fulfilling its international obligations regarding the right to a fair trial. Asylum seekers and refugees are subject to criminal proceedings, such as illegal immigration or detention hearings, have limited access to interpreters or legal counsel, violating Article 14(3) of the ICCPR.<sup>17</sup> Thailand has - in line with General Comment No. 32 - established a juvenile criminal justice system. Still, in practice, asylum seekers and refugee children are often processed as adults at the time of the arrest.
20. While the RTG provides some free legal aid services, such programs do not cover irregular immigration and detention cases. Asylum seekers and refugees depend on civil society organizations for legal assistance and enjoy few procedural guarantees, including essential due process safeguards against prolonged or indefinite detention.
21. Following art 14(3) ICCPR, Section 13 of the Thai Criminal Procedure Code stipulates that the accused has the right to an interpreter during the investigation and court process.<sup>18</sup> However, in some instances, asylum seekers and refugees still depended on civil society organizations to arrange for interpreter services. For example, in 2018, when immigration police arrested a 17-year-old Sri Lankan boy and brought him before the juvenile court, the court did not provide an interpreter despite the accused only speaking limited Thai. In 2018, at court proceedings following a mass arrest, the court did not ask whether the accused spoke Thai, and Asylum Access Thailand had to provide an interpreter. In December 2019, Thai police arrested a Somali child and a Somali family with three young children. The police did not arrange for an interpreter but used the Somali child, who spoke some Thai, to communicate with the Somali family. They were asked to sign an arrest report without being provided with adequate interpretation. The Somali child was released the same day, but the family, including the three children, were kept in detention overnight. The next day, after the court hearing,

the Somali family had to sign additional documents without being provided with an interpretation of the documents' content.

22. The Child Protection Act and the Juvenile and Family Court and Procedure Act provide special protections for children ('juveniles') under criminal proceedings, in line with the RTG's obligations under international law. In practice, police do not always adhere to these provisions when arresting and processing at the police station. In August 2018, immigration police arrested 180 people from Cambodia and Vietnam, including older people and women with babies and young children. Children were separated from their parents without taking the best interest of the child into account.<sup>19</sup> In violation of the Juvenile and Family Court and Procedure Act, police failed to identify one of the arrestees as a child. Subsequently, they failed to bring this child before the Juvenile and Family Court within 24 hours. Instead, the child was held at the district office hall and adults for two days before being brought to adult court.<sup>20</sup> The court did not inform the child, nor the arrested adults, of the nature and cause of the charges against them. Police kept the child at a police station for six days without any court order before sending him to Juvenile and Family Court.<sup>21</sup>
23. In February 2021, immigration police arrested a 16-year-old boy. Despite acknowledging that he was a child, the police refused to submit the case to the Juvenile and Family Court, even following UNHCR and civil society organizations' efforts to advocate for the child's rights. This is a violation of section 70, 72, 73, and 78 of the Family and Juvenile Procedural Act, which stipulates that in case of the arrest of a child, the inquiry officer should bring such child before the court within 24 hours to verify the arrest and decide whether the child should be under state custody or parent custody.<sup>22</sup> After the lawyer requested the juvenile court investigate the child's arrest,<sup>23</sup> the court only granted their petition to set a court hearing date twenty-five days after the arrest. Meanwhile, the boy was detained in Immigration Detention Center.
24. Recommendations
  - 1) Ensure that indigent asylum seekers and refugees have access to free legal assistance in all criminal cases, refugee status determination hearings, and any other official proceedings that may result in the deprivation of liberty.
  - 2) Ensure a free, adequate interpreter to asylum seekers and refugees facing criminal charges or detention, as required under Thai law, and ensure that such assistance enables asylum seekers and refugees to understand their rights during every criminal process level.
  - 3) Enforce the Child Protection Act and Juvenile and Family Court and Procedure Act to provide exceptional protection for asylum-seeker and refugee children subject to criminal proceedings.

### **Right to the highest attainable standard of health**

25. Under the International Covenant on Economic, Social, and Cultural Rights, everyone is entitled to enjoy the highest attainable standard of health conducive to living a life in dignity, regardless of their legal status. During the 2nd cycle of UPR in 2016, Thailand accepted recommendations to ensure equal access to health care for all and establish

strategies to achieve the Sustainable Development Goals, especially regarding the right to health care.<sup>24</sup> However, the highlights of Thailand's implementation of recommendations and voluntary pledges showed that the only implementation related to health rights was the MOU to improve prisoners' health service system.<sup>25</sup> There was no mention of other vulnerable groups nor of asylum seekers and refugees.

26. Thai public health insurance covers treatment and rehabilitation, health promotion, disease surveillance, prevention, and control. However, under the Ministry of Public Health Notification, asylum seekers and refugees in Thailand cannot access public health insurance.<sup>26</sup> Therefore, whereas camp-based refugees can access some treatment from NGOs in the camp, urban asylum seekers and refugees have to pay for treatment at hospitals, which is challenging given their inability to work legally in Thailand. Further, because most of them do not have legal status, they fear contact with Thai authorities. They, therefore, usually go to the Buddhist Tzu Chi Foundation, which provides a free clinic to refugees. In a 2017 report, the NHRCT pointed out problems experienced by refugees trying to access health assistance, including officer's attitude and difficulty understanding the doctors, nurses, and other staff due to limited interpretation.<sup>27</sup> Despite the NHRCT having provided recommendations to the Ministry of Public Health and other bureaus. The problems persist: recent research on health status and healthcare access of refugees found that asylum seekers and refugees have significantly more unmet needs than Thai people, possibly because they do not have public healthcare insurance.<sup>28</sup>
27. Further, urban refugees have been left to fend for themselves during the COVID-19 pandemic. The Tzu Chi clinic was temporarily closed during the pandemic, and the RTG has not included refugee groups in its COVID response plans. As Thailand prepares for vaccine distribution, asylum seekers and refugees must not be overlooked.
28. Access to healthcare in IDCs is limited, particularly problematic given the overcrowded cells, inadequate sanitation, and reports of high levels of mental health issues. The health service in IDC is under the Immigration Bureau's control, Royal Thai Police, and the guideline on the care is not shared. There are minimal medical care levels within the IDCs, and more severe cases can be referred to hospitals only if the medical services within the IDC make a referral. However, CSOs have received complaints from detainees who missed their hospital appointments because the hospital staff did not have the capacity to escort them. Further, there is some confusion over whether detainees are expected to pay for their treatment.
29. Recommendations
  - 1) Ensure all populations in Thailand have access to public health insurance.
  - 2) Pass a law mandating that health facilities cannot inquire about immigration status and cannot report any patients or prospective patients to immigration authorities.
  - 3) Improve accessibility to health assistance by improving interpretation services in health facilities.

## **Right to education**

30. The RTG has long demonstrated its commitment towards the Education for All (EFA) policy. Despite holding a reservation to Article 22 of the United Nations Convention on the Rights of the Child (CRC) relating to rights of child refugees and asylum seekers, Thailand reaffirmed its improvement in promoting rights of all migrant children to public

services since it adopted the CRC in 1992.<sup>29</sup> However, the 2019 GEM Report entitled "Building Bridges, Not Walls" notes that in Thailand, even though the policy was shifted to expand inclusiveness for undocumented migrants as a 'person' in the 1999 Education Act after a 2005 resolution, it has not yet implemented to improve inclusion in the education sector.<sup>30</sup>

31. The development of parallel education systems that refugees and migrants have to manage hinders their access to quality education. Approximately more than 60% of migrant children living in Thailand are not in school, and there are two main education providers for those studying in schools: Learning Centers (L.C.s) and Thai schools.<sup>31</sup>
32. While an increase in the number of migrant children entering Thai schools has been observed, there are still barriers to migrant children studying in Thai schools. The EFA's inconsistencies, a lack of awareness of implementing EFA amongst communities, discrimination towards migrant children by service providers, and financial and linguistic barriers are all challenges that migrant children face in Thailand. These factors drive more migrant children to enroll at L.C.s, which are not formally recognized by Thai and Myanmar governments. Receiving basic education without any accreditation severely limits their future options.
33. While the transition of refugee and migrant children into Thai schools is possible, the pathway must be formalized and standardized to promote the children's best interest. As migrant children in Thai schools often struggle to speak Thai and are therefore left behind, the use of mother-tongue-based education to improve children's learning must be promoted to be proper education for all. Refugee and migrant children must be able to maintain their identity and be allowed to use their mother-tongue. With the introduction of English in Thai schools, regional languages within the multilingual education approach improve refugee and migrant children's education quality.
34. Freedom of movement would allow children to access education and promote more opportunities to contribute to Thai society. However, restrictions in refugees' movement, livelihoods, and education have significantly impacted their opportunities.<sup>32</sup> The existing encampment policy imposed on refugees along the border constricts this pathway towards a hope-filled future for children born, raised, but stuck in Thailand while waiting for a solution. Furthermore, education has to safeguard and enable children living with disabilities, so they are not left behind. Opening access to education to refugees and undocumented populations at all levels is a durable solution.
35. Recommendations
  - 1) Full recognition and implementation of Education for All (EFA) by addressing education barriers and ensuring the inclusion of undocumented migrants and refugees and persons living with disabilities in the Thai education sector as a path to durable solutions.
  - 2) Ease the restrictions on movement and enable migrant and refugee children's education transition by recognizing their education.
  - 3) Ensure quality of education by enabling the recognition of mother-tongue-based multilingual education (MTB-MLE) in the Thai education system and preventing identity loss among undocumented children.
  - 4) To increase educational inclusion for migrant children, the implementation of the Education for All policy must be fully recognized by all actors. The Ministry of Education (MoE) must actively promote and support all children's right to education in Thailand. This includes raising awareness among "many school

leaders"<sup>33</sup>, so that enrollment and placement policies are being implemented in practice.

## Right to work

36. The RTG is not fulfilling its international obligations regarding the right to work. Thailand has made several international obligations and commitments relevant to refugees' right to work. For example, under ICESCR Article 6(1). Similarly, Article 5(e)(i) of the ICERD guarantees everyone's—including non-citizens'—"rights to work" and to "free choice of employment" and includes the obligation to remove obstacles that prevent the enjoyment of the right to work.<sup>34</sup> The Committee on the Elimination of Racial Discrimination has also underscored States' obligation to implement measures to ensure that non-citizens do not face discrimination in their working conditions or work requirements.<sup>35</sup>
37. However, because Thai domestic law does not legally recognize refugee status, refugees and asylum seekers are treated as illegal migrants and are generally not permitted to work in Thailand.<sup>36</sup> In theory, Thailand's Labor Protection Act and other domestic labor laws apply equally to non-nationals and should provide some protection against abuse. In practice, however, inadequate monitoring and enforcement of Thailand's labor laws, coupled with refugees' lack of legal status, expose refugees to exploitation: unscrupulous employers can pay exploitative wages, make refugees work in otherwise illegal conditions, withhold refugees' wages, and arbitrarily terminate employment, and refugees have little choice in accepting the work as they need to earn money to survive.<sup>37</sup> When in dispute with the employers, refugees are afraid to seek justice and legal protection for their cases due to their uncertain legal status. Even in an extreme case where a refugee lost his life at work, the surviving family members need legal counseling to understand their rights. With support from Asylum Access Thailand, they were finally able to report the case to the police, who negotiated with the employer. Even then, the family received a smaller amount of compensation than what was specified in the law.
38. With little-to-no income, asylum seekers and refugees find it extremely difficult to provide for their families, including the ability to cover healthcare costs and their children's education. The lack of right to work imposes refugees' dependency on humanitarian assistance from civil society organizations, international organizations, and U.N. agencies and invades their ability to rebuild their lives.
39. While the National Screening Mechanism is expected to provide certain rights for refugees, the right to work is not included.<sup>38</sup> Despite the Foreigners' Working Management Emergency Decree B.E.2560 (2017), Section 63 could be applied with people in a 'refugee-like' situation, and this law cannot be implemented unless the RTG issues a Cabinet Resolution. If the RTG were to include the right to work, it would be a significant step towards bringing its practices in line with the human rights treaties that it has signed.
40. The COVID-19 pandemic has further aggravated the impact of refugees' exclusion from the labor market. From Asylum Access Thailand's survey of 74 refugees in urban communities in May 2020, 85 percent of refugees who worked illegally lost their job and had no access to the government's compensation scheme. Half of the respondents had

to borrow money from others and could not pay their rent nor buying essential goods for their family members, such as hygiene products, baby supplies, and drinking water. They had to withdraw their children from school because they had no money to pay for transportation.<sup>39</sup> The RTG already has a model that could benefit over 90% of refugees in Thailand: on January 26, 2021, a Cabinet Resolution was passed allowing migrant workers from Myanmar, Laos, and Cambodia, who are in immigration detention awaiting to return to their original country but cannot return due to COVID-19 situation, to be released and to work.<sup>40</sup> If Thailand extends this policy to refugees and asylum seekers, it would simultaneously protect their rights and strengthen its workforce as it starts to rebuild while borders remain closed.

#### 41. Recommendations

- 1) Enforce the Foreigners' Working Management Emergency Decree B.E.2560 (2017) amendment No.2 B.E.2561 (2018), Section 63, for encamped and urban refugees to grant the right to work.
- 2) Amend the National Screening Mechanism regulation to provide refugees and asylum seekers with the right to work, including while their claim and appeal are being assessed.
- 3) Provide protections to ensure that refugees can hold employers accountable for exploitation, abuse, and dangerous working conditions.

### **Uyghur Refugee**

42. Around 50 Uyghur asylum seekers are remaining in Thailand right now, separated into small groups in many Immigration Detention Centers throughout Thailand. There was pressure from around the world when Thailand deported 120 Uyghur asylum seekers to China in 2015. The deportation was linked to the bomb in Bangkok in the same year, and it was one of the main reasons that the RTG treats Uyghurs as a special group that concerns national security. No policy benefits Uyghur to enjoy the protection, and most Uyghurs stay in Thailand illegally, which means they are subject to arbitrary detention.

43. Uyghur is considered a special group, managed by the national security agencies, and does not have access to protection from UNHCR as they are prevented from registering for the Refugee Status Determination process. Uyghurs in the immigration detention centers do not have access to any assistance from CSOs and are treated differently from other detainees due to national security concerns. Unlike other similar court cases, CSOs are limited to assist and are also not allowed to observe the trials of Uyghurs. Most Uyghurs have been isolated in the Immigration Detention Centers with deplorable conditions for more than eight years from the time they got arrested (from 2013 until now). People Empowerment Foundation tried to submit a letter to bail those vulnerable, such as elderly or sick people, but the Thai government did not allow it. Most Uyghurs are Muslim, but the treatments in the IDC are inadequate and do not comply with their belief and cultures. Generally, there is no Halal food provided. The foods contain ingredients that Muslims cannot consume, except in Ranong that the IDC provides Halal foods because there are many Rohingya detainees who are also Muslim. However, some IDC may allow the outsiders to send Halal food to Muslim detainees during a fasting period.

#### 44. Recommendations

- 1) Ensure the non-refoulement and do not send Uyghurs back to China.
- 2) Allow Uyghurs to apply for refugee status with UNHCR for resettlement.
- 3) Ensure that any policies relevant to Uyghurs shall be in line with international standards, including the conditions in the IDC and that Uyghur detainees have

- access to bail.
- 4) Uyghur detainees should be treated with the respect due to their religion and belief and ensure that Halal foods are provided to Muslim detainees.
  - 5) IDCs shall allow CSOs to visit and provide assistance to Uyghur detainees.

#### **ENDNOTES**

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[2] office of the council of state, Nor Ror 0907/449, December 18, 2019, [https://resolution.soc.go.th/PDF\\_UPLOAD/2562/9933420829.pdf](https://resolution.soc.go.th/PDF_UPLOAD/2562/9933420829.pdf).

[3] UPR Info, 2RP: Responses to Recommendations & Voluntary Pledges, September 23, 2016, [https://www.upr-info.org/sites/default/files/document/thailand/session\\_25\\_-](https://www.upr-info.org/sites/default/files/document/thailand/session_25_-)

- \_may\_2016/recommendations\_and\_pledges\_thailand\_2016.pdf, p.5, para. 158.56.
- [4] UPR Info, 2RP: Responses to Recommendations & Voluntary Pledges, September 23, 2016, [https://www.upr-info.org/sites/default/files/document/thailand/session\\_25\\_-\\_may\\_2016/recommendations\\_and\\_pledges\\_thailand\\_2016.pdf](https://www.upr-info.org/sites/default/files/document/thailand/session_25_-_may_2016/recommendations_and_pledges_thailand_2016.pdf), p. 16, para. 159.67
- [5] UPR Info, 2RP: Responses to Recommendations & Voluntary Pledges, September 23, 2016, [https://www.upr-info.org/sites/default/files/document/thailand/session\\_25\\_-\\_may\\_2016/recommendations\\_and\\_pledges\\_thailand\\_2016.pdf](https://www.upr-info.org/sites/default/files/document/thailand/session_25_-_may_2016/recommendations_and_pledges_thailand_2016.pdf), p. 16, para. 159.68
- [6] U.N. Human Rights Council, *Opinions adopted by the Working Group on Arbitrary Detention at its eighty-ninth session, 23–27 November 2020*, U.N. Doc. A/HRC/WGAD/2020/70, January 28, 2021, para 106.
- [7] U.N. Human Rights Council, *Opinions adopted by the Working Group on Arbitrary Detention at its eighty-ninth session, 23–27 November 2020*, U.N. Doc. A/HRC/WGAD/2020/70, January 28, 2021, para 107.
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- [9] UPR Info, 2RP: Responses to Recommendations & Voluntary Pledges, September 23, 2016, [https://www.upr-info.org/sites/default/files/document/thailand/session\\_25\\_-\\_may\\_2016/recommendations\\_and\\_pledges\\_thailand\\_2016.pdf](https://www.upr-info.org/sites/default/files/document/thailand/session_25_-_may_2016/recommendations_and_pledges_thailand_2016.pdf), p. 11, para. 158.180
- [10] U.N. Human Rights Council, *Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21*, U.N. Doc. A/HRC/WG.6/25/THA/2, March 7, 2016, para. 70.
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- [13] National Human Rights Commission of Thailand, *"Alternative Report on Thailand's Implementation in Compliance with the Convention on the Elimination of All Forms of Racial Discrimination (CERD) by the National Human Rights Commission of Thailand (NHRCT)"*, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCERD%2fIFN%2fTHA%2f42390&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCERD%2fIFN%2fTHA%2f42390&Lang=en), p. 13.
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