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Opening Statement
by
Pol. Col. Naras Savestanan, Ph.D.,
Director General,
Department of Rights and Liberties Protection, Ministry of Justice,
Head of Thai Delegation
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**Mr. Chairperson,
Distinguished Members of the Committee Against Torture,
Ladies and Gentlemen,**

On behalf of the Royal Thai Government, I am honoured to head the Thai delegation here today for the consideration of Thailand's initial report on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Allow me to first introduce myself. I am Police Colonel Naras Savestanan, Director General of the Rights and Liberties Protection, Ministry of Justice. The Thai delegation today comprises senior representatives from a wide range of Government agencies, namely, the Ministry of Justice, Ministry of Foreign Affairs, Ministry of Social Development and Human Security, the Royal Thai Police, and the Internal Security Operations Command, Region 4. We also have the honour of having two senior experts on international law and human rights in our delegation. This reflects the good cooperation among the different agencies and sectors on human rights, and the importance we place on our first dialogue with distinguished members of the CAT Committee.

Please allow me to briefly introduce to you members of the delegation who will present detailed and updated information on various matters during our dialogue.

1. First is Associate Professor Narong Jaiharn, Dean of the Faculty of Law, Thammasat University. Associate Professor Narong was greatly involved in the drafting of our national report on the implementation of the Convention.

2. Second, Professor Vitit Muntarbhorn, Faculty of Law, Chulalongkorn University.

3. Third, Police General Chatchawal Suksomjit, Deputy Commissioner General, Royal Thai Police;

4. Fourth, Lieutenant General Charin Amornkaew, Senior Army Advisor and Director of the Bureau of Legal Enforcement, Human Rights and Forensic Science, Internal Security Operations Command, Region 4;

5. Fifth, Mrs. Pitikan Sithidej, Deputy Director General, Department of Rights and Liberties Protection, Ministry of Justice;

6. Sixth, Mrs. Kanchana Patarachoke, Deputy Director General, Department of International Organizations, Ministry of Foreign Affairs; and

7. Last but not least is Mrs. Suwaree Jaiharn, Director of Bureau of Anti-Human Trafficking in Women and Children, Ministry of Social Development and Human Security.

**Mr. Chairperson,
Distinguished Committee Members,**

Thailand became a state party to the CAT on 2 October 2007, and the Convention entered into force for Thailand on 1 November the same year. At the time of becoming Party to the Convention, Thailand made interpretative declarations on three articles, namely, Article 1, 4, and 5, with respect to the interpretation of the term “torture” in conformity with the current Thai Penal Code, and a reservation to Article 30, Paragraph 1 of the Convention concerning the submission of disputes to the International Court of Justice.

Despite such interpretative declarations, the act of torture is never condoned under Thai legislation. Although currently there is neither a specific definition nor particular offence under the current Thai Penal Code directly corresponding to the term “torture”, there are comparable provisions under the Thai Penal Code applicable to acts under Article 1 of the Convention.

The Constitution of the Kingdom of Thailand stipulates in Section 32 that a torture, brutal act, or punishment by a cruel or inhumane means shall not be permitted. The provisions relating to certain offences under the Penal Code are also in line with an act of torture stipulated in Article 1 of the Convention such as physical or mental harms to other persons. Moreover, the Criminal Procedure Code provides that in taking a statement of the alleged offender, the inquiry official is prohibited from making any arrangements leading to a guarantee, promise, threat, deception, torture, using force or any unlawful acts in order to induce the alleged offender to give any statement regarding the charge against him.

**Mr. Chairperson,
Distinguished Committee Members,**

I would now like to update you on Thailand's recent efforts on the implementation of our obligations under the CAT.

Firstly, with regard to **normative framework**, Thailand is in the process of amendment of domestic legislation in line with the Convention. The Government has worked closely with the Commission on Law, Justice and Human Rights of the House of Representatives in this regard. The draft Penal Code Amendment Act and the Criminal Procedure Code Amendment Act were finalized in November last year. The Penal Code Amendment Act stipulates that torture is a criminal offence. Any administrative, police or inquiry officer, including the officer having the power to investigate, detain, or confine, who commits torture shall be punished by imprisonment and fine, ranging from 5 to 20 years or life imprisonment and a fine of approximately 3,000 to 9,400 US dollars.

In addition, under the Criminal Procedure Code Amendment Act, any person claimed to be tortured or faces cruel or inhuman punishment can file the case to the court. When there is a reason for the court to believe that such an act is committed against the person, the court shall issue a temporary order of protection, as well as an order for the perpetrator to provide appropriate remedy to the injured person.

Thailand will push forward for the enactment of the Amendment Acts after the new Parliament is in session.

Secondly, to further reflect our strong commitment to create a torture-free society, Thailand is studying the possibility of becoming a party to the Optional Protocol to the CAT. The study is expected to be completed by August this year and we hope to become a party to the Optional Protocol by 2015. Becoming a party to the Optional Protocol to the CAT is also one of our Pledges for a candidature to the Human Rights Council for the term 2015 – 2017.

Allow me to update distinguished Committee Members on the establishment of the National Preventive Mechanism (NPM) under the Optional Protocol. The Government has engaged in a constructive dialogue with the National Human Rights Commission of Thailand (NHRC) on the possibility of the Commission to act as an independent national preventive agency under the instrument. We hope that by having the NHRC as the national preventive mechanism to inspect places of detention, it will help ensure all persons under detention in the country will not be subject to torture.

Thailand believes that the issue of torture is also intertwined with other international human rights instruments and issues. In this regard, I would also like to bring to your attention that Thailand is also undertaking our domestic process in order to ratify the International Convention for the Protection of All Persons from Enforced Disappearance (CED) in the near future. A national committee to ratify the CED has been established.

With regard to the issue of the death penalty, the third National Human Rights Plan, soon to be submitted to the new Cabinet, also mentions the possibility of abolishing the death penalty. Our Penal Code prohibits the imposition of capital punishment for crimes committed by persons under 18, pregnant women, mothers of young children and mentally-ill persons. In 2012, we also withdrew our interpretative declaration to Article 6(5) of the International Covenant on Civil and Political Rights regarding the abolition of the death penalty for persons below 18 years old. This is one of our voluntary pledges during the first cycle of our Universal Periodic Review process.

Mr. Chairperson,

Let me now update you on the situation in the Southern Border Provinces of Thailand. The Government has adopted a peaceful approach to solve the problem. The Cabinet has approved the National Policy on the Southern Border Provinces' Administration and Development for the years 2012 – 2014 with more than 2.1 billion US dollars worth of projects allocated to the region under the SBPs Development Action Plan for the years 2012 – 2014.

I wish to inform you that the situation in the area is a complicated one whereby the special laws have been invoked in order to maintain peace and security of the people. Implementation of such laws in the area is strictly based on the basis of necessity and proportionality. The Government is fully aware of the concern expressed by the international organizations and NGOs, on human rights challenges in the area. The Government has put its utmost efforts to maintain peace and security in the region while enhancing people's well-being and protecting the rights of all groups without discrimination.

Please rest assured of our firm adherence to human rights protection, strong commitment to peaceful approach and our determination to improve the quality of life and local cultural identity in the region. We admit that gaps still remain and we stand ready to provide more information and exchange views with distinguished Committee Members on this particular issue later on.

**Mr. Chairperson,
Distinguished Committee Members,**

I would also like to inform you that the Thai Government has been working hard to promote the understanding of the Convention. We believe that in order to make the CAT matter to people on the ground, **human rights education** is key.

Let me update you of our recent efforts in this regard. Since 2013, the Central Institute of Forensic Science, in cooperation with the Ministry of Justice has discussed and agreed to organize a series of training for medical doctors who specialize in the identification of suspected victims specifically of torture. These physicians, after completion of such training, will be registered and authorized to work on the cases of torture.

Moreover, the Ministry of Justice has organized a nationwide training for trainers on international human rights instruments to which Thailand is a party, including the CAT since 2012. The participants include, for instance, police and justice officers, military personnel, and other government officials from the court, Office of the Attorney General, Ministry of Public Health, and the Ministry of Social Development and Human Security.

Human rights-sensitizing tools in the forms of calendars, posters, exhibition sets, short documentaries, and radio spots in both Bahasa Melayu and Thai have been created to disseminate information about human rights principles and basic laws for police officers and military personnel in the southern border provinces. These tools have also been disseminated among the public to make people aware of their rights. The tools also include an easy-to-read guideline on submission of complaints and application for remedy, under the Compensation and Expenses for Injured Person and the Accused Act of 2001, which is available in provincial justice offices in every province. A “Dos and Don’ts” card explaining what military and security officers must and must not do with regards to human rights have also been distributed for officers in the southern border provinces. One of the “Don’ts” also include “Don’t torture” in line with our obligation under the CAT.

Thailand will redouble our efforts to widely disseminate the principles contained in the Convention, while at the same time ensuring its application at the practical level. We will also continue to review and revise our laws and policies to better suit the changing situations and to respond to the needs of the people in the society.

**Mr. Chairperson,
Distinguished Committee Members,**

I would like to stress that the aforesaid developments are also in line with the implementation of our accepted recommendations under the Universal Periodic Review (UPR). Thailand believes the UPR is an important engine for awareness raising and positive change with regard to human rights in the country. Apart from our accepted recommendations, we also made several voluntary pledges during the first cycle of our UPR in 2011, one of which is to extend a standing invitation to all Human Rights Council's special procedures mandate holders. We are pleased to welcome a visit to Thailand of Mr. Juan E. Mendez, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment in August this year.

In concluding, I wish to thank you for the opportunity to discuss the implementation of the CAT in Thailand. We look forward to dialogue with you on ways to overcome the remaining challenges. I am certain that the dialogue will bring about fruitful outcomes which will contribute to the better implementation of the CAT in Thailand.

Thank you.
