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**UN Human Rights Council
Thirty-third session, 13 September – 30 September 2016**

**Item 6:
Consideration of UPR reports**

THAILAND

Mr President,

Amnesty International welcomes Thailand's acceptance of recommendations to criminalise torture and enforced disappearances,¹ to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,² and to create independent bodies under the Ministry of Justice to inspect prisoners in all places of detention³ and to investigate all torture allegations.⁴ We urge the government to promptly implement these recommendations and to put in place safeguards against arbitrary detention, torture and other ill-treatment for all detainees without exceptions.

We are concerned, however, that emergency laws and decrees permitting detention in unofficial places of detention, without judicial overview or safeguards, increase the risk of torture and other ill-treatment. Thailand continues to enforce legislation⁵ criminalising the rights to freedom of expression and assembly, and to prosecute the realisation of these rights. Human rights defenders have been prosecuted and convicted for criminal defamation for their peaceful human rights work. We regret Thailand's rejection of recommendations

¹ Human Rights Council, *Report of the Working Group on the Universal Periodic Review – Thailand*, A/HRC/33/16, 15 July 2016, recommendations 158.11 (Romania), 158.12 (Spain), 158.19 (New Zealand), 158.30 (Slovakia), 158.32 (Congo) and 158.33 (Canada).

² A/HRC/33/16, recommendation 158.7 (Georgia, Kazakhstan), 158.13 (Czech Republic, Denmark, Morocco).

³ A/HRC/33/16, recommendation 159.31 (United Kingdom of Great Britain and Northern Ireland).

⁴ A/HRC/33/16, recommendation 159.17 (Canada).

⁵ Amnesty International 'Open letter on Human Rights Concerns in the Run-up to the Constitutional Referendum', July 2016 available at <https://www.amnesty.org/en/documents/asa39/4548/2016/en/>

to release individuals detained or imprisoned for the peaceful exercise of their rights to freedom of expression and assembly,⁶ and call on the government to immediately and unconditionally drop all such charges and to amend or repeal laws excessively restricting these rights.⁷

While the authorities have announced the phasing out the use of military courts for civilians,⁸ individuals charged prior to this announcement - including for security crimes, violation of official decrees and offences against the monarchy - continue to face unfair trial in military courts. We therefore regret Thailand's rejection of all recommendations calling for an end to the use of military courts for civilians.⁹

While Amnesty International welcomes Thailand's acceptance of a recommendation to commute death sentences,¹⁰ it is regrettable that the government has rejected the recommendations and to establish a formal moratorium on executions¹¹ and to abolish the death penalty.¹²

⁶ A/HRC/33/16, recommendation 159.57 (Latvia), and 159.62 (Iceland).

⁷ A/HRC/33/16, recommendations 159.50 (Finland), 159.51 (United Kingdom of Great Britain and Northern Ireland), 159.52 (Belgium), 159.53 (Canada), 159.54 (Norway), 159.55 (Spain), 159.56 (Sweden), 159.57 (Latvia), 159.58 (Switzerland), 159.59 (Germany), 159.60 (Botswana), 159.61 (Italy), 159.62 (Iceland), 159.63 (Brazil)

⁸ Head of NCPO Order 55/2016, 12 September 2016

⁹ A/HRC/33/16, recommendations 159.36 (Greece), 159.38 (New Zealand), 159.39 (Norway), 159.40 (United States of America), 159.41 (Austria), 159.42 (Belgium), 159.43 (Canada), 159.44 (Costa Rica), 159.45 (Czech Republic), 159.46 (Germany) and 159.47 (Luxembourg).

¹⁰ A/HRC/33/16, recommendation 159.30 (France)

¹¹ A/HRC/33/16, recommendations 159.21 (Italy), 159.23 (Plurinational State of Bolivia).

¹² A/HRC/33/16, recommendations 159.16 (Mexico), 159.24 (Denmark, Honduras, Slovakia, Paraguay), 159.25 (Chile), 159.26 (Spain), 159.27 (Timor-Leste), 159.28 (Uruguay), 159.29 (Albania).