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Thailand: Amnesty International calls on Thailand to extend legal protections to refugees and asylum seekers in 2017

On World Refugee Day 2017, Amnesty International acknowledges the role the Royal Thai Government has played in hosting and supporting large refugee populations over several decades and welcomes its recent commitments to improve the protection of the rights of refugees and asylum seekers in the country. However, despite these undertakings, Thailand has failed to consistently protect the rights of refugees and asylum seekers, who lack domestic legal status in Thailand and are vulnerable to arbitrary and indefinite detention and forcible returns. Amnesty International calls on the Royal Thai Government to adopt a robust administrative and legislative framework that protects refugees and asylum seekers in line with international human rights law.

Thailand has long welcomed individuals fleeing violence and persecution in neighbouring countries and more distant locations. Beginning in the 1970s, Thailand hosted hundreds of thousands of refugees fleeing war in Viet Nam, Cambodia and Laos. More recently, Thailand has received populations threatened by armed conflict and ethnic persecution in Myanmar. Thai authorities have regularly been involved in the provision of humanitarian support to individuals arriving on Thai soil. Today, approximately 100,000 Myanmar nationals reside in refugee camps along the Thailand-Myanmar border. Additionally, about 8,000 urban refugees and asylum seekers reside in Bangkok and other cities in Thailand.

Although Thailand is not a party to the 1951 Refugee Convention, Thai officials have regularly affirmed their commitment to providing for the humanitarian needs of refugees and asylum seekers. In recent years, Thai authorities have reportedly not made any efforts to forcibly repatriate residents of refugee camps along the Thailand-Myanmar border and have repeatedly affirmed their commitment to ensuring that returns are carried out in a voluntary and dignified manner. At the United Nations Leaders' Summit on Refugees in September 2016, and in various other international fora, Thailand has reiterated its commitment to protecting the rights of refugees, including by enacting a system for screening refugees and other undocumented migrants and by adopting anti-torture legislation to strengthen implementation of the principle of *non-refoulement*.

Despite these stated commitments, refugees and asylum seekers in Thailand are not afforded any legal status under Thai law and remain extremely vulnerable to arrest, detention, forcible deportation and exploitation. Under Thailand's 1979 Immigration Act, all undocumented migrants and refugees are considered to be illegal immigrants and thus vulnerable to criminal charges and indefinite detention. In line with international human rights law and standards,

refugees should not be punished for their illegal entry into a territory in order to seek asylum, and no one – including migrants and refugees – should be subject to indefinite detention. Approximately 330 UNHCR-registered refugees and asylum seekers are currently being held in immigration detention centres. Some have been detained in appalling conditions for years in these notoriously overcrowded facilities. Moreover, individuals of certain nationalities and ethnicities, including ethnic Hmong from Laos, have not reportedly been able to register with UNHCR, cutting them off from opportunities to resettle in third countries.

The Royal Thai Government has continued to violate its obligations under international human rights law – including the customary international law principle of *non-refoulement* – by forcibly returning asylum seekers and UNHCR-registered refugees to countries where they have subsequently faced torture and extreme persecution. Most recently, on 26 May 2017, Thai authorities facilitated the extradition to Turkey of **M. Furkan Sökmen**, a Turkish national with alleged links to exiled Turkish cleric **Fethullah Gülen**, despite warnings by UN agencies that he would face human rights violations if returned. These cases constitute grave human rights violations and perpetuate fears and insecurity for other refugees and asylum seekers residing in Thailand.

Amnesty International urges the Royal Thai Government to build on its recent commitments by ensuring its immigration policies fulfil the rights of all individuals fleeing serious human rights violations and uphold Thailand's obligations under international human rights law. Thailand should adopt a legislative and administrative framework that gives refugees and asylum seekers secure legal status and other rights consistent with international human rights law, including the right to temporarily reside in Thailand while their refugee claims are being considered. Thailand should also ensure that refugees are never detained and that detention of asylum seekers is used only as an exceptional measure authorized by law for the shortest possible time period.

Amnesty International further calls on Thailand to ensure in both law and practice that individuals in need of international protection are not returned to a country where there are substantial grounds to believe they may be at risk of torture, persecution or other grave human rights abuses. The Thai government's initiative to develop a screening process for asylum seekers and other foreign nationals—as endorsed by a 10 January Cabinet resolution—provides an opportunity in this regard. When developing screening procedures, Thai authorities should adopt a definition of “refugee” in line with international standards and ensure that asylum claims are processed fairly and efficiently. No individual or class of persons should be denied refugee status for political reasons. A screening mechanism that fails to uphold these principles could entrench rather than resolve outstanding concerns regarding asylum protections in Thailand.