

Organization: Lawyers' Rights Watch Canada
Item: Item 6: General Debate
Date: 24 March 2021
Speaker: Catherine Morris

Oral Statement to the 49th Session of the UN Human Rights Council from Lawyers' Rights Watch Canada (LRWC), NGO in special consultative status

States, including Thailand, must implement Universal Periodic Review commitments

Mr. President,

The UPR process is effective only if States fulfill their UPR promises in timely ways that comply with international law.

Lawyers' Rights Watch Canada welcomes Thailand's support of UPR recommendations¹ to create an enabling environment for human rights defenders, and for accession and implementation of the Convention on enforced disappearances.²

These promises are similar to Thailand's commitments at the 2018 UPR.³ Four years later, defenders are still calling for accession and a law to implement the Convention, as well as effective investigations to determine the truth and ensure accountability of the perpetrators of Thailand's many enforced disappearances – including the enforced disappearance of lawyer Mr. Somchai Neelapaijit in March 2004.⁴ Since 2018, more defenders have been disappeared.⁵

Defenders who report rights violations continue to be harassed by spurious criminal defamation lawsuits aimed at silencing them. Thailand has introduced a draft law to regulate non-profit groups with overbroad provisions that can be misused to violate freedom of expression, association, and peaceful assembly.⁶

We call upon Thailand to:

- Promptly accede to the Convention on enforced disappearances and ensure that its implementing legislation complies with international law;
- Withdraw the draft non-profit law; and
- Halt the abuse of defamation laws to harass and criminalize defenders.

Thank you, Mr. President.

References

¹ UN OHCHR, Report of the Working Group on the Universal Periodic Review: Thailand, Addendum: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, A/HRC/49/17/Add.1, 22 February 2021, https://www.ohchr.org/sites/default/files/2022-03/A_HRC_49_17_Add.1_AV_Thailand_E.docx.

² UN General Assembly, *International Convention for the Protection of All Persons from Enforced Disappearance*, 20 December 2006, <https://www.refworld.org/docid/47fdfaeb0.html>.

³ UPR of Thailand - Second Cycle: Thematic list of recommendations, https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session25/TH/UPR25_Thailand_recommendations.docx.

⁴ Lawyers' Rights Watch Canada, and Asian Legal Resource Centre, *Thailand: Ensure truth, justice, and reparations for victims of enforced disappearance*. Written Statement to the UN Human Rights Council, A/HRC/42/NGO/, 24 August 2019, <https://www.lrwc.org/wp-content/uploads/2019/08/G1925634.Thailand.HRC42.pdf>.

⁵ *Ibid*; Also see, Cambodia: Solve Thai Activist's 'Disappearance': One Year Anniversary of Wanchalearm Satsaksit's Abduction, Human Rights Watch, 4 June 2021, <https://www.hrw.org/news/2021/06/04/cambodia-solve-thai-activists-disappearance>.

⁶ Joint letter of 46 civil society organizations, Thailand: Withdraw the Draft Act on Not-for-Profit Organizations, 27 December 2021, <https://www.lrwc.org/thailand-withdraw-the-draft-act-on-not-for-profit-organizations-joint-letter/>.