

## AMNESTY INTERNATIONAL

### **Amnesty International's Recommendations to the Thai government<sup>1</sup>**

Amnesty International has been monitoring human rights situation in Thailand during 2020 and has found that some progress on human rights has been made by the Thai government. Meanwhile, many issues continue to warrant further attention from the Thai government. We thus have the recommendations as follows;

#### **Armed conflict in Thailand's Southern Border Provinces**

- Ensure an effective and impartial investigation be conducted into all cases of extrajudicial killings, particularly those made possible by the involvement of security forces. The perpetrators must be brought to justice through a judicial process on par with international standards. And there shall be no use of death penalty.
- Ensure that those being held in custody in various places including military barracks have access to their legal counsels, their families and proper medical treatment. Independent human rights agency should also be given unimpeded access to all detention facilities.

#### **Emergency Powers and Decrees**

- Repeal Head of NCPO Orders 3/2015; 13/2016 and 23/2017.
- Amend emergency and martial laws to comply with treaty obligations on detention, considering the UN Human Rights Committee's General Comment 35 on the right to liberty.
- Ensure all measures taken to invoke states of emergency and derogate from rights obligations comply with requirements of notification, legality, necessity, and proportionality, and establish an independent oversight mechanism to monitor and report on measures taken.
- Revise the NHRC Act and ensure the body's mandate and operations meet standards set out in the Paris Principles.

#### **Torture and ill-treatment and Enforced Disappearance**

- Enact legislation criminalizing torture and ill-treatment and enforced disappearance that reflects relevant treaty obligations and proceed to ratify OPCAT.
- Promptly, thoroughly, independently, and effectively investigate all allegations of human rights violations and abuses and bring suspected perpetrators to justice in trials in civilian courts which meet international standards of fairness.

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<sup>1</sup> Based on Public Statements, Press Releases, Universal Period Reviews, and Urgent Actions issued by Amnesty International

- Ensure individuals whose rights have been violated are informed about progress and results of investigations and provided with an effective remedy and reparation including adequate compensation, restitution, satisfaction and guarantees of non-repetition, including by making the truth public about the fate and whereabouts of victims of enforced disappearances.
- Remove any procedural obstacles to the ability of victims of human rights violations and abuses to seek justice and an effective remedy including by amending the Military Procedure Code.
- Impose legal prohibitions upholding the principle of non-refoulement, ensuring that no one is forcibly transferred or returned to a country or territory where they would be at real risk of irreparable harm.
- Take immediate steps to ratify the first Optional Protocol to the ICCPR.

### **Repression of Dissent**

- Immediately and unconditionally drop all criminal proceedings preferred against people solely for peacefully exercising their human rights including their rights to freedom of expression and assembly.
- Issue guidelines to all state bodies on their duty to protect and fulfil the rights to freedom of expression, peaceful assembly and association, fully taking into account the Human Rights Committee's General Comments 34 on freedom of expression and opinion and 37 on freedom of peaceful assembly, including by ensuring no-one is detained for peacefully expressing their human rights.
- Amend guidelines for policing assemblies to reflect international human rights standards and make them accessible to the public.
- 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.

### **Death Penalty**

- Establish a moratorium on executions, ratify the Second Optional Protocol to the ICCPR, and enact legislation abolishing the death penalty.
- Ensure that the most rigorous internationally recognized standards for fair trial are respected in capital trials.

### **Human Rights Defenders**

- Draft and enact legal protection against SLAPP cases.

## Refugees

- Give refugees a legal status and include a definition of refugee in screening procedures that is consistent with international law and allows for individualized assessment procedures and a right of appeal.
- Enforce the prohibition on refoulement in law and practice, ensure that people in need of international protection are not returned to a country where they may be at risk of irreparable harm, and do not transfer anyone to another territory without an assessment of the risk of being returned.
- Institute official disembarkation procedures to ensure individuals arriving by sea are able to seek protection from persecution.
- Amend the Immigration Act to prevent indefinite detention of undocumented refugees and migrants and implement alternatives to detention.