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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 February 2017]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

End violation of refugees rights in Thailand

Thousands of stranded refugees from different countries are living in the Bangkok underground, ignored or arrested by Thai authorities and kept waiting by the Thai United Nations High Commissioner for Refugees (UNHCR) for their refugee status determination and provision of help. Asylum seekers, particularly Pakistani Christians, experience another violation of their fundamental rights after escaping to Thailand. Society for Threatened Peoples is convinced that international pressure can get the government of Thailand and the UNHCR Bangkok to treat refugees, especially Pakistani Christians, decently.

Thailand does not have a national asylum framework and has never signed the 1951 UN Refugee Convention or its 1967 protocol. Nonetheless many Pakistani Christians flee their country to Thailand, because not only are Pakistan's neighboring countries any more accommodating to Christians but also because Thailand allows Pakistanis easy entry as tourists and has the reputation to generally protect religious freedom. More than 4,000 Christian Pakistani asylum seekers are estimated to live in the underground of Bangkok. After the expiration of their tourist visa, refugees in Thailand are considered to be illegal immigrants and remain mostly hidden due to the danger of police raids and detentions. Therefore, they have no access to work, education and healthcare which make them dependent on churches, aid groups and individuals who provide them with donations and essential needs. The police generally ignore letters by the United Nations declaring them to be "persons of concern". Thus, according to campaigners in Thailand, hundreds of refugees, among them children, are detained in Thai immigration detention centers every month. Most of them are Pakistanis.

There is massive overstaying, poor sanitation, medical help and nutrition as well as refusal of access to legal representatives. These people are held there until they pay ruinously large fines; this may mean indefinite detention beyond one year. Sometimes asylum seekers are even penalized by the Thai police under the criminal penal law of Thailand and kept in the Central Jail until they are presented before a Thai judge, made to pay a fine and returned to the detention center.

Thailand has allowed the UNHCR to step in and undertake refugee status determination. However, it has not granted authority to provide asylum. Nonetheless, the Bangkok office violates UNHCR guidelines and disadvantages Christian asylum seekers from Pakistan. Their asylum cases are disproportionately slowly processed, delayed and rescheduled so that determining their status as refugees can take up to four or five years. Contrary to factual data and reports from leading human rights organizations, the UNHCR Bangkok declares that Christians in Pakistan do not "face a real risk of persecution". Thus, their rejection rates are significantly higher than those of other groups, partly also due to excessive evidentiary requirements that do not conform to UNHCR regulations. Moreover, reports show that the UNHCR Bangkok has been employing biased Pakistani Muslim interpreters who do wrong translations while asylum seekers are not given access to legal representation. Calls for help in emergencies and daily challenges often go unanswered.

The international community should call upon Thailand to treat refugees not as illegal immigrants and criminals but according to international agreements like the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights that Thailand is signatory to. The

Thai government urgently needs to improve conditions of detention and custody and stop violating basic refugee and children's rights. Furthermore, it is necessary that the government develops protection documentation in correspondence with the UNHCR Bangkok. These certificates need to grant refugees employment authorization and need to identify them as asylum seekers in order to prevent them from detentions and arrests by the police. It must be ensured that the UNHCR Bangkok is following the UNHCR Resettlement Handbook Guidelines and is showing no biased behavior towards Pakistani Christians. In this context, it is useful to appoint an Investigation Committee which determines sources of error in asylum processing, particularly of Pakistani Christians, and reveals data connected to this issue. By communicating with the affected people, convenient solutions for the current deficiencies should be found. The UNHCR Bangkok should reassess the length of time for asylum applications as well as its staffing levels by raising the number of employees and suspending or substituting current workers. To support the restructuring, asylum seekers, who have been waiting for a long time, should be transferred to other asylum countries for their asylum application. Furthermore, the office, as well as the government of Pakistan, should recognize the current danger for Christians in Pakistan. Society for Threatened Peoples appeals to the international community to set the course for resettlement in third countries for the refugees who are suffering persecution in Pakistan as well as later in Thailand.

Society for Threatened Peoples calls on the UN Human Rights Council:

- To urge the UNHCR Bangkok to appoint an Investigation Committee determining the sources of error in asylum processing of Pakistani Christians and to find convenient solutions by communicating with the people affected,
- To ensure that UNHCR Bangkok follows the UNHCR Resettlement Handbook guidelines, reassesses its staffing levels and duration of asylum applications, exercises and fulfils its duty to assist refugees in asylum seeking and emergency cases regardless of religion and origin,
- To pave the way for a transfer of asylum seekers, who have been waiting for years, to other countries offering asylum,
- To urge the UNHCR Bangkok to no longer declare Pakistan to be a safe country for Christians,
- To urge the UNHCR Bangkok and the government of Thailand to develop effective protection documentation for asylum seekers together,
- To urge the government of Thailand to treat refugees according to international guidelines,
- To urge the government of Thailand to initiate improvements in detention and custody,
- To remind the government of Pakistan of its duty to ensure and uphold religious freedom as a fundamental right regarding its Christian community and all other religious minorities.