

ADVANCE QUESTIONS TO THAILAND – first batch

BELGIUM

- When does the Government of Thailand foresee the ratification of the International Convention for the Protection of All Persons from Enforced Disappearances, which it signed in 2012? Is the Government of Thailand considering ratifying the Rome Statute of the International Criminal Court?
- Is the Government of Thailand considering to repeal NCPO order 3/2015 and to ensure that all civilians are tried before a civilian court and that their right to a fair trial is respected in line with Thailand's obligations as a State Party to the ICCPR?
- Is the Government of Thailand considering to respond positively to the outstanding requests for visits from special rapporteurs?
- Belgium welcomes the de facto moratorium on execution that is in place since 2009. Is the Government of Thailand considering formalizing this moratorium and moving towards the abolition of the death penalty?
- Belgium welcomes the fact that the Ministry of Justice has initiated work on legislation concerning the protection of human rights defenders. Could the Government of Thailand clarify what the envisaged special protection measures will entail and how they would be implemented?

CZECH REPUBLIC

- Is Thailand considering ratifying the 1951 Convention relating to the Status of Refugees and its 1967 Protocol and establishing a system for providing protection to refugees given that it continues to host a large number of refugees?
- Is there a timeframe when Thailand intends to ratify the OP-CAT and establish a national preventive mechanism accordingly?
- Is Thailand taking any steps to cease the persecution, surveillance and other forms of harassment and intimidation of human rights defenders and implement measures aimed at preventing violence and crimes against them?
- Does the Government consider revising laws to ensure full respect for the rights to freedom of expression and freedom of assembly in accordance with the ICCPR? What are the safeguards in place ensuring that public criticism of authorities and the Government is recognized as a legitimate form of the exercise of the right to freedom of expression and does not result in persecution or harassment?
- By the implementation of Article 44 of the Constitution, the National Council for Peace and Order redirected prosecutions for offenses against the monarchy, insurrection, sedition and secession, and violation of its orders from civilian criminal court jurisdiction to military courts. Is Thailand considering revising the legislation to ensure again that all civilians are tried before civilian courts and are granted the right to a fair trial, including the right to bail, in line with Thailand's obligations as a State party to the ICCPR?

- Could the Government provide more details about the so-called “re-education camps” and “re-education courses” and their compliance with Thailand’s international human rights obligations?

LIECHTENSTEIN

- Liechtenstein appreciates that Thailand has signed the Rome Statute of the International Criminal Court. However, Liechtenstein recalls that during the first cycle of the Universal Periodic Review, Thailand rejected a number of recommendations to ratify the Rome Statute?
- Has Thailand since reconsidered joining the International Criminal Court? If so, what steps has Thailand taken to ratify to the Rome Statute in its 2010 version?

NETHERLANDS

Trial by Military Courts

- How many civilians have been tried in military courts since 22 May 2014?
- How many persons have been sentenced, charged or arrested for *lèse majesté* crimes since 22 May 2014?
- How many civilians have been summoned to military camps or received a house visit by the military since 22 May 2014?

Freedom of Expression

- How will the Government ensure that both supporters and opponents of the draft Constitution will be able to express their views publicly without the fear of reprisals or punishments as to ensure an open and inclusive debate in the period leading up to the constitutional referendum?
- Does the government of Thailand intend to inform UNESCO of the actions taken to prevent the impunity of the perpetrators of the killings of journalists and notify UNESCO of the status of the judicial inquiries conducted?

SLOVENIA

- Turning to the Slovenian recommendation from the 1st UPR cycle regarding minimum age of criminal responsibility, we noted in your report that MOJ is studying the feasibility of raising minimum age of criminal responsibility from 10 to 12 years. We would be interested to learn more on the state of play in this regard, as well as on whether there are any obstacles to that?
- We noted in your report that your government prepared the 2nd National Plan for older Persons (2002 – 2021), which is a welcome step. We would be interested to hear more about the main elements of the plan and its implementation.

SWEDEN

- What measures is Thailand planning in order to fully implement the recommendations of the Special Rapporteur on Trafficking in Persons, including on the eradication of child pornography and human trafficking of children for sexual purposes?

- How does the Government of Thailand plan to address concerns that existing laws, particularly the Computer Crime Act, are being used as a tool to restrict freedom of expression?
- Since 1997 the Government of Thailand has recognized its duty to protect the rights of individuals and communities to inclusive and sustainable natural resource management. How will current Government guarantee that these rights will be upheld and protected during the transition to democracy?
- Thailand accepted a recommendation in the first cycle to invite the UN Working Group on Enforced and Involuntary Disappearances (WGEID). The request is still pending. When will the invitation to the Working Group be extended?

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

- Why is the Computer Crimes Act being used instead of the criminal defamation law and to what extent is the judiciary showing discretion in applying the laws in defamation cases?
- What plans does the Government have to end the prosecution of civilians in military courts and their detention in military detention facilities, to transfer all cases of civilians facing proceedings before military courts to civilian courts and to amend the martial law and the Military Court Act to prohibit the prosecution of civilians in military courts?
- Are the detention facilities created in military barracks compliant with Thai laws governing places of detention and are they open to independent inspection?
- What actions has Thailand taken to investigate and prevent the abuse of those working in the fishing industry in the Gulf of Thailand, especially migrant workers?
- What plans does Thailand have to investigate instances of torture in the southern provinces allegedly committed by the security forces, and if the allegations are sustained, to try the perpetrators?

UNITED STATES OF AMERICA

- We continue to urge the Thai government to lift undue restrictions on the exercise of civil liberties and to ensure an open and inclusive political process that allows all sectors of Thai society to be heard. What steps has Thailand taken to ensure that freedoms of expression and peaceful assembly will be respected in the run-up to the August constitutional referendum? What additional steps will the government take to allow the general population to openly discuss and debate the merits of the draft?
- We are concerned by the recently issued Order 13/2016 and the expansion of internal policing powers for the military. We urge the government of Thailand to repeal this order and limit internal policing powers to the appropriate civilian authorities. What measures has Thailand put in place to avoid abuse of these expanded powers and to ensure that Thailand respects its international human rights obligations?
- We are also concerned about undue limitations on the exercise of freedom of association, including the right to strike, as well of ongoing reports of forced labor, including on fishing vessels and in seafood-processing industries. What has Thailand done to investigate, prosecute, and convict those who subject individuals to forced labor?