



Joint statement by the Adventist Development and Relief Agency, Global Campaign for Equal Nationality Rights and Institute on Statelessness and Inclusion

Universal Periodic Review Pre-Session for Thailand

I am pleased to make this statement on the right to a nationality, non-discrimination, and human rights challenges pertaining to statelessness in Thailand, on behalf of the Adventist Development and Relief Agency, Global Campaign for Equal Nationality Rights and Institute on Statelessness and Inclusion.

The Nationality Act denies women the equal right to confer nationality upon their foreign spouse. Gender discriminatory nationality laws violate Thailand's obligations under CEDAW, Article 9. It also inhibits the ability of women to, in practice, freely choose a spouse.

There is no definition of a stateless person in Thai national law. The law lacks safeguards to ensure that children born on the territory who would otherwise be stateless are automatically granted nationality, including foundlings.

Thailand has no domestic refugee law framework, and all situations of foreigners entering the country are regulated by Thailand's Immigration Act of 1979. Thailand also has not signed or ratified the Refugee Convention or its Protocol, and lacks a refugee status determination procedure. Due to lack of recognition as refugees and stateless persons, Rohingya face permanent threats to their liberty and security when residing or travelling within the country. With very limited refugee registration available in immigration detention centres and no process to identify Rohingya as stateless, they often end up in situations of indefinite detention.

The co-submitting organisations urge reviewing States to make the following recommendations to Thailand:

- I. Ensure the right to nationality of stateless persons in Thailand by facilitating access to citizenship
- II. Amend the Nationality Act to ensure that women have the equal right with men to confer nationality upon their non-citizen spouses.
- III. Amend the Nationality Act to ensure that otherwise stateless children in the country, including foundlings, are automatically granted nationality. Ensure that this is applied with retroactive effect.
- IV. Ensure respect for the principle of non-refoulement, end the push backs of boat refugees, and meet the protection needs of the Rohingya, and other vulnerable groups, in accordance with international law.
- V. End the arbitrary detention of stateless Rohingya, combat their trafficking across borders, and protect them according to international human rights law.

- VI. Remove Thailand's reservations to Article 22 of the CRC, to ensure that all refugees and asylum seekers, particularly children, have access to a full set of rights, regardless of legal status, as set out in the Child Protection Act.