

PRESS RELEASE: THAILAND QUIETLY DELAYS IMPLEMENTATION OF REFUGEE SCREENING MECHANISM

Bangkok, 25 June 2020: Thailand has quietly delayed implementation of its new National Screening Mechanism (NSM), which officially came into force on Monday, 22 June. The NSM, which legally recognizes a category of foreign individuals in need of protection, has been widely lauded as a significant landmark in the evolution of human rights protection in the country, and is the first policy instrument to recognise, albeit implicitly, international obligations towards the protection of persecuted non-citizen populations. While no public statement has yet been made regarding the implementation delay, reports suggest that the postponement is due to incomplete internal preparatory efforts, including staffing of required structures and the subsequent determination of procedure. Covid-19 related challenges have unofficially been cited as the primary obstacles frustrating that process.

Thailand remains in the minority of nations that have not affirmed the 1951 Convention Relating to the Status of Refugees, thereby relieving itself of international obligations to protect the fundamental human rights of refugees and asylum seekers. However, the Thai Cabinet approved the establishment of the National Screening Mechanism on 24 December 2019 to identify people in need of protection and provide for specific processes for this category of migrants. This development followed on a number of pledges made by Prime Minister Prayuth Chan-o-cha in September 2016 to improve protection for refugees and others in need of protection in Thailand at the UN Summit for Refugees and Migrants and the Leaders' Summit on Refugees in New York. While the official progression of the NSM represents the fulfilment of one of these pledges, its immediate delay in implementation is demonstrative of concerns long-held by rights advocates, civil society actors, concerned citizens, and refugees themselves regarding the willingness and capability of the state to fulfil its commitment.

"Thailand has made good on its promise to advance the rights of refugees in the country in law," reported Themba Lewis, Secretary General at the Asia Pacific Refugee Rights Network (APRRN), "but law means little unless translated into practice. In this case, refugees are left to wait, unrecognised and unprotected, while delay proceeds without public explanation or timeline. This delay not only affects the well-being and physical safety of refugees, but also their willingness to engage public authorities, including health services, at a time when safe access must be ensured for the benefit and safety of all."

The regulation itself also raises concern. Advocates and legal analysts highlight the extent to which it fails to meet international protection standards, including a failure to engage the definition of a refugee under international law. Perhaps more critically, the regulation lacks inclusion of the cornerstone principle of refugee law: protection from return.

Moving forward, it is imperative that the authorities charged with implementation are adequately resourced and staffed with competent and experienced officials, including competency in refugee law, working with interpreters, conducting cross-cultural interviews, and dealing with trauma survivors.

The Asia Pacific Refugee Rights Network (APRRN) is a network of over 439 civil society organisations and individuals from 29 countries committed to advancing the rights of refugees in the Asia Pacific region. APRRN aims to advance the rights of refugees and other people in need of protection through joint advocacy, capacity strengthening, resource sharing and outreach.

Media Contact

Janeen Sawatzky, Programme Coordinator, APRRN

Tel: +66 (0) 98 252 5102 Email: janeen@aprrn.info Fax: +66 2 234 2679

Themba Lewis, Secretary General, APRRN

Tel: +66 (0) 99 481 1595 Email: themba@aprrn.info Fax: +66 2 234 2679