



Report on the Implementation of the International Covenant on Civil and Political Rights with Regard to the Rights of Refugees and Asylum Seekers in Thailand

Submitted for the Second Periodic Report of Thailand (CCPR/C/THA/2) at the 119th Session of the United Nations Human Rights Committee

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I. INTRODUCTION

1. The following report is an update to the original submission made on 7 April 2016 to the Human Rights Committee for the Adoption of the List of Issues (LOI) on the Second Periodic Report of Thailand.¹ The additional information assesses the Kingdom of Thailand's responses to the questions posed in the LOI in advance of the Human Rights Committee's 119th session. The report is submitted on behalf of the Asia Pacific Refugee Rights Network (APRRN)², Asylum Access³, the Coalition for Refugees and Stateless Person (CRSP)⁴, and the Center for Asylum Protection (CAP)⁵.
2. The report was made possible in part with support from the Centre for Civil and Political Rights (CCPR Centre).
3. For questions or comments about this report, please contact:

Mr. Chawaratt (Mic) Chawarangkul
Senior Policy Advisor
Asylum Access Thailand
1111/151 Ban Blang Muang Ladphrao Rd.,
Chankasem, Chatuchak, Bangkok 10900
chawaratt.chawarangkul@asylumaccess.org

II. EXECUTIVE SUMMARY

4. Thailand is home to an estimated 3.7 million migrants – one of the largest populations in Southeast Asia. An estimated 130,000 of these migrants are asylum seekers and refugees,⁶ 90 percent of whom are from neighboring Myanmar and have been living in camps along the Thailand-Myanmar border for more than two decades. An estimated 9,000 asylum seekers and refugees representing about 40 nationalities live outside the camps in urban areas.⁷ Asylum seekers and refugees in Thailand have no legal status, face constant discrimination, and are at risk of arbitrary arrest and detention, refoulement, and exploitation. Access to justice is limited and little relief is possible for human rights violations.
5. This submission examines the implementation of Thailand's obligations under the International Covenant on Civil and Political Rights (ICCPR) between 2011 to 2017 as they relate to the rights of asylum seekers and refugees in Thailand; namely, (i) the right to life and the prohibition against torture under Article 6 and 7 respectively; and (ii) the prohibition on arbitrary detention, humane conditions of detention, and the rights of the child under Article 9, 10, and 24 respectively.
6. Since refugee status is declaratory and not dependent on adjudication, any person who satisfies the definition under the Convention Relating to the Status of Refugees (Refugee Convention) is a refugee.⁸ For purposes of this submission, however, the term "refugee" will be used to refer to any person whose refugee claim has been recognized by the UN High Commissioner for Refugees (UNHCR) or through Thailand's domestic mechanisms, such as the Provincial Admissions Board system. The term "asylum seeker" will be used to refer to any person seeking to be adjudicated for refugee status who is yet to be recognized as a refugee by UNHCR or domestic mechanisms.

7. The submitting organizations propose the following recommendations to the Kingdom of Thailand for consideration by the Human Rights Committee in the adoption of its Concluding Observations:

Recommendations Regarding the Right to Life and Prohibition Against Torture (Art. 6 & Art. 7)

- Uphold the absolute prohibition against refoulement under articles 6 and 7 of the covenant; continue exercising the utmost care in evaluating diplomatic assurances, and refrain from relying on such assurances where Thailand is not in a position to effectively monitor the treatment of such persons after their extradition, expulsion, transfer or return to other countries; and take appropriate remedial action when assurances are not fulfilled.
- Continue coordinating with the Myanmar government and UNHCR to ensure that policies around repatriation are available to civil society organizations and adequately address concerns relating to land ownership, civil registration, and access to basic services including healthcare, education and livelihood opportunities.
- Accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.

Recommendations Regarding the Prohibition on Arbitrary Detention (Art. 9)

- Reinstatement of the bail system with the view of ensuring that asylum seekers and refugees meaningfully enjoy alternatives to immigration detention.
- Limit the use of immigration detention by amending policies to ensure that, when necessary, asylum seekers and refugees are only detained in exceptional circumstances, following an individualized assessment, and after all less invasive alternatives to detention have been exhausted.

Recommendations Regarding the Right to Humane Conditions of Detention (Art. 10)

- Increase efforts to ensure that conditions inside immigration detention centers are in line with relevant international norms and standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners. The State party should guarantee that detained migrants enjoy access to healthcare, hygiene, clean drinking water, as well as adequate nutrition and physical space.
- Provide civil society organizations, including legal services providers, access to speak with at-risk populations held in immigration detention centers in private. Grant visitors with a suitable space for visitation of detainees, free from interrogation by immigration staff.
- Adopt appropriate measures to guarantee the detention of the vulnerable individuals such as persons with disabilities is made with proper attention to their special needs.

Recommendations Regarding the Rights of the Child (Art. 24)

- Ensure that the best interest of the child is the primary consideration for all policies effecting refugee and asylum-seeking children in detention by *inter alia*, implementing measures to screen for children in detention who may be in need of international protection and further developing procedures to identify and relocate unaccompanied minors in IDCs to MSDHS shelters or other accommodations where they can meaningfully access essential services.
- Refrain from criminalizing any child under 18 years of age for their irregular migration situation or for their parent's migration status; allow parents in immigration

detention centers to join their children inside MSDHS shelters or provide children in detention access to non-custodial, community-based alternatives to detention, with the aim of expeditiously ceasing the practice of detaining children in irregular migration situations altogether.

- Ensure that educational services offered to children inside IDCs and MSDHS shelters are in line with national standards and foster their development and well-being.

III. CONTRIBUTIONS TO THE CONCLUDING OBSERVATIONS

i. Right to Life and Prohibition Against Torture (Art. 6 and 7)

Legal Obligation

8. Prohibition Against Refoulement (Art. 6 &7). As interpreted by the Human Rights Committee, under Articles 6 and 7 of the ICCPR, states “must not expose individuals to the danger of torture or cruel, inhuman or degrading treatment or punishment upon return to another country by way of their extradition, expulsion or refoulement.”⁹ This includes persons who may not be in the state’s territory but fall within the state’s effective control.¹⁰
9. The principle of non-refoulement is also found in customary law as a requirement that states do not return asylum seekers and refugees, regardless of their legal status, to countries where they would face a threat to their life or freedom. Non-refoulement is also a fundamental component of the absolute prohibition of torture. Under Article 3 of the CAT, states are required to ensure that no individual, regardless of whether she is an asylum-seeker or refugees, is expelled to a country where such person would face a substantial risk of torture.¹¹
10. The CAT also recognize that when determining the applicability of its non-refoulement obligations under article 3 of the Convention, “the State party should only rely on ‘diplomatic assurances’ in regard to States which do not systematically violate the Convention’s provisions, and after a thorough examination of the merits of each individual case.”¹²

State Practice

11. Prohibition Against Refoulement (Art. 6 &7). Thailand continues to deport asylum seekers and refugees without judicial oversight under Section 54 of the 1979 Immigration Act.¹³ Under the Immigration Act, officials must assess the risks of deportation, the circumstances in the home or receiving country, and inform a returnee of these findings. However, since Thailand’s last ICCPR review, Thailand has repeatedly returned refugees and asylum seekers to countries where they risk torture, including Rohingya refugees, as well as refugees and asylum seekers from Laos, Viet Nam, and China.
12. Since 2009, Thailand has seen a large number of arrivals of Rohingya asylum seekers.¹⁴ After serving a term in detention, some asylum seekers were immediately transported back to Myanmar without any risk assessment from Thailand or UNHCR. The Immigration Bureau deports some 200-300 immigration detainees every week without proper screening of their protection claims.¹⁵ Returnees hence are at risk of persecution or being trafficked.

13. In addition, since 2009, Thailand has implemented a “push back” policy with regard to asylum seekers arriving by boat. The policy essentially intercepts boats of asylum seekers approaching Thailand’s shores and turns them back to sea. In 2014, Thai authorities regularly intercepted and pushed back more than 250 Rohingya asylum seekers.¹⁶ In May 2015, Thailand also refused to allow the disembarkation of Rohingya asylum seekers and Bangladeshi survivors of human trafficking arriving to Thailand by sea. Consequently, human traffickers abandoned boats after Thai authorities enforced push back policies, leaving many Rohingya and Bangladeshis to die at sea.¹⁷ While Indonesia and Malaysia agreed to provide temporary protection to Rohingya, Thailand remained silent on any offer to do so, agreeing only to deploy ships carrying humanitarian aid. By deporting Rohingya asylum seekers in Thailand without properly assessing their protection needs and diverting asylum seekers traveling on boats away from its borders, Thailand risks returning individuals to countries where they will face serious risk of torture or threat to life or liberty.
14. In 2015, Thailand handed over about 109 male Uighur asylum seekers under its custody to China.¹⁸ Following claims by Chinese authorities that deportees were terrorism suspects, the Uighur asylum seekers were officially extradited to China under a Sino-Thai bilateral extradition agreement with no assessment of their protection needs. Those extradited face a great risk of persecution, torture or enforced disappearance upon return to China due to the ongoing conflict between the Chinese Government and ethnic Uighurs.¹⁹ The fate of those returned remains unknown.
15. In 2013, Thailand allowed the arrest and deportation of Vietnamese asylum seekers to Cambodia, where they were put on trial as suspected members of the Khmer National Liberation Front. Asylum seekers removed to Cambodia claim they were later tortured and coerced into confessing.²⁰ In 2009, Thailand returned an estimated 4,000 Hmong refugees and asylum seekers to Laos, where they faced risk of persecution.²¹
16. The deportation of 200-300 immigration detainees every week risks violating the State’s duty against refoulement by forcing individuals to return to countries they fled for reasons of persecution. The risk of refoulement also arises when the State diverts boats of asylum seekers at sea and prevents them from disembarking. This “push back” policy risks violating Thailand’s duty under customary international law to ensure that no one is sent back to a country where there exists a threat to her life or freedom. Further, the return of refugees and asylum seekers to China, Cambodia, and Laos, where they faced the risk of torture, is a violation of the principle of non-refoulement.

Prior Observations by the Human Rights Committee and other Human Rights Treaty Bodies

17. In its 2005 Concluding Observations, the Human Rights Committee recommended that Thailand:

“[E]stablish a mechanism to prohibit the extradition, expulsion, deportation or forcible return of aliens to a country where they would be at risk of torture or ill-treatment, including the right to judicial review with suspensive effect. The State party should observe its obligation to respect a fundamental principle of international law, the principle of non-refoulement.”²²

18. More recently, in its review under the Convention against Torture, Thailand stated that it had “not stipulated any specific provision” in regard to the prohibition against refoulement.²³ It elaborated that: “Thai law has prescribed approaches to the exercising of discretion on the part of competent authorities. In practice, military officers, police officers, immigration officers, public prosecutors, and officers of other public agencies have acquired the understanding of the non-refoulement principle whereby foreign nationals shall not be sent from or forced out of the country if there appear to be convincing grounds that any such person thus forced out of the country might be subjected to danger or torture. Thailand’s adherence to this principle is widely acknowledged and has accordingly earned Thailand recognition internationally.”

19. In its Concluding Recommendations, the Committee Against Torture recommended that Thailand:

“adopt appropriate legislation and procedures to comply with the principle of non-refoulement and to protect refugees and asylum seekers, in line with article 3 of the Convention, in particular by:

(a) Amending the Immigration Act and establishing a national asylum system to provide the legal framework required to address the situation of refugees and asylum seekers. Moreover, the State party should take the necessary measures, in cooperation with the United Nations High Commissioner for Refugees (UNHCR), to review its procedures for determining refugee status;

(b) Providing protection and rehabilitation support to victims rescued from human smugglers’ camps in southern Thailand and defining the temporary protection regime and related rights granted to Rohingya refugees and stateless persons, including protection from refoulement;

(c) Acceding to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.”²⁴

Assessment of the State’s Replies to the List of Issues

20. The submitting organizations offer the following assessment of Thailand’s replies to question 22 posed by the Human Rights Committee in its List of Issues:²⁵

21. QUESTIONS 22 – Prohibition Against Refoulement (Art. 6 & Art. 7). While UNHCR is not currently promoting the repatriation of refugees on the Thai-Myanmar border, it is facilitating returns for those families who have expressed their intent to go back. The support offered includes material and monetary assistance sufficient to cover the needs of returnees in Myanmar for at three months. However, short notice around the facilitated returns hindered NGOs in the camps from providing necessary services. For example, organizations responsible in providing WASH materials had limited time to prepare assistance for 71 returnees.

22. Permits providing returnees with legal stay in Myanmar are valid for two months. Thereafter, returnees must themselves apply for the necessary documents to stay in Myanmar beyond such time. Workshops by NGOs in December 2016 revealed that while the majority has applied for such documents, there was little information as to how many were approved. It is evident that the Myanmar government remains uncertain as to which policies need to be implement to adequately facilitate such returns. For example, there is no clear approach by the Ministry of Education governing access to education for returnees. State governments may accept children in the public schools but this is only a state policy and thus subject to change. In general, there remains questions

around the capacity of the Myanmar government to adequately receive larger number of returnees when hundred or even thousands of families decide to return.

23. NGOs face serious challenges in tracking the risk of refoulement for Hmong Lao refugees given that UNHCR is unable to register this population, as per its agreement with the Thai government. The risk of refoulement is also evident for Chinese refugees who have been deported, including two UNHCR-recognized refugees awaiting resettlement in 2015. In light of the Chinese government’s systematic violations of the Convention Against Torture, the diplomatic assurances provided by China guaranteeing protection for those returned do not alone satisfy Thailand’s obligations of non-refoulement.

Recommendations Regarding the Right to Life and Prohibition Against Torture (Art. 6 & Art. 7)

- **Uphold the absolute prohibition against refoulement under articles 6 and 7 of the covenant; continue exercising the utmost care in evaluating diplomatic assurances, and refrain from relying on such assurances where Thailand is not in a position to effectively monitor the treatment of such persons after their extradition, expulsion, transfer or return to other countries; and take appropriate remedial action when assurances are not fulfilled.**
- **Continue coordinating with the Myanmar government and UNHCR to ensure that policies around repatriation are available to civil society organizations and adequately address concerns relating to land ownership, civil registration, and access to basic services including healthcare, education and livelihood opportunities.**
- **Accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.**

ii. Prohibition of Arbitrary Detention, Humane Conditions of Detention, and the Rights of the Child (Art. 9, 10, and 24)

Legal Obligation

24. Prohibition on Arbitrary Detention (Art. 9). Article 9 of the ICCPR protects against arbitrary arrest and detention, including in the course of immigration proceedings. Guidance by the Human Rights Committee indicates that detention should be reasonable, necessary and proportionate. Asylum seeker who unlawfully enter a State party’s territory should only be detained for as long as is necessary to identify the individuals and register their claims.²⁶ When necessary, detention should take place in appropriate, sanitary, non-punitive facilities, and should not take place in prisons. General Comment 35 sets forth that, “[c]hildren should not be deprived of liberty, except as a measure of last resort and for the shortest appropriate period of time, taking into account their best interests as a primary consideration with regard to the duration and conditions of detention, and also taking into account the extreme vulnerability and need for care of unaccompanied minors.”²⁷
25. Right to Humane Conditions of Detention (Art. 10). Article 10 sets forth that, “All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.”²⁸

26. Rights of the Child (Art. 24). Article 24 of the ICCPR provides that, “Every child shall have [...] the right to such measures of protection as are required by his status as a minor.”²⁹ The Convention on the Rights of the Child (CRC) provides further guidance in relation to detention of children. Article 3 of the CRC obligates states to take the best interest of the child as the primary consideration in all actions that concern children. The Committee on the Rights of the Child has found that the “detention of a child because of their or their parent’s migration status constitutes a child rights violation and always contravenes the principle of the best interests of the child.”³⁰

State Practice

27. Prohibition on Arbitrary Arrest and Detention (Art. 9). By virtue of being treated as illegal migrants under Thai law, asylum seekers and refugees without valid visas are increasingly subject to arbitrary detention. In 2014, 254 individuals including 34 children were arrested in 108 incidents; while in 2013, 125 individuals were arrested in 58 incidents. Of those detained in 2014, 38 asylum seekers and refugees were successfully released after UNHCR intervened. From December 2013 to August 2015, Thai authorities detained 4,569 ethnic Rohingya, 2,598 Bangladeshi migrants and over 240 Uighur asylum seekers in different immigration detention centers (IDCs) nationwide.³¹

28. The detention of asylum seekers and refugees in Thailand is arbitrary under Article 9 as it is not for purposes of identification, but rather to hold those who have violated the Immigration Act and are awaiting deportation. The detention is neither reasonable nor proportionate, and can last indefinitely.

29. Right to Humane Conditions of Detention (Art. 10). In southern Thailand, families are typically separated in detention centers—women and children are normally confined to shelters run by the Minister of Social Development and Human Security (MSDHS) while men are typically detained in jails or holding cells.³² Civil society organizations, including legal services providers, are unable to speak with at-risk populations held in IDCs. This makes it difficult for asylum seekers and refugees to obtain services, legal support, and screening for human trafficking. Asylum seeker and refugees, including children and the sick, are held in overcrowded detention facilities. Reportedly, these facilities do not have adequate healthcare access due to limited budgets. Officials in IDCs have low cultural and religious awareness about detainee populations and, thus, do not offer meals in line with their religious dietary restrictions.³³

30. The conditions of Thailand’s detention centers fall below international standards since they are often overcrowded, take place in jails or holding cells, and lack access to adequate healthcare services,³⁴ violating article 10 of the Covenant.

31. Rights of the Child (Art. 24). Studies by civil society organizations in Thailand reveal that detained children in Bangkok are often separated from their parents, typically for periods of more than a year and are at great risk of sexual abuse by adult detainees.³⁵ The report also discovered that children in IDCs cannot enjoy basic services necessary for their development; many detained children suffer from stress, depression, fear, and alienation and cannot access education otherwise available to all children in Thailand under the 1999 National Education Act.³⁶

32. Article 24 is violated when refugee and asylum-seeker children are detained without regard to measures of protection required by their status as minors. This principle is not only violated when Thailand subjects children of asylum seekers and refugees to detention, but when the State separates such children from their parents and house them in IDCs where they face a risk of sexual abuse and lack access to services necessary for their development.

Prior Observations by the Human Rights Committee and other Human Rights Treaty Bodies

33. In its 2005 Concluding Observations, the Human Rights Committee stated it was “concerned at the overcrowding and general conditions of places of detention, particularly with regard to sanitation and access to health care and adequate food.” It recommended that Thailand:

“bring prison conditions into line with the United Nations Standard Minimum Rules for the Treatment of Prisoners as a matter of priority. The State party should guarantee the right of detainees to be treated humanely and with respect for their dignity, particularly with regard to hygienic conditions, access to health care and adequate food.”³⁷

34. The Committee against Torture noted in its 2014 Concluding Observations it was:

“concerned at the use of lengthy and, in some cases, indefinite detention in immigration detention centres for asylum seekers and migrants who enter the State party undocumented, as well as at the lack of an independent and systematic review of such detention decisions and the restrictive use of alternatives to detention for asylum seekers,”

35. It recommended Thailand, “review its detention policy with regard to asylum seekers and give priority to alternatives to detention,” and “end indefinite detention for asylum seekers and migrants and guarantee them access to independent, qualified and free legal advice and representation.”³⁸

36. The Committee Against Torture also remained:

“seriously concerned at the extremely high levels of overcrowding and harsh conditions prevailing in detention facilities, including immigration detention centres. Such conditions include insufficient ventilation and lighting, poor sanitation and hygiene facilities and inadequate access to health care.”

37. It recommended Thailand “strengthen its efforts to improve prison conditions in order to end any cruel, inhuman or degrading treatment or punishment,” in particular by reducing prison overcrowding, and “(e)nsuring the basic needs of persons deprived of their liberty with regard to sanitation, medical care, food and water, and taking measures to prevent violence in prison.”³⁹

Assessment of the State’s Replies to the List of Issues

The submitting organizations offer the following assessment of Thailand’s replies to questions 23, 15 and 24 posed by the Human Rights Committee in its List of Issues:⁴⁰

38. QUESTION 23 - Prohibition on Arbitrary Arrest and Detention (Art. 9). In the past year, the number of refugees and asylum seekers in IDCs has increased significantly. NGOs confirm that since June 2016, Thailand held 524 adult and 85 children refugees and asylum seekers in detention centers nationwide.⁴¹ This includes 21 adult and 23 children refugees and asylum seekers currently held in the Suan Plu IDC following a December 10 immigration raid.
39. In past years, refugee and asylum seekers enjoyed temporary release from IDCs through a bail system. Although bail for children under 15 years old was not required, for minors older than 15 and for adults, bail was set at 25,000 THB and 50,000 THB respectively. 653 refugees and asylum seekers, including 203 children, were able to enjoy temporary release from IDCs either under this bail system or through transfers to MSDHS shelters. However, since mid-2016, top immigration officials suspended Thailand's bail system. Detainees are now no longer able to enjoy any release from IDCs short of deportation. This suspension is largely responsible for the increase in the number of refugees and asylum seekers in IDCs.
40. QUESTION 15 - Right to Humane Conditions of Detention (Art. 10). While Thailand alleges that prison conditions meet international standards relating to sanitation, ventilation, lighting, nutrition and access to healthcare,⁴² conditions inside IDCs remain substandard. IDC detainees do not get adequate access to healthcare and, due to unhygienic detention conditions and the shortage of sanitation facilities, many detainees are inflicted with scabies and face a high risk of contracting other infectious diseases. Clean drinking water and adequate nutrition are not provided in immigration detention. During periods of high congestion, detainees do not have enough space to sleep and need to take turns resting.
41. The detention of the vulnerable individuals such as persons with disabilities is made without proper attention to their special needs. In one instance, immigration officials denied a disabled detainee use of his wheelchair inside the IDC, forcing him to crawl as best he could when needing to use the bathroom or obtain food. For the nearly one year that he has remained inside the IDC, the detainee has only had access to his wheelchair during the one hour per week detainees are allowed outside. In addition, families in detention who are separated according to gender are rarely allowed to see each other. The mental health of detainees quickly degenerates and there is little support for their psychosocial well-being. Visitors are not provided with a suitable space for the visitation of persons in detention and are often subject to interrogation by immigration staff regarding the purpose of their visits.
42. QUESTION 24 - Rights of the Child (Art. 24). Irregular migrant children are provided with basic education, recreation activities, as well as food and medical examination. These services, however, are only available in MSDHS shelters. In practice, many families prefer not to be separated from their children by sending them to such shelters, and consent to keep their children with them inside IDCs. In IDCs, children reside alongside other adult detainees where they face a risk of physical and sexual abuse. NGOs report that more than 70 minors (under 18 years old) are detained in the Suan Plu IDC.⁴³ In addition, NGOs claim that several unaccompanied minors (UAMs) have never been transferred to MSDHS shelters and continue to remain in IDCs. This may indicate that no measures are in place to identify and filter out vulnerable populations currently held in detention centers.
43. Although the 1999 National Education Act grants all children in Thailand the right to primary education regardless of their nationality or legal status, children in IDCs cannot physically access

schools to receive such services. According to a 2012 Human Rights Watch report, Thailand's Immigration Office permitted the International Organization for Migration (IOM) to operate a daycare center for children under 14 years old inside the Suan Plu IDC. 50 of the 70 children in Suan Plu enjoy IOM's daycare services while the remaining 20 are above the age limit. The daycare program does not offer children proper education commensurate with their age. As a result, many children have endured adverse effects to their psychological development and well-being, such as depression, anxiety, insomnia, nightmares, bedwetting, isolation development, attachment disorder, and acts of violence against themselves and others.

44. Despite challenges faced by refugee and asylum-seeking children in Thailand, a positive development emerged out of a decision by the Chiang Rai Juvenile and Family Court in November 2016. The Court found it "inappropriate" to render a punishment against a 16-year-old refugee from Somalia who had fled forced recruitment as a child soldier for violating Thailand's Immigration Act. The decision marked the first time that a child recognized as refugee by UNHCR was entitled to protections under the Section 132 Paragraph 1 of the Juvenile and Family Court and Juvenile and Family Case Procedure Act B.E. 2553, which provides counselling services, vocational training and access to education. The decision further illustrates an instance of Thailand's Juvenile Court deciding in the best interests of the child, regardless of the child's immigration status.⁴⁴

Recommendations Regarding the Prohibition on Arbitrary Detention (Art. 9)

- Reinstatement of the bail system with the view of ensuring that asylum seekers and refugees meaningfully enjoy alternatives to immigration detention.
- Limit the use of immigration detention by amending policies to ensure that, when necessary, asylum seekers and refugees are only detained in exceptional circumstances, following an individualized assessment, and after all less invasive alternatives to detention have been exhausted.

Recommendations Regarding the Right to Humane Conditions of Detention (Art. 10)

- Increase efforts to ensure that conditions inside immigration detention centers are in line with relevant international norms and standard, including the United Nations Standard Minimum Rules for the Treatment of Prisoners. The State party should guarantee that detained migrants enjoy access to healthcare, hygiene, clean drinking water, as well as adequate nutrition and physical space.
- Provide civil society organizations, including legal services providers, access to speak with at-risk populations held in immigration detention centers in private. Grant visitors with a suitable space for visitation of detainees, free from interrogation by immigration staff.
- Adopt appropriate measures to guarantee the detention of the vulnerable individuals such as persons with disabilities is made with proper attention to their special needs.

Recommendations Regarding the Rights of the Child (Art. 24)

- Ensure that the best interest of the child is the primary consideration for all policies effecting refugee and asylum-seeking children in detention by *inter alia*, implementing measures to screen for children in detention who may be in need of international protection and further developing procedures to identify and relocate

unaccompanied minors in IDCs to MSDHS shelters or other accommodations where they can meaningfully access essential services.

- **Refrain from criminalizing any child under 18 years of age for their irregular migration situation or for their parent’s migration status; allow parents in immigration detention centers to join their children inside MSDHS shelters or provide children in detention access to non-custodial, community-based alternatives to detention, with the aim of expeditiously ceasing the practice of detaining children in irregular migration situations altogether.**
- **Ensure that educational services offered to children inside IDCs and MSDHS shelters are in line with national standards and foster their development and well-being.**

¹ Asylum Access Thailand and the Asia Pacific Refugee Rights Network (APRRN) Information from Civil Society Organizations (for LOIs), April 6, 2016, Human Rights Committee, 117th Session. http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCO%2fTHA%2f23630&Lang=en.

² APRRN is a network of organizations working on advancing the rights of refugees in the Asia Pacific Region through information sharing, mutual capacity building, and joint advocacy.

³ Asylum Access is an international refugee rights organization providing legal aid, empowerment, law and policy reform for refugees in Latin America, Africa and Asia.

⁴ The Coalition for the Rights of Refugees and Stateless Persons (CRSP) is a joint effort of civil society organizations particularly local NGOs, academics, and lawyers with the objective of protection and promotion of the rights for urban refugees and stateless persons. The coalition activities focus on advocacy aimed at policy changes, protection mechanisms for refugees, and public awareness, and increased public participation in the effort to protect the rights of refugees and stateless persons in Thailand.

⁵ CAP provides free legal assistance for refugee cases and assists with refugee protection.

⁶ UN Department of Economic and Social Affairs, Population Division, International Migration 2013 Wallchart, 15 July 2013; UNHCR. (2015) UNHCR Refugee in Thailand [Online] Available from: <http://bit.ly/1gRC0fl>.

⁷ Over 40 ethnic groups are represented in Thailand's refugee population including: Pakistanis, Sri Lankans, Rohingya, Vietnamese (Hmong, Khmer Krom), Lao Hmong, Syrians (Palestinian), Somali and other African nationalities; UN High Commissioner for Refugees, "Thailand Factsheet: September 2014," *UNHCR The UN Refugee Agency*, (August 2015), <http://bit.ly/1fjOevQ>.

⁸ *Convention Relating to the Status of Refugees*, 189 U.N.T.S. 137, article 1(2) (*Refugee Convention*). 3473 - refugees 4519 – asylum seekers (Nov. 2016). No Rohingya, No Burmese.

⁹ Human Rights Committee, General Comment No. 20: Article 7 (Prohibition of torture, or other cruel, inhuman or degrading treatment or punishment), 10 March 1992, U.N. Doc. HRI/ GEN/1/Rev.7, para. 9.

¹⁰ Human Rights Committee, General Comment No 31: The Nature of the Legal Obligation Imposed on States Parties to the Covenant, UN Doc CCPR/C/21/Rev.1/Add.13 (2004), para. 10.

¹¹ *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 1465 U.N.T.S 85, Article 3.

¹² Committee Against Torture, Conclusions and recommendations of the Committee against Torture, 2006, United States of America CAT/C/USA/CO/2

¹³ Migrant Working Group (MWG). Monthly report from January to August 2015.

¹⁴ UNHCR. (2014). *More than 20,000 people risk all on Indian Ocean to reach safety*. UNHCR Report. Retrieved, April 08, 2016, from <http://www.unhcr.org/53f741fc9.html>

¹⁵ Office of Democracy, Human Rights and Labor Rights, *2014 Human Rights Report, Thailand*, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>.

¹⁶ BBC. (2014, February 13). *Thailand Sends Rohingya Muslims Back to Burma*. BBC News. Retrieved April 08, 2016, from <http://www.bbc.com/news/world-asia-26167676>

¹⁷ The Guardian. (2015, May 14). *Malaysia and Thailand turn away hundreds on migrant boats* – The Guardian News. Retrieved April 08, 2016, from <http://www.theguardian.com/world/2015/may/14/malaysia-turns-back-migrant-boat-with-more-than-500-aboard>

¹⁸ Putz, Catherine. (2015, July 11). *Thailand Departs 100 Uyghurs to China*. The Diplomat. Retrieved April 08, 2016, from <http://thediplomat.com/2015/07/thailand-departs-100-uyghurs-to-china>.

¹⁹ US Department of State. (2015). *U.S. Condemns Forced Deportation of Ethnic Uighurs in Thailand to China* [Pressed Release]. Retrieved from <http://www.state.gov/r/pa/prs/ps/2015/07/244754.htm>

²⁰ The Cambodia Daily. (2015). *KNLF Group Claim Confessions Came By Torture*. Retrieved April 08, 2016, from <https://www.cambodiadaily.com/archives/KNLF-group-claim-confessions-came-by-torture-82799/>.

²¹ The Guardian. (2009 December, 28). *Thailand begins deportation of more than 4,000 Hmong asylum seekers*. Retrieved April 08, 2016, from <http://www.theguardian.com/world/2009/dec/28/thailand-deportation-hmong-laos>.

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