



**19th Regular Session of the UN Human Rights Council
Item 6: Universal Periodic Review (UPR)-Plenary on Thailand**

**Oral Statement Delivered by Mr. Akanit Horatanakun on Behalf of
Asian Forum for Human Rights and Development (FORUM-ASIA)**

Thursday, 15 March 2012

Thank you, Madam President. FORUM-ASIA, People's Empowerment Foundation and other 95 Thai civil society organisations endorsing Stakeholders Joint Submission 9¹ appreciate the open dialogue with the Ministry of Foreign Affairs on the follow-up to the UPR Working Group session, though more needs to be done to ensure that the UPR does not remain a one-off event but is an ongoing national process.

Of the 134 recommendations accepted by the Thai government, its pledge to sign the International Convention for the Protection of all Persons from Enforced Disappearances (CED) is noteworthy, and a timeline must be provided for its prompt ratification without reservations. Meanwhile, the mechanism to periodically review the government's position on the ratification of the Convention relating to the Status of Refugees and its Protocol as well as the Convention relating to the Status of Stateless Persons must be fully transparent with involvement of civil society and include a clear timeframe.

Madam President, the government accepted the recommendations posed by several States including Vietnam, Laos and Malaysia to prioritise national reconciliation. We regret that despite the pledges of the Yingluck administration to reform the mandate of the Truth and Reconciliation Commission of Thailand (TRCT) to ensure its focus on establishing the facts of the alleged human rights violations committed during the April-May 2010 conflict, the truth-seeking has been entirely overlooked in the interim reports, public hearings and other events. Furthermore, there has been a significant delay in the process for prosecuting the alleged perpetrators.

Madam President, we share the view of several States including the United Kingdom that it should be "possible to debate the rôle of the monarchy and constitution without fear of prosecution". We are concerned that lèse-majesté cases continue to proliferate due to the lack of clarity in the scope and application of the 2007 Computer Crimes Act and section 112 of the Criminal Procedures Code. In addition, the undue restrictions to the right to bail of persons accused under lèse-majesté laws are troubling as in the case of labour and media activist Somyot Pruksakasemsuk.² In this light, we welcome the government's standing invitation to all Special Procedures, and believe that there is a pressing need for the visit of the Special Rapporteur on the right to freedom of opinion and expression to assist the government in taking concrete steps towards bringing laws and practices in line with international human rights standards.

Finally, we continue to be disturbed by the prolonged use of special security laws in the Southern Border Provinces, which contribute to the culture of impunity. While the government expressed its ultimate goal of lifting such laws in its written replies to the UPR Working Group report, a precise plan of action towards this end must be presented and the repeal of section 17 of the Emergency Decree should be a first step in this regard. Thank you, Madam President.

¹ 12th session of the UPR Working Group on Thailand (5 October 2011), Stakeholders Joint Submission 9, <http://lib.ohchr.org/HRBodies/UPR/Documents/session12/TH/JS9-JointSubmission9-eng.pdf>

² FORUM-ASIA, FIDH, Civil Rights Defenders, Clean Clothes Campaign, Lawyers' Rights Watch Canada, OMCT & Protection International, Joint Open Letter to Prime Minister on Upcoming Trials of Somyot Pruksakasemsuk and Chiranuch Premchaiporn, 10 February 2012, <http://www.forum-asia.org/?p=12038>