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association for the prevention of torture  
la prévention de la torture  
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United Nations Human Rights Council  
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Item 6: Consideration of UPR Reports

Oral Statement, Association for the Prevention of Torture

## THAILAND

Madame President,

The APT [Association for the Prevention of Torture] welcomes Thailand's voluntary pledge and commitment to ensure that its "criminal laws are aligned with" the Convention against Torture [and other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT)] and Thailand's support of related recommendations to include a definition of torture in its criminal code "in line with article 1" and to "amend all relevant laws to fully comply with the obligations under" UNCAT.<sup>1</sup>

We urge Thailand to ensure that the amendments to its laws fully implement the treaty including not only criminalizing torture but also the obligations to take measures to prevent and investigate torture and other ill-treatment and to provide redress to the victims.

Five States recommended that Thailand ratify, consider ratifying, or study the possibility of ratifying OPCAT [Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment].<sup>2</sup>

While APT regrets that Thailand did not accept recommendations to ratify OPCAT, we welcome Thailand's commitment to undertake a study on the possibility of ratification.<sup>3</sup> APT believes that regular preventive visits to places of detention and engagement with detaining authorities by National Preventive Mechanisms and the SPT [Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment] as envisioned in the OPCAT are an effective means to prevent torture and other ill-treatment. We therefore express our hope that Thailand will engage in a process of open, public consultation on ratification and implementation of OPCAT. APT would also like to express our willingness to provide technical assistance to Thailand in that process.

Madame President,

We further commend Thailand for its voluntary pledge, commitment, and support of recommendations to issue a standing invitation to all special procedures mandate

<sup>1</sup> Report of the Working Group on the Universal Periodic Review, Thailand, ¶¶ 93 (voluntary pledge), 88.3 (Austria), 88.4 (Canada), UN Doc. A/HRC/19/8 (8 Dec. 2011).

<sup>2</sup> Id., at ¶¶ 89.1 (Argentina), 89.2 (Uruguay), 89.3 (Spain), 89.4 (Austria), 89.5 (Brazil).

<sup>3</sup> Report of the Working Group on the Universal Periodic Review, Thailand, Addendum, ¶¶ 4, 5, UN Doc. A/HRC/19/8/Add.1 (6 March 2012).

holders.<sup>4</sup> We, accordingly, urge Thailand to make arrangements for a visit by the Special Rapporteur on Torture [and other Cruel, Inhuman or Degrading Treatment or Punishment].

Madame President,

We further commend Thailand for signing the enforced disappearance convention [International Convention for the Protection of All Persons from Enforced Disappearance (CED)] on 9 January and for its statement of intent to become a State Party.<sup>5</sup> In APT's view, enforced disappearance is a form of torture and CIDT [cruel, inhuman or degrading treatment or punishment] and measures taken to prevent it, such as those set out in the CED, also have the effect of preventing torture and other ill-treatment. Therefore, we express our hope that Thailand will complete the necessary steps for ratification with all due speed.

Thank you, Madame President.

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<sup>4</sup> UN Doc. A/HRC/19/8, at ¶¶ 94 (voluntary pledge), 88.17 (Finland), 88.18 (New Zealand); 88.19 (Hungary).

<sup>5</sup> UN Doc. A/HRC/19/8/Add.1, at ¶¶ 4, 5.