

AMNESTY INTERNATIONAL

AMNESTY INTERNATIONAL'S RECOMMENDATIONS TO THE THAI GOVERNMENT ¹

Having been monitoring the human rights situation throughout 2021, Amnesty International has found positive developments in terms of human rights made by the Thai government. Meanwhile, various issues still warrant more efforts by the Thai government to continually act to enhance the human rights situation in Thailand in compliance with international human rights laws and standards. We thus have the recommendations as follows;

POWERS AND THE EMERGENCY DECREE ON PUBLIC ADMINISTRATION IN EMERGENCY SITUATIONS

- Revoke the Head of the National Council for Peace and Orders no. 3/2558 and 13/2559.
- Amend the laws, Announcements and Martial Law imposed during the emergency situations to ensure their compliance with the obligations pursuant to the treaties on the deprivation of liberty taking into account the General Comment No. 35 of the UN Human Rights Committee regarding the right to liberty.
- Ensure that all measures imposed during the emergency situations and any derogations are in compliance with the requirements regarding the disclosure of information, legality, and necessity and proportionality and establish an independent investigation mechanism to monitor and report on the measures imposed.
- Revise the NHRC Act and ensure the body's mandate and operations meet standards set out in the Paris Principles.

REPRESSION OF DISSENTS AND HUMAN RIGHTS DEFENDERS

- Withdraw all criminal prosecutions immediately and unconditionally, stop arbitrary arrests or detention against the individuals who exercise their human rights, particularly their right to freedom of expression and freedom of assembly.
- Develop and issue guidelines for all state agencies to ensure their duty to protect and effective implementation for protection while fully recognizing the importance of the General Comment No. 34 on freedoms of opinion and expression, General Comment No. 37 on freedom of peaceful assembly by the UN Human Rights Committee and ensure that no one shall be subject to detention for exercising their human rights.
- Promote a safe and enabling environment for human rights defenders and other persons as well as civil society organizations to exercise their rights to freedom of expression, peaceful assembly and association without being subject to intimidation, harassment and prosecution, particularly the defenders on land and environmental issues and women defenders of indigenous rights.
- Ensure that any restriction on peaceful expression, assembly, and privacy in law strictly meets requirements of legality, necessity and proportionality and make domestic legislation compliant with its international human rights obligations by amending or repealing the CCA, Public Assembly Act, Cybersecurity Act, laws on contempt of court, and Articles 112, 116, 238 and 326 of the Criminal Code.

¹Compiled from public statements, press releases and Urgent Actions of Amnesty International

FREEDOM OF ASSOCIATION

- Ensure that the right to get organized and associate shall not be subject to control and restriction as prescribed in Article 22 of the International Covenant on Civil and Political Rights (ICCPR) and to uphold its obligations, the Thai government must withdraw the Draft Act on the Operation of Not-for-Profit Organizations B.E. ... and the Draft Amendment of Anti-Money Laundering Act B.E. ...
- Ensure that access to resources and the right to operate without undue interference from the state in order to guarantee the independence and efficiency in association and to uphold the principles of equality and non-discrimination which allow all persons to have the right to get organized and to associate.

TORTURE, OTHER ILL-TREATMENT AND ENFORCED DISAPPEARANCE

- Promulgate the law to criminalized torture and other cruel, inhuman or degrading treatment and enforced disappearance in the spirit of the obligations to concerned treaties.
- Conduct an immediate, thorough, independent and effective investigation into any alleged act of torture and other ill-treatment, identify and disclose information of the whereabouts of activists, lawyers and other persons subject to enforced disappearance, the act of which has been committed by the officials in order to bring to justice the perpetrators and concerned people through a fair trial.
- Ratify the Optional Protocol of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention for the Protection of All Persons from Enforced Disappearance.
- Remove any procedural obstacles which prevent victims of human rights violations and abuses from having access to a fair trial and effective remedies and ensure that there shall be no recurrence of the violations.

RIGHTS OF REFUGEES AND MIGRANTS

- Respect international obligations and allow asylum seekers to have access to asylum procedure and to contact the UN High Commissioner for Refugees (UNHCR) and ensure that refugees and migrants shall not be subject to deportation, repatriation or forced return to their countries of origin where they are vulnerable to grow human rights violations, particularly in Myanmar.
- Ratify the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol
- Enforce the Regulation of the Office of the Prime Minister on the Screening of Aliens who Enter into the Kingdom and are Unable to Return to the Country of Origin B.E. 2562 in compliance with international human rights standards and ensure that an individual shall not be criminalized, detained or punished solely for their mode of entry into the Kingdom.

INDIGENOUS RIGHTS

- The state should withdraw support for projects that affect community and promote sustainable livelihood of the indigenous community and ethnic groups.

RIGHT TO HEALTH

- Promptly and systematically implement responses to cope with the Covid-19 pandemic in all its outbreaks and ensure the fair and comprehensive availability of protective equipment and quality Covid-19 vaccine rollout and testing based on a fair and free basis.
- The government or concerned agencies must promptly ensure access to basic treatment and care among those affected by the Covid-19 pandemic on an equal, fair, comprehensive and non-discriminatory basis.

Sexual and reproductive rights²

- Ensure access to abortion, post-abortion care and information about abortion based on empirical data and without prejudices of all pregnant persons and remove obstacles to abortion including in laws, policies, public administration, economy, society, culture, and others.
- Decriminalize abortion and must not impose alternative punishment against women, girls and pregnant persons as a result of their attempts to seek and abortion or having had an abortion as well as those giving assistance and the providers of such abortion services.

Death penalty

- Establish a moratorium on executions in practice immediately and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights with an aim to eliminate death penalty eventually
- Propose legal amendments to reduce offences with mandatory death penalty and promulgate laws to eliminate death penalty
- Ensure practices in strict compliance with universally recognized standards regarding fair trials and trials of cases concerning death penalty

Armed conflicts in the Southern Border Provinces

- Conduct an effective and impartial investigation into all alleged extrajudicial executions, particularly those committed with the involvement of security forces and bring to justice the perpetrators through a procedure in compliance with international standards without the use of death penalty
- Ensure access to all people detained in detention facilities and military barracks among their lawyers and families and their access to adequate medical attention and allow visits to all detention facilities of all independent human rights organizations

² Amnesty International's policy in abortion, AI INDEX: POL30/2846/2020, 28 September 2020