

## ADVANCE QUESTIONS TO THAILAND – ADD.1

### **CZECH REPUBLIC**

- We welcome that the Government of Thailand has developed national policies to combat human trafficking, especially the new Act on the suppression and prevention of human trafficking, adopted in June 2008 and the establishment of welfare and protection centers in order to provide shelters to victims of human trafficking. What measures does Thailand plan to take with respect to meeting standards outlined in the OHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking, especially to ensure that trafficked persons are not prosecuted for violations of immigration laws or for the activities they are involved in as a direct consequence of their situation as trafficked persons, to ensure that trafficked persons are not held in detention centers or in custody, and to ensure that victims of trafficking have an enforceable right to fair and adequate remedies?
- According to information received from the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, together with the Special Rapporteur on extrajudicial, summary or arbitrary executions, on 7 April 2010 the Government of Thailand declared a state of emergency in Bangkok and nearby provinces. On 10 April 2010 clashes with anti-government protesters escalated to the alleged use of excessive force by the security forces during which at least 21 people were killed and over 700 persons were injured. We welcome that Thailand ratified International Covenant on Civil and Political Rights (ICCPR), which requires that force be used by law enforcement officials only when strictly necessary, and that force must be in proportion to the legitimate objective to be achieved. Could you please brief us on what measures have been taken to achieve requirements expressed in above mentioned Covenant and in the UN Basic Principles on the Use of Firearms by Law Enforcement Officials?
- What measures does Thailand plan to take with respect to meeting international standards in detention facilities for migrants, namely in Special Centre to Suppress, Arrest and Prosecute Alien Workers Who Are Working Underground, which was set up on the basis of Prime Minister's order (No.125/1223) of 2 June 2010?
- Is the Government of Thailand willing to ratify the Convention relating to the Status of Refugees and its 1967 protocol and to establish a system for providing protection to refugees?
- We welcome that the current Government of Thailand has declared the promotion and protection of human rights as a national priority as well as the fact, that during its ASEAN chairmanship, Thailand contributed to the establishment of a regional human rights mechanism. Although the Constitution of Thailand prohibits the act of torture, there is no law that specifically prohibits it, and it is not punishable as an offense under criminal law. Is Government of Thailand willing to enact an appropriate legislation?

- The Czech Republic welcomes that Thailand has ratified the International Covenant on Civil and Political Rights (ICCPR). Is the Government of Thailand considering ratification of the Second Optional Protocol, aiming at the abolition of the death penalty?

## NETHERLANDS

- Thailand has been subject of intense criticism for blocking access to websites and putting up limitations on freedom expression when related to the monarchy and other related sensitive issues. Media are said to exercise strict self-censorship. The government has admitted on several occasions that lèse majesté legislation has been abused to control opinions. When and how is a reform of the relevant legislation in the Criminal Code and the Computer Crimes Act taking place? Will this reform provide clear, precise and reasonable criteria in determining the offense of lèse majesté?
- Human Rights Defenders face serious challenges through inadequate protection from the government and in some cases lack of access to justice. The EU guidelines on human rights defenders impose a clear obligation on the EU to follow this matter closely. Does the review contain an assessment of how to enable human rights defenders to work freely without interference from other parties? How will effective prosecution of past violations and interferences be ensured? Are any steps taken to ratify and enforce the *International Convention for the Protection of All Persons from Enforced Disappearance*?
- Thailand has not acceded to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol but continues to host a large number of refugees and is bound by international human rights standards regarding the treatment of refugees. Thailand's numerous migrant workers lack basic human rights and face a range of human rights abuses, including police abuse and discrimination. Does the review include a stronger adherence to the principle of non-refoulement where the Thai government will ensure that no one is expelled, returned or extradited to a country or territory where they may face serious human rights violations? Will Thailand adjust its legislation in order to ensure fair wages and equal remuneration for work to migrant workers, safe and healthy working conditions and an end to human rights abuses?
- A National Human Rights Commission is an essential body for independent and impartial investigation into human rights abuses. Thailand's NHRC was appointed exclusively by representatives of the judiciary. The investigation carried out by the NHRC on the April/May 2010 riots has still not been made public. Does the review include ways to ensure that future nominations of commissioners are conducted in a transparent, participatory and consultative manner to fully ensure the Commission's independence, impartiality and competence?

## **SWITZERLAND**

- What steps is the Royal Thai Government taking in order to strengthen the independent and impartial role of the judiciary?
- What are the measures that the Royal Thai Government plans to put in practice in order to ensure freedom of expression and association for all its inhabitants? Does the Royal Thai Government foresee to invite the UN Special Rapporteur on promotion and protection of the right to freedom of opinion and expression?
- Does the Royal Thai Government consider reviewing the lèse-majesté law?
- Does the Royal Thai Government intend to ratify the Convention relating to the Status of Refugees and its 1961 Protocol?
- Does the Royal Thai Government foresee to impose a moratorium on executions with a view to the abolition of the death penalty?

## **UNITED KINGDOM**

- We should be grateful if you would provide information on the extent to which civil society will be involved in the follow-up to this review?
- Please could you inform us as to whether the National Human Rights Commission of Thailand operates fully in accordance with the Paris principles designed to guide the practice of such institutions?
- Can we expect to see a review of the laws used to control the right to freedom of expression that will look at the best way to enforce those laws with fairness? Would it be possible to share with us any Terms of Reference or the scope of such a review if it were to take place?
- We would be grateful for an update on how you have responded to the reports and recommendations made so far by the Truth and Reconciliation Commission– which recommendations you have implemented and how much legal assistance and financial support has been given?
- Please could you inform us whether you are considering lifting the special security laws in Southern Thailand, including the Emergency Decree? And if so, would it be possible to give an indication of a timeline?
- Please could you tell us what steps will be taken to reform the justice system including those of detained persons either awaiting trial or those in prison?

- We would be grateful to know what progress you have made to replace the death penalty with life imprisonment, in line with aims in the 2009 – 2013 National Human Rights Action Plan, and whether it has plans to ratify the 2<sup>nd</sup> Optional Protocol to ICCPR (Death Penalty)?
- Is Thailand considering developing a long term migration policy in light of the large number of migrants in Thailand?