

United Nations Human Rights Council
Universal Periodic Review of Member-State Kingdom of Thailand

A. Treatment of Asylum Seekers in Thailand Overview

1. Thailand is a country of temporary refuge to approximately 7,600 asylum seekers according to January 2015 statistics published by the UNHCR. Roughly half of the asylum seekers, approximately 4,000, are Pakistani Christians that have fled Pakistani due to religious persecution. The Pakistani Christian community in Thailand has been experiencing arrest and inhumane treatment carried out by Thai authorities. Recently, the asylum seekers have been penalized under the criminal law of Thailand, often times incarcerating them with criminals in the Central Jail while making no exceptions for women and children.
2. Currently, an estimated 4,000 Pakistani Christian asylum seekers await interviews with the UNHCR office in Bangkok, and the waiting period from their application to their RSD interview can be 3 and a half years or more. Due to these delays the asylum seekers are facing the expiration of their visa, making their visit illegal. As a consequence these asylum seekers are vulnerable for arrests under criminal law and they have to find financial resources in order to extend their visa, which for many is impossible. It also makes them vulnerable for extortion and bribery.
3. At this moment, the prevailing atmosphere amongst the asylum seekers is one of fear, particularly since March 13, 2015, when the Thai government conducted a mass raid and arrested 121 Pakistani Christian asylum seekers from their apartments. Other mass raids have occurred in June and most recently on September 10, 2015, estimating over 200 Pakistani Christian Asylum seekers arrested.
4. The consensus view is that the crackdown and arrests are targeting all of the asylum seeker communities, although they seem to have rounded up primarily Pakistani Christians because of the ease in identifying them by their features, the large numbers of them amongst the asylum seeker population and the fact that the Pakistanis live together in the same housing units. It also appears that the government wants to discourage future Pakistani asylum seekers to come to Thailand.
5. Though the majority of incidents that occur among the asylum seeking community primarily deal with Pakistanis, other communities have been affected as well. In December 2014 and February of this year, Thai authorities raided two Nigerian, English-speaking churches in the Bangkok area while the congregations were worshipping on Sunday morning. During the February raid of Christ Favors Church, the authorities arrested and jailed 10 Pakistanis and 40-45 Nigerian Christians.
6. The general pattern for asylum seekers from Pakistan who enter Thailand seems common for many other nationalities. Either individuals or often entire families enter Thailand with a legal

visit visa. All of them receive the visas from the Thai Embassy in Pakistan or through a travel agency. From our random interviews of numerous asylum seekers, there appears to be no evidence of human trafficking or the use of brokers for these Pakistani people to come to Thailand. Most of the arrivals promptly go to the UNHCR office to register that they will submit a refugee application.

7. Asylum seekers report that the Thai authorities who undertake the raids and arrests refuse to acknowledge any value or status conferred by documents given to asylum seekers by the UNHCR. The Thai government views anyone who has overstayed his or her visitor visa as an “illegal alien” and subject to being arrested and fined. Also, since Thailand is not a signatory to the 1951 Refugee Convention or the subsequent 1967 Protocol, it has no legal framework in which an asylum seeker is allowed to remain in Thailand for protection.
8. The Thai government seems to arrest asylum seekers with the intention to either detain them in the Immigration Detention Center or to detain them in the Central Jail under the criminal judicial law. Most worrisome are the arrests under the criminal judicial law because they are tried and seen as criminals and not as asylum seekers. Their crime constitutes their illegal stay in Thailand due to the expiration of their visa. Waiting for an interview at the UNHCR and having documents to prove this does not cease the police from arresting them.

B. Conditions of the Detention Centers

9. After the arrests the apprehended refugee seekers are first held in the Central Jail of Bangkok, where conditions are degrading and inhumane. Overcrowding seems to be a rampant problem in that jail, and adding the asylum seekers to the general prison population makes the human suffering even worse. Reports indicated that some children have been separated and given to relatives on the outside or even lost. In an interview conducted by Jubilee Campaign, one story of a mother forced by the Thai police to sign a Thai language document which she could not read or understand surfaced. When she asked why her baby was taken away, she was told that she had signed a document giving her child to the Thai authorities. When she said that she did not know what she signed, she was told that this did not matter or change how her baby would be treated.
10. At the Central Jail, the asylum seekers are placed in cells with people being held for serious crimes. The men have all of their hair shaved off, and at night they are forced to remove all of their clothes. The men sleep in small cells, some of them measuring 4 x 4 meters in size, with 80 or more prisoners in the cell. One cell was discovered to have more than 95 occupants during a visit made by Lord David Alton of the UK Parliament in September 2015.¹ The men have to lie down like sardines, or take turns standing and sleeping on the ground. The conditions for the women are not much better, except that their hair is not shaved off or their clothes removed. Mothers incarcerated with babies or small children are separated from 4:00 pm at night until 7:00 am, even if they are breast feeding.

¹ <http://davidalton.net/2015/09/04/international-scandal-of-95-detainees-held-in-one-cell-including-children/>

11. Furthermore, the food in the Central Jail is dirty and unhygienic. In jail cells, there is no privacy for the asylum seekers to use the restroom. So far many of the detainees in the Central Jail have not been given any case numbers.
12. While incarcerated at the Central Jail, although it is not clear how quickly, the asylum seekers are allowed to be presented before a Thai judge. The criminal charges as an illegal alien are for overstaying the visa, and the judge requires that a fine be paid. The fines range from 2,000 to 4,000 Thai Bhat, depending upon how long the person has overstayed. During a court hearing observed by Jubilee Campaign, the court provided no official interpreter from Thai language to English or to Urdu, the language most Pakistanis speak. A type of negotiation takes place with the judge and an unofficial representative from the Pakistani Christian community who “interprets” to the prisoner in front of the video. Also observed was a Thai woman who appeared to be negotiating with the judge the terms of the fines, and also seemed to be collecting bribes.
13. Once the fine is paid, the prisoner is transferred to the Immigration Detention Center (IDC) where he or she is placed back into the asylum circuit instead of being criminalized under the Penal Code. We learned of no exceptions to this process of transfer to the IDC by Thai authorities. Once at the IDC, the detentions of the asylum seekers can be lengthy, often extending beyond one year. The UNHCR does give priority to providing interviews to asylum applicants held in the IDC, and in the past the interviews waited two months to be scheduled. However, due to the volume of applicants being held in the IDC, interviews are taking place in an extended timeframe. No one wants to be in these centers just to have an accelerated interview, since the conditions are only slightly improved from those of the Central Jail. There are reportedly 70-80 people held in cells which are 15x15 meters.

C. Living Conditions of Asylum Seekers

14. Since the Thai government is not a signatory to the 1951 UN Convention Relating to the Status of Refugees, it can deport these apprehended asylum seekers. It can also deport asylum seekers whose cases have been denied. To our knowledge and based upon extensive interviews, there have not been any deportations so far. However, we were warned by a knowledgeable source that the Thai government was planning to deport 100 refugees from the IDC.
15. During these long waiting periods, asylum seekers are not allowed to work. Only a small number of churches and NGOs provide assistance to the asylum seekers. Asylum seekers are sometimes perceived as “economic migrants,” an idea vehemently rejected by Pakistani Christians. They say that they not only entered Thailand legally, but that they had jobs, homes and cars in Pakistan which they left behind, provoked to flee after being singled out in a blasphemy case or other types of attacks by Muslim extremists. Pakistan is rated as number eight in a persecution index of religious minorities. PEW research ranks Pakistan as the second worst in societal persecution.

D. Police Raids

16. Jubilee Campaign interviewed one eyewitness who described one of the police raids. On March 13, 2015, the Thai police came with military personnel and with fire arms to raid Pakistani

Christian apartments in the Samrong area of Bangkok. These personnel kicked in the doors of the small apartment. The eyewitness's brother showed a document indicating a valid student visa. However, his wife, his two year old child and four year old child were arrested and taken away because they could show no visa status. The police and military rounded up approximately 140 people in this raid, and authorities took half of them to the Bangkok Central Jail and half to the IDC.

17. The staff of a local foundation in Bangkok reported that on the 13th of March, 121 people were arrested from Samrong area of Bangkok. Members of the Foundation who are themselves Pakistani Christian asylum seekers called the UNHCR requesting help because they do not know the Thai language. Initially, the UNHCR declined to come and assist. The Foundation staff asked the police to release women with babies, and they rescued 24 children of the 44 children being held in the Central Jail. The UNHCR staff called the police authorities and obtained information, but did not go and visit the detainees.
18. Pakistani asylum seekers reported that there are no Christian interpreters for the UNHCR interviews. They have no opportunity to request a replacement for a potentially biased interpreter because doing so will cancel the interview date and cause the applicants to wait longer for an interview.
19. All asylum seekers take daily risks by traveling outside their apartments because they may be found on the street and arrested. Some churches and NGOs are distributing food to the doorsteps of the asylum seekers' homes. They are too fearful under the current circumstances to go to the markets and purchase food or other necessary items.
20. The UNHCR reportedly has 5 field offices in Thailand, with 153 national staff, and 36 international staff who need to process all general refugee and asylum issues in Thailand, which is not sufficient to handle the workload. More staff should be hired to process the backlog.

E. Recommendations

21. The Thai government should be urged not to arrest asylum seekers on criminal grounds (expiration of visa), nor to detain asylum seekers including women and children in prisons together with criminals. It is important that the asylum seekers remain viewed as asylum seekers and solely are treated under asylum law.
22. The Thai government should adhere to article 14 Universal Declaration of Human Rights, stating that asylum seekers have the right to seek asylum in another country. To enable this, the Thai government should facilitate an environment which allows the asylum seekers to wait for their case to be processed in a safe environment. This might mean being able to work, security from arrests and detention and access to health care.
23. The Thai government should be encouraged to adhere to its responsibilities under the International Covenant on Civil and Political Rights to which it is a signatory. Specifically articles 7 and 10 should be adhered to, stating that no one shall be subjected to inhumane

treatment or shall be deprived of their liberty without being treated with humanity and respect for the inherent dignity of the human person.

24. Given the poor conditions in the Immigration Detention Center as well as in the Central Jail, Thai authorities must be encouraged to utilize alternatives to detention. Alternatives used by countries including Turkey include regular, weekly or bi-weekly check-in with police.
25. Thai government must consider the Thai detention policies in light of international conventions which Thailand is party to, as well as customary international law which prohibits refoulement (return) to a country of persecution.
26. Detained children are vulnerable to abuse and suffer dramatization with life-long effects from the deplorable conditions in the jail and in the detention center. As Thailand is a signatory to the U.N. Convention on the Rights of a Child, children must be offered an alternative to detention. Moreover, Thailand's detention practices pertaining to children currently violate several articles of the CRC including Articles 37(b), 9, 22, and 2(2). The international community must hold Thailand accountable for these violations, and must encourage Thailand to abide by this convention to which it is a signatory.
27. The detention facilities in the IDCs and the Central Jail should be encouraged to abide to the international guidelines pertaining to people in detention, including the Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment, the Standard Minimum Urgent report - Pakistani Asylum Seekers in Bangkok 16 Rules of the Treatment of Prisoners, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and The Guidelines on Applicable Criteria and Standards Relating to the Detention of Asylum Seekers. Although non-binding, these international standards provide an extensive list of guarantees for the protection of the human dignity of persons in confinement which the Thai detention facilities are currently violating.
28. Families must be kept together as much as possible and alternatives to detention must be provided.
29. The Human Rights of Migrants is an important topic considered by mechanisms at the United Nations. Thailand has reportedly sought to regularize other migrant workers. Thailand should consider regularizing Pakistani asylum seekers or at least permit them to work.
30. Some of the cases of detained Pakistani Christians could be raised to the U.N. Working Group on Arbitrary Detention in Geneva, particularly the most vulnerable.
31. Fast tracking vulnerable cases of individuals and families to humanitarian special consideration processes.