

**United Nations Human Rights Council
Universal Periodic Review of the Kingdom of Thailand**

I. Background

1. Jubilee Campaign, in special consultative status with ECOSOC, submits this analysis of religious freedom and human rights in the Kingdom of Thailand as a contribution to the Universal Periodic Review of the UNHRC member-state Thailand.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies

2. Thailand has ratified the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment; the International Covenant on Civil and Political Rights; the Convention on the Elimination of All Forms of Discrimination against Women; the International Convention on the Elimination of All Forms of Racial Discrimination; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Rights of the Child; the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; the Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography; and the Convention on the Rights of Persons with Disabilities.
3. Thailand has not ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty; the Convention for the Protection of All Persons from Enforced Disappearance; and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
4. Thailand has not signed and therefore is not party to the 1951 Convention relating to the Status of Refugees nor its 1967 Protocol.

Recommendation(s)

Jubilee Campaign urges the Kingdom of Thailand to:

5. Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty; the Convention for the Protection of All Persons from Enforced Disappearance; and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
6. Sign the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees.

III. Implementation of international human rights obligations, considering applicable international humanitarian law

A. Situation of Pakistani Christian Asylum Seekers in Thailand

7. Section 31 of the 2017 Constitution of the Kingdom of Thailand states that “a person shall enjoy full liberty to profess a religion, and shall enjoy the liberty to exercise or practice a form of worship in accordance with his or her religious principles, provided that it shall not be adverse to the duties of all Thai people, neither shall it endanger the

safety of the State, nor shall it be contrary to public order or good morals.”

8. Section 67 of the Constitution states that “the State should support and protect Buddhism and other religions”.
9. Thailand is not party to the 1951 Convention Relating to the Status of Refugees, nor is it party to the 1967 Protocol Relating to the Status of Refugees.
10. In April 2019, Jubilee Campaign conducted field research in Thailand, and we present the following observations and results for submission to the Universal Periodic Review:
11. In 2014, and especially in 2015, the influx of Pakistani asylum seekers into Thailand increased dramatically, and they were forced into extremely long waiting periods in the nation’s Internal Displacement Centers (IDC)s before they were eventually interviewed years later regarding their escape from home and entry into Thailand. Pakistani Christian asylum-seekers in Thailand reported that these years-long waits often deteriorated their ability to fully remember their entire testimonies, and that their asylum applications are then rejected due to ‘lack of credibility.’ In Jubilee Campaign’s 2019 visit to Thailand’s IDC, this problem was solved. Because the exorbitant influx of Pakistani Christians had halted, asylum applications were processed in a swift manner.
12. Reporting suggests that there have been little to no improvements in the IDC facility since 2015, which is concerning as Pakistani Christian asylum seekers are kept in the most inhumane and deplorable living conditions in this center. There are very few medical services in this center, and those that do exist offer not much more care than simply providing medication that is dangerous for individuals with high blood pressure and diabetes, both of which are medical conditions common among the Pakistani population.
13. Bangkok’s IDC reportedly has upwards of 100 detainees in a single cell, and the overcrowding has caused a horrendous stench, inability to sleep, and major sickness. This sickness is exacerbated due to the fact that meals only amount to some boiled rice and boiled cucumber twice a day, with infants receiving two bottles of milk per day.¹
14. While the quality of health care and medical care in Thailand is superior to that which is in Pakistan, the expenses are much higher, and therefore Pakistani asylum seekers may be disincentivized from seeking medical care when they need it.
15. While the opportunity for bail was previously provided to Pakistani Christian detainees in the IDC, that option has since been rescinded, with the exception of mothers and pregnant women. The typical bail amount for mothers is 50,000 bhat (≈ \$1,400).
16. One observable improvement is that minors are no longer held in the IDC.
17. For Pakistani Christians that are released from the IDC and wish to return to Pakistan, the International Organization for Migration is active in assisting their return by purchasing flights and helping them acquire other necessary documentation.
18. Thailand does not permit refugees and asylum seekers to work legally, thus pushing them to either (1) remain unemployed and suffer from economic hardship, or (2) find illegal

¹ Asif Aqeel, “Pakistani Christian asylum seekers in Thailand ask for help”, *World Watch Monitor*, 4 December 2018.

work and increase their risk of being arrested or extorted. Jubilee Campaign interviewed one individual who had been arrested four times for engaging in illegal work and therefore fears returning to his job.

19. Jubilee Campaign has recorded that some Pakistani Christian asylum seekers falsely reported that UNHCR-employed translators and interpreters, the majority of whom are Ahmadiyya Muslims, are purposely mis-translating interview details in order to damage the credibility of Pakistani Christians' asylum applications. However, Asylum Access Thailand has accompanied some Pakistani Christians to their UNHCR interviews and reported no translation discrepancies and that, in fact, the translation services were of good quality.
20. In July 2019, Thai immigration officials arrested some 51 Pakistani Christian asylum seekers from a cheap apartment building in Bangkok, where refugee families live and hide away due to their lack of valid documentation. It is believed that the location of these asylum seekers was provided to police by a displeased local Thai civilian. When fearful refugees failed to answer their doors to the police, authorities broke in and detained entire families including the elderly and young children.²
21. In September 2018, UCA News told the story of Pakistani Christian asylum seeker Saleem Iqbal who was detained alongside his brothers for nine years in the Thai IDC. Having escaped Pakistan after receiving numerous death threats for printing Bibles for distribution, Iqbal and his brothers resettled in Bangkok, where they were soon in detention. They were contained to a small living-room-sized cell with at least 100 other refugees. The room had just two squatting latrines and one tub, and they were only allowed outdoors for two hours, twice a week.³

Iqbal revealed that some of the other asylum seekers and refugees in his cell that he talked to had been in the IDC for 8, 9, and even 10 years.
22. In August 2018, 34-year-old Pakistani Christian asylum seeker Ijaz Tariq passed away from a heart attack in Bangkok's IDC just a day after he was denied refugee status by the UN High Commissioner for Refugees. Tariq had told immigration authorities in the IDC that he was experiencing severe chest pains, but the officials refused to transport him to the hospital for treatment.⁴
23. On 23 December 2019, Thai immigration officers conducted an early morning raid in Bangkok and arrested approximately 36 Pakistani Christian asylum seekers. One witness, Joseph, explained that the authorities "came knocking on doors and when the people inside didn't open up, the officers broke the doors down. The authorities took them all, even the kids and women. They are being held at a police station. We don[‘t] know what will happen to them."⁵
24. Thai authorities must protect Pakistani Christian asylum seekers from danger, especially in the recent case of Pakistani Christian social activist Faraz Pervaiz. Pervaiz escaped Pakistan and fled to Thailand after images and videos of his statements in support of Christians began circulating online, and after he was attacked by a group of radical Muslims outside of his home. Following Pervaiz's escape, posters and fliers have been

² Union of Catholic Asian News, "[Thai police seize 51 Pakistani Christian asylum seekers](#)", 9 July 2019.

³ Tibor Krausz, "[Bangkok detention takes its toll on Pakistani refugees](#)", *Union of Catholic Asian News*, 25 September 2018.

⁴ Union of Catholic Asian News, "[Pakistani Christian refugee dies in Thai detention center](#)", 10 August 2018.

⁵ International Christian Concern, "[Dozens of Pakistani Christian Refugees Arrested in Bangkok](#)", *Persecution.org*, 23 December 2019.

placed on buildings in Karachi, Pakistan by radical Muslims who are calling for his death. Some posters offer a bounty of \approx USD \$62,000 and others up to \approx USD \$124,000. One radical Pakistani civilian released a video calling upon “every Muslim in this world” to travel to Bangkok, locate, and kill Pervaiz.⁶

B. Situation of Rohingya Refugees in Thailand

25. According to Human Rights Watch, due to violent persecution of Rohingya in Myanmar’s Rakhine state – including extortion during the COVID-19 pandemic, denial of medical treatment and education, and physical assault/use of lethal force by military troops – “in the first months of 2020, numerous boats, each carrying hundreds of Rohingya refugees, left the refugee camps in Cox’s Bazar for Malaysia. Authorities from Malaysia and Thailand pushed the boats back to sea, contrary to their international obligations, leaving more than a thousand asylum seekers in life-threatening conditions for months.”⁷
26. In January 2021 it was revealed that 19 Rohingya migrants had escaped conflict-ridden Rakhine state in Myanmar and immigrated to Bangkok, Thailand, where they sought refuge in the northern part of the city. Since 2017 following the Rohingya Genocide, Rohingya citizens in Burma have been facing tremendous religious persecution, and many have relocated primarily to Bangladesh and India.
27. Immigration officials rounded up all 19 of the refugees, some of whom are women and children, as well as one Thai couple who had been providing shelter for the refugees. The Rohingya reported that they were planning to stay in Thailand only temporarily before fleeing to Malaysia. The most recent news regarding these refugees is that 7 of the 19 had tested positive for COVID-19 and were receiving treatment, while the remaining 12 were held in quarantine.⁸
28. In early March 2021, Thai immigration authorities detained 33 Burmese citizens, including 9 Rohingya, from the Thai province of Kanchanburi where they had fled to from Myanmar’s Rakhine state. The refugees, one of which was a three-year-old child and another an 11-month-old infant, had been clandestinely staying in a forest. One of the refugees reported that the group was planning to go to Malaysia, where a broker had promised to find them employment. The group of refugees were reported to officials when local civilians noticed that they were suffering from dehydration and starvation.⁹
29. Earlier, in May 2020, Human Rights Watch shed light on the situation of 12 Rohingya refugees were arrested in Thailand’s Mae Sot district of Tak province and transported to the local detention center. It is estimated that upwards of 200 Rohingya refugees are currently languishing in Thai prison. Human Rights Watch’s Asia director, Brad Adams, stated that “the Thai government should scrap its policy of summarily locking up Rohingya and throwing away the key, condemning them to indefinite detention in cramped and unhygienic detention centers now susceptible to a COVID-19 outbreak”.¹⁰

⁶ Anugrah Kumar, “Radical Islamists offer \$62K bounty to hunt down, kill Pakistani Christian activist in Thailand”, *The Christian Post*, 9 November 2020.

⁷ Human Rights Watch, “*An Open Prison without End*”: Myanmar’s Mass Detention of Rohingya in Rakhine State, 8 October 2020.

⁸ Union of Catholic Asian News, “No hiding place for Rohingya asylum seekers in Thailand”, 11 January 2021.

⁹ Union of Catholic Asian News, “Thailand gets tough on Myanmar asylum seekers”, 8 March 2021.

¹⁰ Human Rights Watch, “Thailand: Let UN Refugee Agency Screen Rohingya”, 21 May 2020.

30. In 2014, Abdul Kalam, a Rohingya from Myanmar's Rakhine state, shared his struggles that, despite having formally received refugee status from the UN Refugee Agency 10 years ago, Thailand authorities prohibit Rohingyas from being processed as refugees. About his status in Thailand, he revealed that "I know I am not safe here. I worry a lot about it. I have seen too many people die in detention or in human trafficking camps. We were able to negotiate with the police before. But now, for the people who do not have any documents, they can be arrested any time, according to law."¹¹
31. Though many Rohingya refugees have reported paying brokers thousands of Myanmar Kyat for safe passage to Malaysia and subsequent employment, and many international human rights organizations believe it is highly likely that many Rohingya refugees in Thailand are victims of human trafficking. However, despite that Thailand is signatory to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons and has implemented its own Anti-Trafficking Act, Thailand has not upheld its obligations to provide victims of trafficking with housing, psychological support, employment and educational opportunities, rehabilitation, or medical treatment.¹²

IV. Insurgency in Southern Thailand

32. A low-intensity insurgency has affected the three southernmost provinces of the country since 2004.¹³ This has placed the Malay-Muslim majority population against the Kingdom of Thailand. New concerns about the insurgency arose after three fighters were killed by Security Forces. This caused the Barisan Revolusi Nasional (BSN) to declare that their unilateral cease-fire was indeed over.¹⁴
33. One province that is raising concern is Yala. Reports in January 2021 indicate that the local police have been working with local clerics to enforce Sharia Law. One action that will be criminalized is couples holding hands in public. Most Muslims in the country practice a moderate view of Islam; therefore the installation of traditional Sharia law is a reason to be concerned.¹⁵

V. Recommendations

Jubilee Campaign urges the Kingdom of Thailand to

34. Based on the Royal Thai Government's 10 January 2017 Cabinet resolution, develop a mechanism for screening refugees and other undocumented foreigners, which includes a definition of a refugee consistent with international law.
35. Create a robust administrative and legal framework that enshrines protection of the rights of refugees and migrants.
36. Release refugees and asylum seekers detained for irregular migration status from detention and, pending their release, allow UNHCR prompt and unfettered access to anyone advancing asylum claims.

¹¹ The New Humanitarian, "[Hell is real for the Rohingyas in Thailand](#)", 28 February 2014.

¹² Fortify Rights, "[Thailand: Protect Rohingya Refugees from Forced Return, Indefinite Detention](#)", 5 June 2020.

¹³ Zachary Abuza, *The Ongoing Insurgency in Southern Thailand: Trends in Violence, Counterinsurgency Operations, and the Impact of National Politics*, Institute for National Strategic Studies, September 2011.

¹⁴ Craig Keating, "[Thailand: Killings of insurgents ends southern separatist ceasefire](#)", *The Interpreter*, 6 May 2020.

¹⁵ Union of Catholic Asian News, "[Alarm over enforcement of Sharia in southern Thailand](#)", 5 January 2021.

37. Ensure that alternatives to detention for the purposes of immigration enforcement are sought, and detention is used only as an exceptional measure based on an individual assessment of humanitarian needs and risks if they remain at liberty, subject to regular review and for the least amount of time necessary.
38. Design a comprehensive screening process to determine whether refugees and asylum seekers – in addition to being victims of persecution – have been subjected to or are susceptible to human trafficking.
39. Encourage or require detention facilities in the IDCs and the Central Jail to abide by the international guidelines pertaining to people in detention, including the Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment, the Standard Minimum Rules of the Treatment of Prisoners, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and The Guidelines on Applicable Criteria and Standards Relating to the Detention of Asylum Seekers. Although non-binding, these international standards provide an extensive list of guarantees for the protection of the human dignity of persons in confinement which the Thai detention facilities are currently violating.