

Joint Press Release

Government fails to address international concern over key human rights issues at UN-backed review

Bangkok, Paris, 17 March 2022: The Thai government failed to address international concerns by refusing to accept key human rights recommendations that Thailand received during its third Universal Periodic Review (UPR), FIDH and its member organizations Internet Law Reform Dialogue (iLaw), Manushya Foundation, Thai Lawyers for Human Rights (TLHR), and Union for Civil Liberty (UCL) said today.

“The Thai government missed yet another opportunity to show its commitment to addressing a number of important human rights issues. The international community should continue to press the government to implement recommendations that are part of Thailand’s human rights obligations under international law,” said FIDH Secretary-General Adilur Rahman Khan.

The adoption of Thailand’s third UPR is scheduled for 23-24 March 2022 during the 49th session of the United Nations (UN) Human Rights Council in Geneva, Switzerland. On 10 November 2021, [Thailand received a total of 278 recommendations](#). The government initially accepted 194 of them and said it would provide a response regarding the remaining 84 at a later stage. On 8 February 2022, the government decided to approve only 25 of the remaining 84 recommendations. The government also reversed its position on a recommendation it had accepted in November. This resulted in the acceptance of a total of 218 of the 278 recommendations received.

Despite the high rate (78%) of acceptance, the government continued to refuse to make a commitment to addressing important human rights issues.

Particularly disappointing was the response to recommendations on the rights to freedom of expression and freedom of assembly. Thailand refused to accept all 12 recommendations concerning Article 112 of the Criminal Code (lèse-majesté), with nearly all of them calling for its amendment and one urging the end of arrests and prosecutions of children under Article 112. In addition, the government refused to accept seven of the other 18 recommendations on the right to freedom of expression, and eight of the 16 recommendations concerning the right to freedom of assembly. The government attempted to justify this refusal by vaguely stating that it continued to “support the principle of maintaining a balance in the exercise of individuals’ rights without infringing upon others’ rights, national security, public order, and public health.”

The government also did not accept a recommendation that called for the amendment of criminal defamation provisions of Thailand’s Criminal Code because it said such amendment was not included in its “current legislative plan.” In addition, a recommendation that called for the end to arbitrary detentions, arrests, and any acts of harassment against political actors and civil society, including human rights defenders, did not enjoy the government support.

With regard to lesbian, gay, bisexual, transgender, and intersex (LGBTI) issues, the government did not accept four recommendations, including three that called for the recognition of same-sex marriages. The

government justified its position by saying that such goal “may not be attainable” during the next UPR cycle, which ends in 2026.

On the death penalty, the government accepted only one recommendation to “consider” the ratification of the Second Optional Protocol to the ICCPR (OP2-ICCPR), and another one to “strengthen public awareness campaigns on the death penalty.” The remaining 13 recommendations, including those that called for the abolition of the death penalty, the ratification of OP2-ICCPR, and the establishment of a moratorium on executions, were not accepted. In November, the government had accepted only seven of the 22 total recommendations received concerning capital punishment.

With respect to enforced disappearances, the government did not accept a recommendation that called for investigations into the disappearance of Thai political activists since 2014, to include Wanchalearn Satsaksit, and made the astonishing claim that the recommendation did not contain “sufficient information as the basis” for its implementation.

With regard to refugees and asylum seekers, the government accepted three recommendations that called for the implementation of measures to ensure their protection, an end to the return of refugees from Myanmar, and the provision of healthcare services to refugees and asylum seekers in detention centers. The government refused to accept one recommendation that called for the expansion of social welfare initiatives that would allow refugees and asylum seekers to work, and two recommendations that called for the ratification of the Convention relating to the Status of Refugees. In November, the government had accepted one recommendation to “consider” ratifying the convention.

On a positive note, the government accepted all eight recommendations that called for the revision of draft legislation on the operations of non-profit organizations. A recommendation that called for its withdrawal was not accepted.

In addition, the government accepted two recommendations to ensure a safe and enabling environment for human rights defenders and their protection. In November, the government had accepted five other recommendations that called for measures to guarantee civil society space, the protection of human rights defenders, and investigations into acts of harassment and attacks against them.

FIDH, iLaw, Manushya Foundation, TLHR, and UCL reiterate their call on the government to reconsider its non-acceptance of recommendations that are consistent with Thailand’s international human rights obligations and to take steps towards their implementation during the next UPR cycle.

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