



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of Thailand and welcome the constructive engagement of the Government of Thailand during the 39<sup>th</sup> session of the UPR Working Group in November 2021.

As the final outcome report on the review of Thailand was recently adopted by the Human Rights Council at its 49<sup>th</sup> session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Thailand – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and recommendations made by 106 delegations and the presentation made and responses provided by the delegation of Thailand. I have also considered the actions taken by the Government of Thailand to implement the 187 recommendations fully supported during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I welcome your Government's approach to sustainable development anchored in human rights principles such as meaningful participation and empowerment, as well as your Government's plan to strengthen the universal healthcare system with the aim of enhancing pandemic preparedness and response, as well as continuing efforts to better protect and advance the rights of children, women, persons with disabilities and the elderly, including the adoption of the 3<sup>rd</sup> national action plan for older persons. I acknowledge the important work that is ongoing to enact domestic legislation on torture and enforced disappearances that will provide an enabling context for ratification of the International Convention for the Protection of all Persons from Enforced Disappearances. I further note with interest your Government's plan to amend the definition of families with a view to including same-sex couples.

I would like to emphasize that it is critical that the draft Act on Non-Profit Organizations and the draft Amendment of the Anti-Money Laundering Act do not impede or restrict civil society's role in public affairs in accordance with Thailand's international obligations and human rights standards. Your Government's commitment to updating relevant laws and policies in relation to freedom of expression and peaceful assembly should be translated in practice so that people have space to advocate for issues of public interest without fear of reprisal, including being subjected to serious criminal charges. In this regard, I note that the large numbers of individuals, including children, who have been involved in peaceful demonstrations since July 2020 are facing charges, arrest and detention, including serious criminal charges of sedition, lèse-majesté and other for exercising their fundamental freedoms.

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H. E. Mr. Don PRAMUDWINAI  
Deputy Prime Minister and Minister of Foreign Affairs  
Thailand

I welcome the work that the Government is leading on Business and Human Rights. I note, however, reports of ongoing protection issues for human rights defenders and activists who raise matters of public concern, as well as the continued use of Strategic Lawsuits Against Public Participation against them. I would like to reiterate the critical role of your Government in protecting, promoting and facilitating an open, vibrant, and pluralistic civic space, where fundamental freedoms can be fully exercised, without fear of reprisals, including being subjected to serious criminal charges, and in accordance with Thailand's obligations under the International Covenant on Civil and Political Rights.

I welcome the adoption of the UPR implementation action plan and encourage Thailand to adopt a third-cycle UPR implementation action plan and implement it effectively in order to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate preparations for the fourth cycle of the UPR. My advice to all Member States is to implement national action plans in close consultation and cooperation with all stakeholders, in particular the national human rights institution and all civil society organizations and, where necessary, with the support of international organizations, including my Office and other United Nations entities, under the leadership of the United Nations Resident Coordinator.

I also encourage Thailand to strengthen its national mechanism (the UPR Committee) for comprehensive reporting and follow-up to recommendations received from all international and regional human rights mechanisms and to treaty obligations, linking them to the Sustainable Development Goals. To this end, I strongly recommend the use of the OHCHR practical guide on this topic, which is available at:

[http://www.ohchr.org/Documents/Publications/HR\\_PUB\\_16\\_1\\_NMRF\\_PracticalGuide.pdf](http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf)

Please note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting States with the implementation of the recommendations, following the review. One important measure that can positively contribute to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I welcome the practice of Thailand of submitting mid-term reports in the previous cycles and encourage the Government of Thailand to continue with this practice and to submit a mid-term report on follow-up to the third cycle of the review by 2024.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals."*

I look forward to discussing with you ways, in which my Office may assist Thailand in relation to the areas identified in this letter and its annex.

Please accept, Excellency, the assurances of my highest consideration.



Michelle Bachelet  
High Commissioner for Human Rights



cc: H. E. Mr. Thani THONGPHAKDI  
Permanent Secretary, Ministry of Foreign Affairs  
Thailand

Ms. Gita SABHARWAL  
United Nations Resident Coordinator  
Thailand

Ms. Cynthia VELIKO  
Regional Representative of the United Nations High Commissioner for Human Rights  
OHCHR Regional Office for Southeast Asia  
Thailand

## Annex

### **Scope of international obligations and cooperation with international human rights mechanisms and bodies**

- Ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention for the Protection of all Persons from Enforced Disappearance, as well as considering the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.
- Continuing cooperation with the Human Rights Council and its mechanisms, including special procedures.

### **National human rights framework**

- Adopting national legislation criminalizing torture and enforced disappearance, and recognizing the rights of victims.
- Making further efforts to ensure full compliance of the national human rights commission with the Paris Principles.

### **Implementation of international human rights obligations, taking into account applicable international humanitarian law**

#### **A. Cross-cutting issues**

##### *Equality and non-discrimination*

- Taking the steps necessary to combat discrimination and violence against women and children, and on the basis of sexual orientation and gender identity.
- Strengthening efforts in eliminating all forms of racial discrimination.

##### *Development, the environment, and business and human rights*

- Continuing efforts to strengthen national programmes and plans designed to achieve Sustainable Development Goals.
- Integrating a rights-based approach in climate mitigation policy and disaster risk reduction plans.
- Ensuring in national legislation the effective participation of civil society, especially women, in the formulation and application of policies and action plans on climate change.
- Continuing efforts to address business-related human rights abuses in conformity with the Guiding Principles on Business and Human Rights and promote mandatory measures for business to conduct human rights due diligence.

## **B. Civil and political rights**

### *Right to life, liberty and security of person*

- Taking further action towards the abolition of the death penalty.
- Expediting the process of the legislation outlawing torture and enforced disappearance.
- Setting up an independent mechanism for the prevention and suppression of torture and enforced disappearances, and reinforcing the training of law enforcement officials and military.
- Improving conditions for detainees and sentenced persons to ensure their right to humane treatment in detention.

### *Administration of justice, including impunity, and the rule of law*

- Ensuring that cases are reported and that prompt, impartial and thorough investigations are carried out into all allegations and complaints concerning the unlawful and excessive use of force by law enforcement officials and the military, including torture, enforced disappearances and extrajudicial killings, including in the context of the southern border provinces.
- Ensuring effective investigation of human trafficking and bringing to justice the perpetrators and their accomplices.

### *Fundamental freedoms*

- Ensuring that laws and policies on the rights to freedom of expression, peaceful assembly and association comply with relevant international human rights standards, and considering to revise the legislation on freedoms of expression and peaceful assembly in alignment with international human rights standards.
- Reviewing article 112 of the Criminal Code on publicly offending the royal family to bring it into line with article 19 of the International Covenant on Civil and Political Rights.
- Ensuring that the rights of freedom of expression, opinion and peaceful assembly are not unduly restricted by cybersecurity laws and its Criminal Code.
- Ensuring that the revision of the draft law on the functioning of NGOs is in line with international commitments.
- Taking concrete measures to guarantee civil society space, including enacting legal protection against strategic litigation against public participation cases.
- Protecting human rights defenders, including from a gender equality perspective, and investigating any reported cases of intimidation, harassment and attacks against them.

### *Prohibition of all forms of slavery*

- Continuing to strengthen measures to combat human trafficking, including addressing the vulnerability factors of high-risk groups, and ensuring provision of adequate support for victims.

- Expanding the scope of social, health and legal support provided to victims of human trafficking, including by training qualified staff to identify the victims and analyse their needs.

*Right to privacy*

- Enacting the data protection act with a view to respecting the principles of purpose limitation, necessity and data economy.

**C. Economic, social and cultural rights**

*Right to work and to just and favourable conditions of work*

- Continuing to implement plans related to creating job opportunities and encouraging professional activities.
- Taking additional steps to further protect and promote the rights of all workers, including fishermen.

*Right to social security*

- Strengthening measures to safeguard access to benefits, welfare and social security for underprivileged and vulnerable groups.
- Continuing to implement additional measures to promote the human rights of women, children and persons with disabilities, by improving their access to social services, including health care and education, particularly in rural areas.

*Right to an adequate standard of living*

- Taking measures to reduce the proportion of the population living in poverty, in accordance with Sustainable Development Goals 1 and 10, and the economic and social impact that the COVID-19 pandemic has had on persons in vulnerable situations.

*Right to health*

- Implementing measures to provide non-discriminatory universal health coverage and making efforts to guarantee universal access to health services, including sexual and reproductive health, including for regular and irregular migrant workers.
- Continuing to strengthen its national health system and work in cooperation with the international community to further enhance global pandemic preparedness and response.
- Prioritizing the mental health of youth and persons with disabilities with special regard to the impact of the COVID-19 pandemic.

*Right to education*

- Continuing efforts in ensuring access to education in order to increase school enrolment rates at all levels.
- Continuing to promote the right to education for all, including members of ethnic groups and foreign and migrant workers' children.

## **D. Rights of specific persons or groups**

### *Women*

- Reviewing the law on gender equality to remove any limitation on protection against gender discrimination.
- Stepping up efforts to prevent and combat all forms of violence against women and ensure that cases of violence against women are fully investigated and perpetrators prosecuted.
- Continuing efforts to enhance women's economic empowerment and their representation in public and political life.

### *Children*

- Redoubling efforts to combat violence against children and young people, as well as preventing and addressing domestic violence in accordance with Sustainable Development Goal 5.
- Explicitly prohibiting in law any form of corporal punishment or other cruel or degrading punishment of children in all settings, including in schools and at home.
- Stepping up efforts to eradicate child labour, abuse and sexual exploitation of children, including their involvement in sexual tourism.

### *Persons with disabilities*

- Amending legislation to prohibit discrimination against persons with disabilities without exception.
- Taking measures to facilitate greater participation and representation of persons with disabilities in the work force.
- Adopting urgent actions to combat all forms of discrimination and violence against, and institutionalization and abandonment of children with disabilities.
- Intensifying efforts to provide quality education for persons with disabilities of all ages, including the awareness-raising of the rights of children with disabilities.

### *Minorities*

- Continuing efforts to promote and protect ethnic, religious and linguistic minorities.

### *Migrants, refugees and asylum seekers*

- Further promoting the rights of migrant workers, by guaranteeing their access to essential services.
- Taking all necessary steps to immediately end forced labour and human rights abuses in the fishing industry, including by providing medical and social security services to migrant workers in the industry.
- Implementing legal measures to ensure proper protection of refugees and asylum seekers.

*Stateless persons*

- Continuing to promote the human rights of stateless persons, particularly in education, social protection and access to birth registration.
- Taking additional specific measures to ensure the effective implementation of the right to nationality of stateless children born in Thailand and ensure their inclusion in society.

**E. Specific regions or territories**

- Increasing its efforts to end the conflict in the southern border provinces and ensuring that the military, law enforcement officials and non-State armed groups abide by international humanitarian and human rights law, in particular with regard to the protection of women and girls who are not engaged in conflict from all forms of violence.