

STATEMENT
UPR Pre-session on THAILAND
Geneva, 6 October 2021
Delivered by: Destination Justice

1. Presentation of the Coalition Organisations

This statement on **human rights defenders and fundamental freedoms in Thailand** is based on a submission by Destination Justice, Cross-Cultural Foundation, Duay Jay Group, Human Rights Lawyers Association, Justice for Peace Foundation, and Asia Centre.¹ Destination Justice is delivering it instead of local partners partly for safety reasons.

2. Plan of the Statement

We will discuss freedoms of public participation, expression, assembly and association, and address torture and enforced disappearances -- all in the context of Covid-19 and socio-political upheaval including ongoing mass civilian protests.

3. Statement

I. Public Participation

Despite Thailand adopting UPR recommendations to safeguard public participation and human rights defenders, the space for public discourse has shrunk. Human rights defenders are judicially harassed. Some face over 50 trials each, hundreds of years' imprisonment, and bail conditions that illegally prohibit fundamental freedoms. They have been detained incommunicado, in remote locations, or under unhygienic prison conditions leading them to contract Covid-19. They are also harassed online and off by the military and vigilantes.

Recommendations: We therefore call upon States to recommend Thailand to end judicial harassment of human rights defenders; end their arbitrary detention; stop harassment against them and investigate and prosecute attacks; and safeguard participation in public affairs.

II. Freedom of Expression

Thailand accepted 13 UPR recommendations to uphold freedom of expression. However, conditions have instead deteriorated. Law reforms have constrained expression; journalists' and activists' websites have been shut down; and hundreds have been prosecuted, including 130 protesters charged with *lèse-majesté*. This violates Thailand's UPR and international law commitments and is a disproportionate if not illegal response to criticism of a public figure.

Recommendations: We therefore call upon States to recommend Thailand to ensure freedom of expression is fully respected, and to review its laws to align them with Thailand's international law obligations.

¹ Further information and recommendations are set out in the submission at <https://destinationjustice.org/uprthailand2021>. This statement focuses only on certain issues, particularly in light of topics discussed by other pre-session speakers.



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III. Freedom of Assembly and Association

Thailand had committed to UPR recommendations to enhance freedom of assembly and safeguard protesters and commendably introduced relevant constitutional protections. Nevertheless, citing its Covid-19 state of emergency, Thailand has prosecuted 902 protesters under emergency laws and strictly limited and violently dispersed assemblies. However, international law does not justify such actions even in an emergency.

Recommendations: We therefore call upon States to recommend Thailand to ensure ongoing respect for freedom of assembly and independently investigate crackdowns on protesters.

IV. Torture and Enforced Disappearances

Finally, despite accepting relevant UPR recommendations, nine Thai dissidents disappeared from Laos, Vietnam, and Cambodia during this UPR cycle. Some Thai military units have also appeared to use methods of torture and inhumane treatment in southern border provinces, with their conscripts, and in detention centres.

Recommendations: We therefore call upon States to recommend Thailand to prevent extraterritorial harassment and disappearance of Thai dissidents; end military use of torture and inhumane treatment; and investigate and prosecute allegations of enforced disappearances and torture.