

Opening Statement

by

Mr. Rongvudhi Virabutr

Ambassador and Deputy Permanent Representative, Chargés d'affaires a.i.

at the adoption of the third UPR cycle outcome of Thailand

49th session of the Human Rights Council

24 March 2022

Mr. Vice President,

First of all, on behalf of the Royal Thai Government, I wish to express **my appreciation to representatives of States and members of civil society** for sharing their views and recommendations throughout this whole UPR exercise. The **constructive dialogue on issues of great importance** we had both in Thailand and at the Council reflected our enthusiasm, keen interest, and continued commitments to further advance human rights.

Mr. Vice President,

Promotion and Protection of human rights is one of our national agendas. Thailand, therefore, underwent its 3rd cycle UPR with determination and great interest. During our review in November last year, Thailand welcomed 278 recommendations from 106 countries. We **immediately accepted 193 recommendations**, which we have already implemented *or* foreseen, *or* have plans for implementation within the next cycle. We also decided to **take back 85 recommendations for further consideration**.

After the review, we promptly convened a meeting of **the National UPR Committee as well as a focus group discussion**, with the involvement of the agencies concerned, to examine each recommendation and to discuss the readiness of the line agencies to implement it within the next cycle timeline. After careful considerations, the outcome of our deliberation was submitted to, and endorsed by, the Cabinet to ensure high-level political commitment and concrete actions.

I am pleased to inform the Council that after that process, **Thailand decided to accept 25 additional recommendations**. In total, therefore, Thailand has **supported 218 out of 278 recommendations**. We have already implemented some of these recommendations as well as 8 voluntary pledges.

As for **the recommendations that we took note of**, please rest assured that they will not be ignored. We will continue to discuss and reflect upon them in our future deliberations. In fact, some of them may even be implemented in parts, in so far as related laws and regulations permit, since Thailand is determined to continue to make constant progress in advancing human rights in the country and beyond.

Mr. Vice President,

Allow me at this juncture to mention a few points that have received high attention from the Council.

For the recommendations on LGBTI+’ rights, although we have accepted some, we had to note some, in particular those that elaborate too specific actions for law enactment and too rigid timeframes that are not viewed as in line with the on-going development on the issue. However, our efforts and the dynamic within the Thai society to make progress in this area will continue, as shown in **the draft amendment on Civil and Commercial Code B.E. on same-sex marriage**, presented by the Move Forward Party, which was approved by the House of Representatives on 9 February 2022. The Cabinet is now considering the draft Act before taking further action within 60 days.

As part of Thailand’s on-going process to upgrade our management of irregular migrants, protect their rights, and provide appropriate assistance to those in need, our efforts to lay groundwork in developing a **National Screening Mechanism (NSM)** is well underway. After the entry into effect of the Regulation of the Office of the Prime Minister on the NSM in 2020, the subsidiary rules and criteria necessary for NSM’s operationalization are now at the final stage of consideration by relevant mechanisms. Once endorsed, the NSM is expected to benefit a large number of vulnerable migrants, including Persons of Concern listed by the UNHCR.

Mr. Vice President,

Our **COVID-19 vaccination policy** is based on the same principle as our Universal Health Coverage Scheme. We have worked to ensure accessibility and affordability of COVID-19 vaccines and treatments for all, including the marginalized and migrants. By 16th March 2022, over 70% of population have received their second shots. In addition, 4.82 million doses have been given to foreigners residing in Thailand.

Let me end my opening remarks here. I look forward to hearing the views and suggestions from both States and civil society alike, so that we can continue our constructive engagement to promote and protect human rights.

I thank you, Mr. President.

(668 words)

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Closing Statement

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Mr. Vice President,

I wish to first thank all delegations and representatives of UN entities and civil society who have participated in the discussion today. I also would like to thank the Troika and the Secretariat for their hard work. The Royal Thai Government always intends to take an ambitious approach in considering the recommendations received. I am pleased that as the 3rd UPR cycle, **Thailand has accepted 218 out of 278 recommendations in total, accounting for 78 percent of overall recommendations received.** This is in addition to 8 voluntary pledges the Thai delegation has announced during the presentation of its report back in November.

The UPR process will continue to constitute a vital part of Thailand's comprehensive and systematic efforts on human rights. This includes our ongoing process of drafting the **5th National Human Rights Plans (2023-2027)**, which will serve as a human rights framework for various agencies in specific areas, paying attention also to specific vulnerable groups.

Your views and recommendations throughout the review process are important as we are committed to further promote and protect human rights in the country. Due to time constraint, my delegation may not be able to respond to all the issues raised in detail. **Nevertheless, please allow me to address briefly some of the key issues mentioned today.**

Draft Act on Operations of Non-Profit Organizations B.E.
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- Thailand supported 8 out of 9 deferred recommendations on this issue. Thailand has always been proud of its vibrant society. As a long time host of many domestic and international civil society organizations, Thailand has advocated multistakeholder cooperation on various global issues. At home, we

also support civil society's work and partnership with government agencies on many issues ranging from development to human rights.

- The latest draft NPOs Act has already addressed many concerns previously expressed by different stakeholders. At present, both online and on-site public consultations are being conducted to gather comments on the draft. An impact assessment will also be carried out in accordance with the Constitution. Interested friends and colleagues are, therefore, encouraged not to prejudge its outcome, but to, participate and share your views and countries' experiences as we endeavour to improve the draft and pass the law that provides general oversight of civil society while promoting their important roles and partnership in different areas.

Death Penalty

- Thailand **supported recommendations 52.1 and 52.35** among others, concerning ratification of the Second Optional Protocol to the ICCPR, as the recommendations involve deliberative actions on the Optional Protocol and engagement with all sectors of society.

- As indicated in the 2nd, 3rd and 4th **National Human Rights Plans**, the Government is committed to move towards abolishment of the death penalty.

- In 2018, the Cabinet adopted a 3-step **action plan** as follows: 1) studying to enhance **court discretion**; 2) seeking the possibility to **reduce the number of offences** with death penalty; and 3) **abolish** the death penalty for all.

- Despite the Government's efforts during the past years on educating the public about the global trends and the importance of right to life, the recent public hearings conducted by the Office of Justice Affairs still show that the **majority of people are still in favour** of the death penalty.

- Nevertheless, there have been some positive developments as we had successfully **dropped the death penalty in one offence related to corruption**, and after the **new Narcotics Act** is enforced, **two more offences** with death penalty will soon also be removed.

Freedom of expression and freedom of assembly

- Thailand is committed to upholding the obligations under the ICCPR.
- The rights to freedom of expression and freedom of assembly are guaranteed under the Thai Constitution. At the same time, the exercise of these rights must be within the boundary of the law and not infringe upon the rights and reputation of others or instigate hatred and undermine national security and public order.

- When an alleged violation of the law is reported, the officers are obliged by duty to investigate the case. However, the officers may not arrest any person without a warrant or a court order unless there is an urgent need to do so, such as

when the person is committing a flagrant violation of law or is likely to cause danger to another person or his/her property. Throughout the process, **the suspect in a criminal case shall be presumed innocent.**

- The legal proceedings of all political activists strictly follow these principles and procedures.

- Relevant agencies have given due consideration to the demands of various groups of protesters which vary from increasing prices of consumers' products to the management of COVID-19 situation. Demands relating to land rights were recently submitted to the Cabinet which, in response has assigned relevant agencies to follow up with a view to addressing the issues.

Human Rights Defenders

- Thailand acknowledges the important role of human rights defenders in the protection and promotion of human rights. Thus, they have been highlighted as a priority group under both the National Human Rights Plan as well as the National Action Plan on Business and Human Rights.

- The Government supports the work of human rights defenders and endeavours to create a safe and enabling working environment for them including through: (1) **the proposed amendment of the Witness Protection Act** which broadens the definition of witness to include persons who provides information or testimony to the authorities; (2) **the Anti-SLAPP Bill** that protects citizens from intimidation lawsuit especially in cases related to abuse of power; and (3) **the Justice Fund** which provides legal advice, mediation, protection, and assistance.

Southern Border Provinces (SBPs)

- Thailand is a multicultural, multi-ethnic and multi-religious society. The Government guarantees the rights and freedom of religions of all faiths, in accordance with the Constitution, and promotes the human and civil rights as well as the political participation of the people at every level.

- The Government's policy on the Southern Border Provinces (SBPs) is based on respect for universal values and human dignity. It aims to promote a multicultural society which recognizes different ethnicities and religions.

- The special security laws in the SBPs were first enforced out of necessity to ensure public safety following the seizure of weapons from an army camp and arson at local schools in the SBPs in January 2004. Its implementation is strictly based on the principles of necessity and proportionality, and without discrimination.

- The situation has since shown signs of improvement, and therefore the application of the laws has been removed district by district and reviewed on a regular basis.

Torture and Enforced Disappearances
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- The Government's determination to prevent torture and enforced disappearance is reflected in the country's ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) in 2007 and the signing of the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) in 2012.
- Thailand reaffirms its continued commitment to a zero tolerance policy on torture and enforced disappearances. We attach great importance to fulfilling our international obligations under relevant human rights conventions on this matter while continuing to strengthen our judicial system to ensure that our implementation is in compliance with international human rights standards.

Mr. Vice President,

The adoption of the UPR outcome today indeed marks our beginning towards many steps in going forward to make new and concrete human rights progress at home. Please rest assured that Thailand will do its utmost to ensure that our commitments are translated into action. In doing so, we will ensure that all stakeholders, in particular the civil society, will be engaged at all stages.

The **Midterm Review**, one of our voluntary pledges, will also maintain the momentum to ensure the continuation of our work, and form an additional basis for our future cooperation to promote and protect human rights in Thailand and beyond.

I thank you.

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