

THAILAND

CCPR

RESERVATIONS AND DECLARATIONS

(Unless otherwise indicated, the reservations and declarations were made upon ratification, accession or succession)

Interpretative declarations:

"The Government of Thailand declares that:

1. The term "self-determination" as appears in article 1, paragraph 1, of the Covenant shall be interpreted as being compatible with that expressed in the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993.

2. With respect to article 6, paragraph 5 of the Covenant, the Thai Penal Code enjoins, or in some cases allows much latitude for, the Court to take into account the offender's youth as a mitigating factor in handing down sentences. Whereas Section 74 of the code does not allow any kind of punishment levied upon any person below fourteen years of age, Section 75 of the same Code provides that whenever any person over fourteen years but not yet over seventeen years of age commits any act provided by the law to be an offence, the Court shall take into account the sense of responsibility and all other things concerning him in order to come to decision as to whether it is appropriate to pass judgment inflicting punishment on him or not. If the court does not deem it appropriate to pass judgment inflicting punishment, it shall proceed according to Section 74 (viz. to adopt other correction measures short of punishment) or if the court deems it appropriate to pass judgment inflicting punishment, it shall reduce the scale of punishment provided for such offence by one half. Section 76 of the same Code also states that whenever any person over seventeen years but not yet over twenty years of age, commits any act provided by the law to be an offence, the Court may, if it thinks fit, reduce the scale of the punishment provided for such offence by one third or one half. The reduction of the said scale will prevent the Court from passing any sentence of death. As a result, though in theory, sentence of death may be imposed for crimes committed by persons below eighteen years, but not below seventeen years of age, the Court always exercises its discretion under Section 75 to reduce the said scale of punishment, and in practice the death penalty has not been imposed upon any persons below eighteen years of age. Consequently, Thailand considers that in real terms it has already complied with the principles enshrined herein.

3. With respect to article 9, paragraph 3 of the Covenant, Section 87, paragraph 3 of the Criminal Procedure Code of Thailand provides that the arrested person shall not be kept in custody for more than forty-eight hours from the time of his arrival at the office of the administrative or police official, but the time for bringing the arrested person to the Court shall not be included in the said period of forty-eight hours. In case it is necessary for the purpose of conducting the inquiry, or there arises any other necessity, the period of forty-eight hours may be extended as

long as such necessity persists, but in no case shall it be longer than seven days.

4. With respect to article 20 of the Covenant, the term "war" appearing in paragraph 1 is understood by Thailand to mean war in contravention of international law."

OBJECTIONS MADE TO STATE PARTY'S RESERVATIONS AND DECLARATIONS

Netherlands, 26 December 1997

With regard to the interpretative declaration concerning article 6 paragraph 5 made by Thailand:

"The Government of the Kingdom of the Netherlands considers this declaration as a reservation. The Government of the Kingdom of the Netherlands objects to the aforesaid declaration, since it follows from the text and history of the Covenant that the declaration is incompatible with the text, the object and purpose of article 6 of the Covenant, which according to article 4 lays down the minimum standard for the protection of the right to life.

This objection shall not preclude the entry into force of the Covenant between the Kingdom of the Netherlands and the Kingdom of Thailand."

DEROGATIONS: NOTIFICATIONS UNDER ARTICLE 4 (3) OF THE COVENANT

14 April 2010

"[...] pursuant to Paragraph 3 of Article 4 of the International Covenant on Civil and Political Rights (ICCPR), and has the honour to inform [...] that the Royal Thai Government has declared a severe emergency situation in the areas of Bangkok; Nonthaburi Province; Muang, Bang Phli, Phra Pradang, Phra Samut Chedi, Bang Boh and Bang Sao Thong Districts, Samut Prakan Province; Thanyaburi, Lad Lumkaew, Sam Kok, Lam Luk Ka and Khlong Luang Districts, Pathumthani Province; Phutthamonthon District, Nakhon Pathom Province; and Wang Noi, Bang Pa-in, Bang Sai and Lat Bua Luang Districts, Ayutthaya Province, since 7 April 2010.

The Declaration of a Severe Emergency Situation was promulgated by Mr. Abhisit Vejjajiva, Prime Minister of Thailand, in accordance with Sections 5 and 11 of the Emergency Decree on Public Administration in Emergency Situations B.E. 2548 (2005), as well as Section 29 in conjunction with Sections 32, 33, 34, 36, 38, 41, 43, 45 and 63 of the Constitution of the Kingdom of Thailand, to deal effectively with the actions of a group of persons that caused grave disturbances and led to disorder in certain parts of the country. The Emergency Decree was invoked in order to quickly resolve and put an end to the situation of turmoil as well as to restore normalcy in the country.

In light of the above-mentioned reasons, the Royal Thai Government has exercised its right to

derogation under Paragraph 1 of Article 4 of the Covenant, specifically in relation to its obligations under Articles 12 (right to liberty of movement), 19 (freedom of expression and freedom of the press) and 21 (right of peaceful assembly) of the Covenant for the duration of the Emergency Situation in the aforementioned areas.

The Permanent Mission would further like to inform [...] that the non-derogable rights as set forth in Articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 of the Covenant, which are guaranteed by the Constitution of the Kingdom of Thailand, have been kept intact.
[...]"

9 February 2011

"The Permanent Mission of Thailand to the United Nations presents its compliments to the Secretary-General of the United Nations and, with reference to the former's Note no. 56101/242 dated 14 April 2010, has the honour to inform the latter that the Royal Thai Government has lifted the declaration of a severe emergency situation as referred to in the above-mentioned Note and that, in accordance with Paragraph 3 of Article 4 of the International Covenant on Civil and Political Rights (ICCPR), any and all derogations of rights covered under the Covenant made pursuant to the said declaration have been terminated effective as of 22 December 2010.

The Permanent Mission would therefore appreciate it if the Secretary-General could notify other States Parties to the Covenant of the foregoing information as required by Article 4 of the Covenant."