

NGO Coalition for an Effective Human Rights Council

May 10, 2010

To: Member states of the UN General Assembly

Re: Thailand's candidacy to the UN Human Rights Council

Your Excellency,

We are a coalition of human rights nongovernmental organizations from across the world. We write to you concerning the candidacy of Thailand for election to the United Nations Human Rights Council.

UN General Assembly resolution 60/251 establishing the Human Rights Council states that "Member States shall take into account the contribution of candidates to the promotion and protection of human rights and their voluntary pledges and commitments made thereto" when electing members of the council. Council members are to "uphold the highest standards in the promotion and protection of human rights," and "fully cooperate with the Council."

We have serious concerns about Thailand's human rights record, and its failure to fully cooperate with the human rights mechanisms of the Human Rights Council. We would like your government to consider these concerns before it decides how to cast its vote. We hope you will seek specific commitments regarding Thailand's observance of human rights and response to human rights mechanisms before granting your support.

Improvements in the Domestic Protection of Human Rights

There are a number of concrete steps that Thailand can take that would help bring it into conformity with the council's membership provisions. We hope that you will encourage Thailand to adopt these measures when you meet with Thai diplomats and representatives.

1. Thailand should ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention and Protocol Relating to the Status of Refugees and International Labor Organization core conventions nos. 87, 98, and 111. Thailand should rescind its reservations to the Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on Civil and Political Rights.
2. Thailand should publicly declare it a national priority to make substantial progress in the investigation of the cases of 20 human rights defenders killed or forcibly disappeared during the administration of former Prime Minister Thaksin Shinawatra, including the 2004 disappearance and presumed murder of well-known Muslim lawyer Somchai Neelapaijit.

3. Thailand should ensure that thorough and impartial investigations are conducted into the massacre at Al-Furquan Mosque on June 8, 2009 and the killing of Imam Yapa Kaseng in Narathiwat's Rue Soh district on March 21, 2008. Thailand should also reopen the case of the killings conducted by police and army at the Krue Se Mosque on April 28, 2004, and ensure that an impartial and transparent investigation is performed.
4. Thailand should repeal the Computer Crimes Act and reform other provisions of law limiting the rights to freedom of expression. Thailand should immediately lift censorship and other restraints on the rights to free expression of online and broadcast media imposed during the current political protests, or appropriately charge the media operators with incitement under the criminal code in accordance with international law.

Greater Cooperation with the Council

We are deeply concerned with Thailand's failure to fully cooperate with the council in a timely manner, an important component of council membership. Thailand's voluntary pledges include a commitment to "engage constructively and work closely with the HRC Special Procedures." We suggest you urge Thailand to more fully cooperate with the council in the following respects:

1. Thailand should issue a standing invitation to visit to all UN special procedures mandate holders.
2. Thailand should extend invitations in response to the nine outstanding requests from the special rapporteurs and arrange to complete all nine visits by 2013. These would include visits by the special rapporteurs on (1) freedom of opinion and expression (requested in 2004); (2) freedom of religion (2004); (3) right to health (2005); (4) extrajudicial, summary or arbitrary executions (2005, reminder sent in 2008); (5) adequate housing (2008); (6) human rights and counter-terrorism (2010); (7) the working group on arbitrary detention (2008); and independent experts on (8) minority issues (2006, reminder sent in 2007) and (9) access to safe drinking water and sanitation (2010).

We appreciate your consideration of our concerns regarding Thailand's candidacy. While UN members are unfortunately not able to choose among candidates given the absence of a competitive slate, each state does still have an affirmative obligation to ensure that qualifications set for HRC membership in General Assembly resolution 60/251 are met. Unlike in many elections for UN bodies, the General Assembly chose explicitly to require the affirmative votes of more than half of the overall UN membership in order for a state to be elected to the council. To obtain your vote, each candidate state should show that it meets the standards set by the General Assembly for membership, or at least demonstrate its willingness to address outstanding concerns such as those outlined in this letter.

Ensuring that states elected to the Human Rights Council meet the standards set by the General Assembly is important both to the effective working of the council and to its credibility. This election provides an important moment for candidate states to demonstrate an enhanced commitment to addressing human rights issues and for all member states to press them to do so.

Representatives of the coalition are available to meet with you or your staff should you have any questions.

With assurances of our highest consideration,

Advocacy Forum, Nepal
Mandira Sharma, Executive Director

African Centre for Democracy and Human Rights Studies (ACDHRS)
Hannah Forster, Executive Director

African Democracy Forum
Hannah Forster, Chairperson

Alliance of Independent Journalists (AJI), Indonesia
Nezar Patria, President and Margiyono, Coordinator of Advocacy Division

Alternative ASEAN Network on Burma (ALTSEAN-Burma)
Debbie Stothard, Coordinator

Angikar Bangladesh Foundation, Bangladesh
Muhammad Hilaluddin, Chief Director

Asian Federation Against Involuntary Disappearances (AFAD), Philippines
Mary Aileen Diez-Bacalso, Secretary-General

Assistance Association for Political Prisoners (Burma), Thailand
Bo kyi, Joint Secretary

Athupopu Social Foundation, India
Mr. Sunil Mow, Director

Cambodian Center for Human Rights, Cambodia
Virak Ou, President

Cambodian Human Rights Action Committee (CHRAC), Cambodia
Suon Sareth, Executive Secretary

Center for Human Rights and Development (CHRD), Mongolia
Urantsooj Gombosuren, Chairperson

Christian Development Alternative (CDA), Bangladesh
William Nicholas Gomes, Executive Director

Community Action Network, Malaysia
Adrian Pereira, Coordinator

Community Legal Aid Institute (LBH Masyarakat), Indonesia
Ricky Gunawan, Programme Director

Coordinadora de la Mujer - Bolivia
Katia Uriona, Coordinador

Corporación Humanas - Chile
Lorena Fries, President

Corporación Humanas Colombia
Cecilia Barraza, Director

Democracy Coalition Project
Dokhi Fassihian, Executive Director

DEMUS, Estudio para la Defensa de los Derechos de la Mujer - Perú
Jeannette Llaja Villena, Director

ELA - Equipo Latinoamericano de Justicia y Género
Natalia Gherardi, Executive Director

Freedom Against Censorship Thailand (FACT)
CJ Hinke, Coordinator

Gampaha District Citizen Committee for Human Rights, Sri Lanka
U L A Joshap, Secretary

Gender Empowerment and Development (GeED)
Tilder Kumichii Ndichia, Program Coordinator

Ghana Coalition
Prize McApreko, Coordinator

Globe International, Mongolia
Hashhuu Naranjargal, President

Human Rights First Society (HRFS), Saudi Arabia
Ibrahim Almugaiteeb, President

Human Rights Watch
Peggy Hicks, Global Advocacy Director

Human Rights Working Group (HRWG), Indonesia
Rafendi Djamin, Coordinator

Imparsial, Indonesia
Poengky Indarti, Executive Director

Information Monitor (INFORM), Sri Lanka
Sunila Abeysekera, Executive Director

Institute for Defense, Security and Peace Studies (IDSPPS), Indonesia
Mufti Makaanim A., Executive Director

International NGO Forum on Indonesian Development (INFID)
Don K. Marut, Executive Director

Janasansadaya, Sri Lanka
Chitral Perera, Secretary

Justice Foundation, Bangladesh
Jahangir Alam Akash, Executive Director

Pax Romana ICMICA/MIIC
Laurence Kwark, Secretary General

People's Watch, India
Henri Tiphagne, Executive Director

Peoples Vigilance Committee for Human Rights (PVCHR), India
Lenin Raghuvanshi, Executive Director

Physicians for Human Rights
Cathy Fitzpatrick

Rule of Law Forum, Sri Lanka
Mr. Sanjeewa Weerawickrama, Director

SANLAKAS Sugbo, the Philippines
Jose Aaron Pedrosa, Jr., Vice-President Internal

Sudhantra (Rehabilitation Centre for Victims of Domestic Violence and Torture), India
Cynthia Tiphagne, Mentor

Taiwan Association for Human Rights (TAHR)
Chi-hsun Tsai, Secretary-General

Think Centre, Singapore
Sinapan Samydorai, President

West Africa Human Rights Defenders Network (ROADDH/WAHRDN),
Solange Fiaty, Coordinator of the Secretariat

Workers Assistance Center, the Philippines
Cecilia Tuico, International Relations Officer

Working Group on Justice for Peace (WGJP), Thailand
Angkhana Neelapaijit, Chairperson