

Summary and Proposed Recommendations for the consideration of States

Hill Tribe People: With over half a million stateless hill tribe people, Thailand is home to one of the largest stateless populations in the world. The statelessness of many hill tribe people stems from a combination of problems with nationality, civil registration and immigration regulations which led to the exclusion of tens of thousands of persons and their descendants. Being stateless has a detrimental impact on hill tribe people's enjoyment of human rights, most significantly in the form of travel restrictions, risk of exploitation and trafficking, and denial of equal access to education and the labour market etc. Although Thailand has a policy of 'Education for All', stateless students are almost always unable to pay the costs involved and cannot access government study loans. In 2008 Thailand passed a very promising amendment to the Nationality Act which should pave the way for the resolution of many cases of statelessness among the hill tribes. However, significant challenges remain in the implementation of this new law: many believe that they are not eligible or lack the required documents to prove that they are, including due to previous restrictions in access to civil registration for this group. High administrative costs, lengthy processing times of over 4 years, and the requirement to undertake long and expensive journeys, the latter exacerbated by travel restrictions, further impede the implementation of the law.

Rohingya in Thailand: The Rohingya are an ethno-religious minority from the Rakhine region of Myanmar, who have been arbitrarily deprived of their Burmese nationality. The long-term persecution, discrimination, exclusion and violence they have faced in Myanmar continues to drive them out of the country, often on long and dangerous boat journeys. Thailand – which is mainly a transit country for the Rohingya, but which also hosts a small Rohingya population – has historically treated the Rohingya extremely poorly, with little respect for their human rights. In May – June 2015, in a clear and gross violation of international law, Thailand pushed back into open seas, boats full of Rohingya refugees. Thailand moreover lacks a domestic refugee law framework, relying instead on its Immigration Act of 1979 to regulate all situations of foreigners entering the country. As a result, Rohingya who do enter the country are arbitrarily detained in overcrowded Immigration Detention Centres and camps for indefinite and extremely lengthy periods. Moreover, Rohingya refugees have been informally deported collusively by authorities and brokers/smuggles facilitating their onward travel.

Recommendations The submission made 8 recommendations which are summarised below. States are urged to draw on those which complement their foreign policy priorities when making their own recommendations to encourage Thailand to tackle the problems that relate to the implementation of the 2008 nationality law amendment, Thailand's refugee policy and practice in compliance with international standards at the 25th Session of the UPR:

1. Lift travel restrictions imposed on stateless persons to make safe migration possible and to lower the risk of being trafficked, as well as to ensure access to education and the labour market.
2. Facilitate access to citizenship in accordance with the 2008 amendment, including by simplifying procedures, disseminating information and reducing waiting times.
3. Make education truly available to all, including by providing equal access to educational loans for stateless students.
4. Ensure respect for the principle of *non-refoulement* and meet the protection needs of the Rohingya as well as other vulnerable groups in accordance with international law.
5. End the arbitrary detention of stateless Rohingya and end trafficking across borders.
6. Accede to the UN Convention Relating to the Status of Refugees and its 1967 Protocol and strengthen the domestic refugee law framework in line with international standards.
7. Accede to and take all steps necessary to implement the 1954 and 1961 Statelessness Conventions.
8. Remove Thailand's reservations and interpretive declarations to the CRC, CAT and CRPD.

¹ The full Submission can be accessed here: <http://www.institutesi.org/ThailandUPR2015.pdf>