

Fortify Rights



Kingdom of Thailand: Universal Periodic Review – 4th Cycle (2022-2026)

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2022-2026

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Introduction

1. Fortify Rights is an award-winning human rights organization working to ensure human rights for all. Founded in 2013, we are a team of human rights defenders who believe in the influence of evidence-based research, the power of strategic truth-telling, and the importance of working in close collaboration with individuals, communities, and movements pushing for change. We bring laws, policies, and practices in line with human rights standards by investigating human rights violations, engaging people with power on solutions, and strengthening the work of human rights defenders by providing knowledge- and skill-based technical support, facilitating access to opportunities, and mitigating security risks and reprisals. We work primarily in Thailand, Myanmar, Bangladesh, Malaysia, Ukraine, and the U.S. to expose mass atrocity crimes, prevent the forced return of refugees, and improve protections for human rights defenders.

Methodology

2. Fortify Rights prepared this submission to support Thailand's 4th Universal Periodic Review (UPR) before the U.N. Human Rights Council in 2026. The findings are based primarily on evidence-based research and monitoring conducted by Fortify Rights between 2022 and 2026 in Mae Sot District (Tak Province), Ranong Province, Chiang Mai Province, and Bangkok Province. Fortify Rights conducted interviews with survivors, eyewitnesses, community leaders, Thai officials, and others in Thai, Burmese, and English languages with an interpreter provided when necessary. Everyone interviewed provided informed consent.

Executive Summary

3. In November 2026, the U.N. Human Rights Council, as a part of the UPR process, will consider Thailand's human rights record—including its obligation to uphold the rights of refugees. Since the Myanmar military's coup on February 1, 2021, the junta has committed widespread and systematic atrocities

against civilians, displacing more than three million civilians and forcing tens of thousands of refugees to flee Myanmar, many of whom have sought protection in Thailand.¹ Given the lack of a legal framework to identify refugees in Thailand, many more refugees are likely uncounted in Thailand.

4. Despite Thailand's election to the U.N. Human Rights Council in October 2024—a body whose members are expected to uphold the highest standards in the promotion and protection of human rights—documented violations against refugees have intensified. Thailand has yet to ratify the 1951 Refugee Convention or its 1967 Protocol. Although the government enacted its National Screening Mechanism (NSM) in 2019 and has taken incremental steps toward implementation, the mechanism has not been applied at scale, and its eligibility criteria arbitrarily excludes significant categories of refugees, including ethnic Rohingya from Myanmar and Myanmar nationals with prior migrant worker status.²
5. This submission provides information on and recommendations to address continued arbitrary arrest and detention of refugees, the involvement of Thai soldiers in the torture and death of a Myanmar national, and the systematic *refoulement* of refugees to Myanmar and China, including through cooperation with the Myanmar military junta.

Freedom from Arbitrary Detention

6. Thailand is not a party to the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol and has no comprehensive domestic refugee law. Without legal status, refugees in Thailand remain criminalized under the 1979 Immigration Act, which prohibits unauthorized entry or stay in the country.³ As a result, refugees—including children—are subject to arrest, detention, and forced return to countries where they face persecution.
7. In September 2023, Thailand formally launched its National Screening Mechanism (NSM), a domestic system intended to identify and offer limited protections to persons fleeing persecution.⁴ Those granted “protected person” status under the NSM are shielded from arrest and detention and afforded certain basic rights.⁵
8. While the establishment of the NSM represents a positive step towards recognizing and protecting refugees, the NSM has failed to operate at scale. According to an update provided by the Thai government to the U.N. High Commissioner for Refugees’ executive committee, as of October 2024, only seven individuals have been granted protection under the NSM in the year following the mechanism’s establishment.⁶

1 United Nations High Commissioner for Refugees (UNHCR), *A Route-Based Snapshot: Data & Trends for Refugees from Myanmar, as of end-March 2026*, April 17, 2026, <https://data.unhcr.org/en/documents/details/122069>.

2 Fortify Rights, “Thailand: Ensure “National Screening Mechanism” is Accessible to All Refugees,” December 15, 2022, <https://www.fortifyrights.org/tha-inv-2022-12-15/>.

3 Royal Thai Police, Immigration Bureau, *Immigration Act B.E.2522 (1979)*.

4 UNHCR, *website*, “National Screening Mechanism,” <https://help.unhcr.org/thailand/asylum/national-screening-mechanism/>.

5 Office of the Prime Minister Thailand, *Regulation of the Office of the Prime Minister on the Screening of Aliens Who Cannot Return to Their Country of Origin B.E.2562 (2019)*. The NSM is a legal process created by the Royal Thai Government to identify individuals who may qualify for “Protected Person” status in Thailand to prevent the forced return to countries where they face persecution. This status does not provide full legal status in Thailand, and does not currently grant the right to work.

6 Thailand Ministry of Defence, “Director, Department of Border Affairs, Royal Thai Armed Forces Comments on the 75th Plenary Session of the Executive Committee of the High Commissioner’s Programme, October 2024,” October 2024.

9. The NSM also contains structural deficiencies that arbitrarily excludes some of the most vulnerable refugee populations from protection, including Rohingya and other refugees from Myanmar.⁷ Specifically, the regulations exclude migrant workers from neighboring countries and other individuals subject to “special measures or procedures.”⁸ This exclusion has left a significant proportion of the refugee population without any path to legal recognition.
10. The absence of legal status has particularly severe consequences for unaccompanied and separated refugee children. On December 20, 2024, Thai police in Mae Ping District, Chiang Mai arrested six unaccompanied Rohingya refugee children between 14 and 17 years old.⁹ Fortify Rights visited and spoke with the children in February 2025. The children recounted that they fled Rakhine State, Myanmar.
11. On March 5, 2025, the Chiang Mai Juvenile and Family Court found the children guilty of “illegal entry” under the 1979 Immigration Act and ordered their deportation to Myanmar.¹⁰ Following advocacy by Fortify Rights and intervention by the Thai Senate Committee, the authorities transferred the children from Mae Ping District Police Station to the Chiang Mai Children and Family Shelter, a government-run care facility, on March 7, 2025.¹¹
12. On March 21, 2025, all six children disappeared from the facility. Fortify Rights has been unable to confirm the whereabouts of the children.

Recommendations

- Ensure all asylum seekers in Thailand have access to the National Screening Mechanism and remove discriminatory provisions that arbitrarily exclude certain individuals from accessing protection under the mechanism.
- Ensure the National Screening Mechanism is equipped with adequate resources and trained personnel to screen asylum seekers at scale. Implement procedures to facilitate the transparent reporting of outcomes of the National Screening Mechanism.
- Immediately cease the arrest, prosecution, and detention of refugees under the 1979 Immigration Act and provide all refugees with access to legal status and effective protection.

⁷ Fortify Rights, “Thailand: Protect Unaccompanied Refugee Children, Provide Legal Status, Prevent Detention,” May 8, 2025, <https://www.fortifyrights.org/tha-inv-2025-05-08/>.

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ *Ibid.*

¹¹ *Ibid.*

Freedom from *Refoulement*

13. The principle of *non-refoulement* is a cornerstone of international refugee and human rights law, binding on all states regardless of whether they have ratified the 1951 Refugee Convention.¹² Under this principle, states are prohibited from returning any person to a country where they face persecution, torture, or other serious harm.¹³ The obligation applies to all migrants irrespective of their immigration status, as affirmed by the U.N. Office of the High Commissioner for Human Rights.¹⁴
14. Under Section 13 of Thailand’s anti-torture law, *refoulement* is explicitly prohibited: “No government organizations or public officials shall expel, deport, or extradite a person to another State where there are substantial grounds for believing that the person would be in danger of torture, cruel, inhuman, or degrading treatment, or enforced disappearance.”¹⁵ Section 12 further specifies that no emergency or state of conflict may be invoked to justify a violation.¹⁶
15. In 2021, Thailand’s national report highlights its commitment to protecting the rights of displaced persons and persons of concern.¹⁷ It affirms that, although Thailand has not ratified the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, Thailand respects the principle of *non-refoulement* in accordance with its humanitarian tradition and international obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).¹⁸
16. Despite these obligations and commitments, Fortify Rights has documented multiple incidents of forced return of refugees to Myanmar and China between 2022 and 2025 in direct contravention of both international and domestic law.

Forced Returns to Myanmar (2022–2025)

17. In May 2022, Fortify Rights documented an unofficial “police card” scheme Mae Sot in which refugees face threats of forced return to Myanmar unless they pay monthly fees of approximately 350 Thai Baht [11 USD] to middlemen in exchange for protection from arrest and potential return.¹⁹ Fortify Rights also obtained and released video footage showing uniformed Thai soldiers destroying a makeshift bamboo

¹² U.N. High Commissioner of Refugees, *Convention and Protocols relating to the Status of Refugees 1951*, <https://www.unhcr.org/media/1951-refugee-convention-and-1967-protocol-relating-status-refugees>.

¹³ *Id.* at pp. 14–16.

¹⁴ U.N. Office of High Commissioner for Human Rights, “The Principle of Non-Refoulement under International Human Rights Law,” <https://www.ohchr.org/sites/default/files/Documents/Issues/Migration/GlobalCompactMigration/ThePrincipleNon-RefoulementUnderInternationalHumanRightsLaw.pdf>.

¹⁵ The Prevention and Suppression of Torture and Enforced Disappearance Act B.E. 2565, October 24, 2022, Section 13, <https://www.moj.go.th/view/81367>.

¹⁶ *Id.* at Section 12.

¹⁷ Human Rights Council, Working Group on the Universal Periodic Review 39th Session, *National Report Submitted in Accordance with Paragraph 5 of the Annex to Human Rights Council Resolution 16/21, A/HRC/WG.5/39/THA/1*, August 17, 2021, para. 107–111, <https://docs.un.org/en/A/HRC/WG.6/39/THA/1>.

¹⁸ International Covenant on Civil and Political Rights (ICCPR), adopted March 23, 1966, G.A. Res. 2200A (XXI), U.N. Doc. A/6316 (1966), ratified by Thailand October 29, 1996; Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT), adopted December 10, 1984, G.A. Res. 39/46, U.N. Doc. A/39/51 (1987), acceded by Thailand October 2, 2007; Convention on the Elimination of All Forms of Racial Discrimination (CERD), December 21, 1965, G.A. Res. 2106 (XX), U.N. Treaty Series, Vol. 6, (1969), acceded by Thailand January 28, 2003.

¹⁹ Fortify Rights, “Thailand: Video Reveals Thai Soldiers Destroying Cross-Border Footbridge Used by Myanmar Refugees,” May 3, 2022, <https://www.fortifyrights.org/tha-inv-2022-05-03/>.

footbridge over the Wa Le River—a key crossing point used by refugees, including children, fleeing junta attacks in Karen State.²⁰ In the footage, a soldier issues a death threat to those filming from the Myanmar side.²¹

18. In April 2023, Thai authorities reportedly detained and forcibly returned three Myanmar nationals—Saw Phy Lay, Htet Nay Win, and Thiha.²² A leaked document believed to be from Thailand’s National Security Council, obtained by Fortify Rights, confirmed that authorities held the men at a Tak Immigration Office facility and subsequently returned them alongside other Myanmar detainees.²³ Photographs analyzed by Fortify Rights show two of the men bound and blindfolded in the back of a vehicle, reportedly in the custody of Myanmar’s military-affiliated Border Guard Force.²⁴ The wellbeing and whereabouts of these men remains unknown.
19. In April 2024, Fortify Rights directly witnessed Thai soldiers facilitate a pushback operation at the Thailand–Myanmar border in Mae Sot, Tak Province, in which more than 650 refugees were forcibly returned to Myanmar.²⁵ On the morning of April 24, 2024, Thai soldiers transported approximately 200 refugees in multiple truckloads to a “Temporary Safety Area” (TSA), located approximately three miles from the second Thai–Myanmar Friendship Bridge along the Moei River.²⁶ Fortify Rights observed soldiers lead the refugees in batches into waist-deep water of the Moei River, forcing them to cross on foot back to Myanmar’s Karen State—an active armed conflict zone. The group included women, children, and elderly persons. Despite awareness of active fighting on the Myanmar side, a Thai soldier told Fortify Rights the army would follow its procedures and return refugees regardless.²⁷
20. Fortify Rights also documented the conditions in the TSAs, which fell far below international humanitarian standards. At the Tha Sai Rujira TSA, an open-air structure previously used to shelter farm animals, housed more than 650 refugees with only ten portable toilets—one per 65 people, whereas the Sphere Handbook requires one toilet per 20 people.²⁸ Refugees had no access to raised bedding, cooking facilities, or adequate sanitation. A Thai soldier at the site acknowledged to Fortify Rights that conditions were poor but said authorities “did our best.”²⁹

²⁰ Fortify Rights, “Thailand: Investigate Forced Returns, Urgently Implement Screenings to Prevent Refoulement.” April 14, 2023, <https://www.fortifyrights.org/tha-inv-2023-04-14/>.

²¹ *Ibid.*

²² *Ibid.*

²³ *Ibid.*

²⁴ *Ibid.*

²⁵ Fortify Rights, “Thailand: Prevent Forced Returns of Myanmar Refugees, Provide Legal Status.” May 17, 2024, <https://www.fortifyrights.org/tha-inv-2024-05-17/>.

²⁶ *Ibid.*

²⁷ *Ibid.*

²⁸ *Ibid.* Sphere Association, *The Sphere Handbook: Humanitarian Charter and Minimum Standards in Humanitarian Response*, 2018, www.spherestandards.org/handbook/.

²⁹ *Ibid.*

21. Fortify Rights obtained a classified memo from Thailand’s National Security Council, which outlined guidelines for responding to persons fleeing unrest in Myanmar.³⁰ The memo’s instructions focused on “beefing up surveillance and prevention of illegal immigration.”³¹ It made no mention of refugee rights, protection screenings, or coordination with the U.N. High Commissioner for Refugees or humanitarian agencies to ensure protection in line with Thailand’s obligations under international law.
22. Between February 2024 and November 2025, Fortify Rights documented how Thai immigration officials worked directly with a labor attaché from the junta-controlled Myanmar embassy in Thailand to forcibly returned more than 3,500 Myanmar nationals through the Ranong-Kawthaung border crossing alone.³² Upon return to Myanmar, junta soldiers conscripted some individuals into military service—at times at gunpoint.³³ Survivors described to Fortify Rights how Thai immigration officials and Myanmar junta soldiers jointly extorted payments from detainees on both sides of the border, in some cases demanding the equivalent of more than US\$1,200, in exchange for protection from forced return.³⁴ A deputy superintendent in the Ranong Immigration Bureau confirmed to Fortify Rights that the returns were coordinated with the Myanmar junta’s labor attaché.³⁵

Forced Return of Uyghur Refugees to China

23. On February 27, 2025, Thai immigration authorities at Suan Phlu Immigration Detention Center in Bangkok forcibly returned an estimated 40 Uyghur refugees to China.³⁶ The U.N. High Commissioner for Refugees condemned the returns and multiple sources, including flight-tracking data, confirmed that a China Southern Airlines flight departed Don Mueang Airport at 4:48 a.m. that day and arrived in Kashgar, Xinjiang, approximately six hours later. The Uyghur detainees had been reportedly detained for more than ten years at Suan Phlu Immigration Detention Center in Thailand.³⁷

Recommendations

- Immediately cease all forced returns of refugees and asylum seekers without prior individual protection screening consistent with international human rights standards.
- Hold accountable, under the Anti-Torture Act and other applicable laws, all officials found to have participated in forced returns in violation of Thai domestic and international obligations.
- Immediately end all cooperation with the Myanmar military junta in the detention, deportation, and transfer of Myanmar nationals, including through labor attaché arrangements.

³⁰ Thailand’s Office of the National Security Council, “Guidelines to Respond to Persons Fleeing from Unrest in Myanmar,” on file with Fortify Rights, May 2024.

³¹ *Ibid.*

³² Fortify Rights, “Thai Authorities, Myanmar Junta Cooperating in Forced Return, Conscription of Myanmar Nationals.” December 12, 2025, <https://www.fortifyrights.org/tha-inv-2025-12-12/>.

³³ *Ibid.*

³⁴ *Ibid.*

³⁵ *Ibid.*

³⁶ Fortify Rights, “Thailand: Hold Officials Accountable for Forced Return of Uyghur Refugees to China.”, February 28, 2025, <https://www.fortifyrights.org/tha-inv-2025-02-28/>.

³⁷ *Ibid.*

- Reform the 1979 Immigration Act to bring it into full alignment with the Anti-Torture Act, especially the principle of *non-refoulement*.
- Accede to the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol and enact comprehensive domestic refugee legislation.

Freedom from Torture

24. Fortify Rights documented how, on January 12, 2024, four Thai Army soldiers detained Aung Ko Ko, 37, a Myanmar national in the 70 Rai area of Mae Sot District, Tak Province.³⁸ According to eyewitness testimony and photographic evidence reviewed by Fortify Rights, three of those soldiers then tortured Aung Ko Ko, who later died from his injuries.³⁹ Fortify Rights obtained and reviewed Aung Ko Ko's autopsy report and analyzed photographs showing extensive bruising across his back, forehead, cheekbones, and nose, as well as a deep laceration on his right elbow.⁴⁰
25. Following Aung Ko Ko's death, Thai police investigated the case and charged a 24-year-old Myanmar national named Sirachuch, who witnessed the torture.⁴¹ On September 27, 2024, a Thai court sentenced Sirachuch to three years and four months in prison for being an accomplice to manslaughter.⁴² After serving the equivalent of the full sentence, on December 17, 2025, the Mae Sot Provincial Court of Appeal overturned the manslaughter conviction and released Sirachuch from prison the following day.⁴³ As of the date of this submission, no Thai Army soldier has been apprehended or charged in connection with Aung Ko Ko's death.

Recommendations

- Conduct a thorough, prompt, and impartial investigation into the torture and killing of Aung Ko Ko and ensure all perpetrators, including Thai Army soldiers, are brought to justice through fair proceedings.
- Repeal or reform any provisions that afford impunity to members of the security forces for acts of torture, extrajudicial killing, and other serious human rights violations.
- Ensure that the anti-torture act is fully and consistently enforced, including against military personnel, and that victims and their families have access to effective remedies.

³⁸ Fortify Rights, *Death at the Thai-Myanmar Border: The Detention, Torture, and Killing of Myanmar National Aung Ko Ko in Thailand*, November 14, 2024, <https://www.fortifyrights.org/tha-inv-rep-2024-11-14/>.

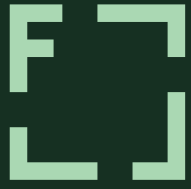
³⁹ *Ibid.*

⁴⁰ *Ibid.*

⁴¹ *Ibid.*

⁴² Fortify Rights, "Thailand: Court Ruling in Aung Ko Ko Case Points to Military Involvement." December 18, 2025, <https://www.fortifyrights.org/tha-inv-2025-12-18/>.

⁴³ *Ibid.*



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