



**LAWYERS FOR
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Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations

Organization: Lawyers for Lawyers
Item: Item 6 – UPR Outcome Thailand
Date: 23/24 March 2022
Speaker: Ms. Julia Smakman

Oral Statement to the 49th Session of the UN Human Rights Council from Lawyers for Lawyers and Lawyers' Rights Watch Canada, NGOs in special consultative status

Mr. President,

We welcome the decision of Thailand to acceptⁱ some of the recommendations made at its 3rd UPR related to the protection of human rights defenders and lawyers. We call on Thailand to effectively implement these recommendations without delay.ⁱⁱ

A fundamental aspect of the rule of law and an effectively functioning justice system is access to legal representation by an independent legal profession. Lawyers must be able to carry out their professional duties without harassment, intimidation, or improper interference.

In Thailand, lawyers often experience difficulties with access to their clients in detention. Law enforcement officers sometimes do not communicate the exact whereabouts of clients. Furthermore, lawyer-client confidentiality is not always respected by members of the law enforcement agencies. If detained clients are permitted to meet with their lawyers, officers sometimes stand in the corner of the room trying to monitor the lawyer and client and record the conversation.

Lawyers and human rights defenders are subjected to threats, intimidation, and improper interference or attempts to pressure them by members of law enforcement agencies, or the military. Thai authorities do not always respect the freedom of expression and assembly of lawyers. Some lawyers in Thailand have faced disciplinary proceedings in connection to them exercising their right to freedom of expression and assembly. Moreover, other lawyers are subject to criminal investigations and prosecution in connection with their legitimate activities.

We urge Thailand to:

- Effectively implement all supported UPR recommendations without delay;
- Take effective measures to ensure that all communications and consultations between lawyers and their clients within their professional relationship are confidential; and
- Take immediate measures to safeguard the independence of lawyers and provide protection against any form of undue interference with their work.

Thank you, Mr. President.

ⁱ Report of the Working Group on the Universal Periodic Review of Thailand, 17 February 2022, A/HRC/49/17/Add.1.

ⁱⁱ Report of the Working Group on the Universal Periodic Review of Thailand, , 21 December 2021, A/HRC/49/17. Supported recommendations:

51.191 Take measures to foster a safe, respectful and enabling environment for civil society and human rights defenders, especially women human rights defenders, free from persecution, intimidation and harassment (Latvia);

51.192 Ensure the protection of human rights defenders, including through prompt and thorough investigation of attacks (Norway);

51.193 Protect human rights defenders, including under a gender perspective, and investigate any reported cases of intimidation, harassment and attacks against them (Austria);

51.194 Create a safe and enabling environment to exercise the rights to peaceful assembly and freedom of expression and prevent attacks and intimidation against human rights defenders (Italy).

52.25 Ensure that any potential new legislation governing the operations of the non-profit sector does not restrict the activities of civil society in a manner inconsistent with Thailand's international obligations, ensure all stakeholders are consulted on such legislation, and protect and encourage the work of human rights defenders (Canada);

52.72 Undertake actions to strengthen women's access to justice, in particular for rural, indigenous women and those belonging to ethnic and religious minorities and women with disabilities (Peru);

52.82 Ensure the protection of civic space and human rights defenders, including youth, members of civil society, lawyers, media and academics, so that they can operate freely and fully exercise the rights to freedom of expression, including online, and freedom of peaceful assembly and association (United Kingdom of Great Britain and Northern Ireland);

52.83 End arbitrary detentions, arrests and any acts of harassment against political actors and civil society, including human rights defenders (Ireland);

52.84 Take further steps to ensure a safe and enabling environment for human rights defenders, stop all forms of harassment, violence and intimidation against them and ensure prompt, transparent and independent investigation of all reported cases (Czechia).

Noted recommendations:

52.81 In order to ensure the protection of human rights defenders, amend sections 326 to 333 of the criminal code (Switzerland);

52.83 End arbitrary detentions, arrests and any acts of harassment against political actors and civil society, including human rights defenders (Ireland)