

## **Refugee Rights Network in Thailand (RNT)**

### **Joint Submission Universal Periodic Review of Thailand**

**Thailand Cycle 4, 53rd Session**

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#### **Contributors:**

**Asylum Access Thailand (AAT)**, established in 2007, is a non-governmental organization working to advance the protection of refugees and asylum seekers in Thailand. AAT provides legal assistance and community support to refugee communities in Bangkok and across Thailand, helping them navigate complex legal and administrative processes and access essential services through partnerships with local organizations. The organization also promotes refugee leadership and empowerment through training and community initiatives. In addition, AAT engages in policy advocacy and collaborates with Thai and regional civil society organizations to promote legal and policy reforms that enhance the protection, rights, and dignity of refugees in Thailand.

**Refugee-Led Network (RLN) in Thailand** is a refugee leadership initiative established under the supervision and support of AAT. The network brings together refugee and asylum-seeker leaders to promote refugee rights, legal awareness, and community empowerment. Through training, mentorship, and community engagement, refugee leaders are equipped to advocate for their own rights and those of their communities, drawing on their lived experiences of displacement. They also monitor human rights conditions, promote legal awareness within refugee communities, and contribute to policy dialogue on refugee protection in Thailand. RLN provides a platform for refugees to collectively advocate for their rights and participate in discussions affecting displaced communities, ensuring that advocacy efforts reflect the lived experiences and priorities of refugees and asylum seekers in Thailand.

**Rights Beyond Border (RBB)** is a child rights-based organization established in 2016 to promote and protect the rights of children on the move along the Thailand and Myanmar border. RBB's work is guided by three interrelated pillars. First, it seeks to safeguard children on the move from violations and exploitation through the development and implementation of child safeguarding policies in schools. Second, it works with children on the move to empower them as agents of change, supporting their engagement in child-led advocacy through participatory workshops and related initiatives. Third, it contributes to the strengthening of the protection mechanism for children on the move by enhancing the capacity of relevant Thai government stakeholders. In addition, RBB has played a key role in supporting children on the move from Myanmar affected by the 2021 coup.

Thailand is not a State Party to the 1951 Convention relating to the Status of Refugees or its 1967 Protocol. However, Thailand is a party to several other international human rights instruments relevant to the protection of asylum seekers and refugees, as discussed below. This submission focuses on the human rights situation of *urban refugees and asylum seekers, as well as the specific situation of refugee children in Thailand*. The information presented is based on community consultations, legal aid case data collected by AAT and RBB, and the lived experiences and contributions of members of RLN. It also draws on AAT's direct operational experience supporting refugees through the National Screening Mechanism (NSM) and alternatives to immigration detention processes, as well as a desk review of relevant laws, policies, and practices in Thailand.

## List of Abbreviations

<b>AAT</b>	Asylum Access Thailand
<b>CAT</b>	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
<b>CDM</b>	Civil Disobedience Movement
<b>CRC</b>	Convention on the Rights of the Child
<b>CSOs</b>	Civil Society Organization
<b>EFA</b>	Education for All
<b>GRF</b>	Global Refugee Forum
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>ICERD</b>	International Convention on the Elimination of All Forms of Racial Discrimination
<b>ICESCR</b>	International Covenant on Economic, Social and Cultural Rights
<b>IDC</b>	Immigration Detention Centre
<b>MLCs</b>	Migrant Learning Centres

<b>MOU-ATD</b>	Memorandum of Understanding on the Determination of Measures and Approaches Alternative to Detention of Children in Immigration Detention Centers
<b>NGOs</b>	Non-Governmental Organizations
<b>NHRCT</b>	National Human Rights Commission of Thailand
<b>NSM</b>	National Screening Mechanism
<b>RBB</b>	Rights Beyond Border
<b>RLN</b>	Refugee-Led Network
<b>RTG</b>	Royal Thai Government
<b>SOPs</b>	Standard Operating Procedures
<b>UDHR</b>	Universal Declaration of Human Rights
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UPR</b>	Universal Periodic Review
<b>USAID</b>	United States Agency for International Development

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## Constitutional and Legislative Framework: National Screening Mechanism

1. While Thailand has hosted diverse refugee populations for decades, its national policies regarding refugees remained fragmented, with refugees falling through the gaps. As of November 2024, Thailand hosts approximately **5,500 urban refugees and asylum seekers** from over 40 countries, alongside approximately 86,539 camp-based refugees from Myanmar.<sup>1</sup> These figures do not include the significant number of undocumented Myanmar nationals who have fled to Thailand since the February 2021 military coup, many of whom are not registered with UNHCR or recognized by Thai authorities.
2. At present, Thailand does not conduct Refugee Status Determination; the UNHCR fulfills this role. However, since 25 December 2019, the RTG enacted the Regulation of the Office of the Prime Minister on the Screening of Aliens who Enter into the Kingdom and are Unable to Return to the Country of Origin B.E. 2562 (2019), which created a NSM. Although the Regulation refers to 'protected persons' rather than refugees, it is in effect a refugee screening mechanism. The Regulation came into force on 22 June 2020. The NSM was formally implemented on **22 September 2023**.<sup>2</sup>
3. Despite the NSM's formal launch, **only seven individuals have been granted Protected Person status after 30 months of operation**, while only a few hundred cases are currently under review.<sup>3</sup> This is grossly inadequate relative to the urban refugee population. Based on AAT's direct operational experience, the primary cause is an eligibility restriction: the Immigration Bureau interprets the NSM to require that applicants must already hold formal 'awaiting deportation' status under Section 54 of the Immigration Act B.E. 2522 (1979) before they may apply. This means refugees must first be arrested before accessing protection — directly contradicting the protection purpose of the mechanism.<sup>4</sup>
4. Since the NSM's launch, AAT has observed that no Rohingya, Uyghur, or North Korean individuals have been able to access the NSM process. AAT has also directly assisted several applicants from Myanmar whose cases were rejected; appeals filed on their behalf were similarly unsuccessful. Groups under the responsibility of the National Security Council — including people fleeing conflict in Myanmar, Rohingya, Uyghurs, and North Koreans — are therefore **practically excluded** from accessing the NSM, despite no explicit legal provision barring their applications.<sup>5</sup> In January 2024, the Royal Thai Police and seven other government agencies rejected NHRCT recommendations to bring the NSM in line with international human rights standards.
5. AAT's operational support to NSM applicants has identified further systemic gaps in the mechanism's implementation.<sup>6</sup> The NSM Committee operates without clear, publicly available operational guidelines, and screening practices vary significantly between officers. Coordination between Immigration Detention Centres is insufficient, making NSM access effectively unavailable to most IDC detainees, who are not systematically informed of their right to apply. No outreach materials are available in detention facilities, and many refugees misunderstand the NSM as a bail mechanism rather than a protection status. Financially, refugees who have already paid THB 50,000 bail under the Immigration Act must pay an additional THB 20,000 to enter NSM procedures.<sup>7</sup> Although the original bail amount is eventually refunded, the process takes considerable time, meaning applicants must have THB 70,000 available upfront — an amount far beyond the means of most refugees. Protected Person status also does not include the right to work, leaving recognized refugees without legal income sources. Finally, the NSM process requires fingerprinting and criminal background checks for child applicants<sup>8</sup>, which is inconsistent with the CRC, particularly following Thailand's withdrawal of its reservation to CRC Article 22 on 30 August 2024. It also remains unclear what rights and protections are conferred by Protected Person status in practice, leaving recognised refugees uncertain about their entitlements.

### Recommendations

- 1) Amend the NSM Regulation to ensure universal access for all individuals with protection needs, regardless of their detention status under Section 54 of the Immigration Act, and formally grant applicants an exemption from arrest, prosecution, and deportation under Section 17 throughout the screening and appeal process.
- 2) Align NSM criteria, SOPs, and decision-making with international due process standards—including the right to legal representation and meaningful appeal—while ensuring all materials are available in multiple languages and discontinuing criminal background checks for children under 18 in accordance with CRC obligations.
- 3) Facilitate alternatives to detention by eliminating duplicate bail requirements for NSM applicants and authorizing NGOs providing legal aid to serve as formal guarantors under clearly defined criteria.
- 4) Grant NSM applicants and 'protected persons' the immediate right to work through temporary work permits to ensure self-reliance and reduce vulnerability to exploitation during the assessment and appeal periods.
- 5) Ensure that persons whose applications are rejected have the right to appeal without restarting the entire process, and that rejected applicants are not subject to deportation while exercising their right to appeal.

## Right to be Recognised Before the Law

6. Under Article 6 of the UDHR and Article 16 of the ICCPR, everyone has the right to recognition as a person before the law. In the third cycle of the UPR in 2021, Thailand received and noted several recommendations to provide formal legal status to asylum seekers and refugees and to eliminate discrimination in access to rights.<sup>9</sup> As of 2026, the absence of a comprehensive national asylum law means that the majority of urban refugees remain classified as 'illegal aliens' under the Immigration Act B.E. 2522 (1979). While the RTG introduced the NSM in September 2023, its restrictive implementation (see paragraphs 3–5 above) has left the vast majority of urban refugees without formal legal recognition. As a result, they are legally barred from the formal labour market, face significant financial and administrative barriers to accessing healthcare and secondary education, and live in constant fear of arbitrary arrest and indefinite immigration detention. In practice, as documented by members of the RLN in Bangkok, refugees cannot access health insurance, pursue higher education, open bank accounts, register SIM cards, obtain driving licenses, or secure housing — as landlords and service providers typically require a passport with a valid visa.

### Recommendations

- 1) Enact comprehensive national asylum legislation that formally recognises refugee status and guarantees Protected Persons access to work authorisation, healthcare, education, and social protection.
- 2) Pending such legislation, harmonise existing laws — including the Immigration Act, civil registration laws, and the Foreigners' Working Management Emergency Decree B.E. 2560 (2017) — to remove legal barriers faced by persons granted Protected Person status under the NSM.
- 3) Ratify the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol.

## Freedom from Arbitrary Detention

7. On 28 January 2021, the UN Human Rights Council Working Group on Arbitrary Detention reiterated that indefinite detention in the course of migration proceedings cannot be justified and is arbitrary, and that a maximum period for detention must be set by legislation with automatic release upon expiry.<sup>10</sup>
8. In previous UPR cycles, the RTG accepted recommendations to address harsh living conditions in IDCs, and noted recommendations to end the arbitrary detention of refugees and asylum seekers and decrease overcrowding.<sup>11</sup> Implementation remains inadequate. A 2024 FIDH/UCL report documented that IDCs operate at 155% occupancy capacity, with the Bangkok IDC (Suan Phlu) reportedly holding up to 1,200 individuals — more than double its designed capacity.<sup>12</sup> In November 2024, the UN Committee Against Torture expressed "grave concern" over allegations of deplorable detention conditions and indefinite detention without adequate judicial review.<sup>13</sup>
9. AAT's visits to IDCs confirm that conditions have continued to deteriorate. The majority of detainees suffer from skin diseases due to overcrowding and poor ventilation, and medical visits to facilities are too infrequent to cover the volume of requests. Overcrowding has intensified following raids on scam centres along the Myanmar and Cambodia borders, which brought a large number of Chinese nationals into already overstretched facilities— in one mass arrest in May 2025, Suan Phlu IDC lacked space entirely, forcing 20 detainees including six children to be held overnight at a police facility. Prolonged detention without mental health support has led to a significant rise in psychological harm, including incidents of violence among detainees, including cases where available psychosocial services were assessed as insufficient for the level of need. Between October 2024 and May 2025, AAT responded directly to at least six mass arrest incidents in Bangkok alone, affecting Pakistani, Montagnard/Vietnamese, Hmong, and other refugee communities.
10. There is no statutory maximum period for immigration detention in Thailand. Bail — the only legal mechanism for release — requires THB 50,000 and a Thai guarantor, conditions most refugees cannot meet due to financial hardship and lack of social networks. Following a mass escape of bailed detainees in late 2025, the Immigration Bureau effectively suspended the bail system. Since early 2026, AAT has not been able to secure a single successful bail application, and bail appeals have also been rejected. Bail rejections have been applied indiscriminately across nationalities — Hmong clients were refused on the basis that Vietnamese detainees had previously escaped — while increased documentation requirements, including landlord certification forms, have created legal risks for guarantors and additional opportunities for extortion. Volunteer guarantors are overwhelmed by previous cases and many landlords refuse to provide the required address confirmation. With no maximum detention period in law and no functioning release mechanism in practice, detention has become effectively indefinite.
11. The MOU on Alternatives to Detention (2019) remains narrow in scope: it primarily covers detained mothers with children, while fathers are generally excluded, leading to family separation. The Mother and Child Center in Bang Khen, used as an 'alternative' to IDC, operates in conditions that closely resemble detention. Some children — including Rohingya children and those whose UNHCR cases are closed — remain excluded from community-based alternatives and are detained indefinitely. Children entering Thailand without documentation continue to be prosecuted as offenders under the Immigration Act, despite not independently choosing to migrate.<sup>14</sup>

## Recommendations

- 1) Establish a statutory maximum period for immigration detention with automatic judicial review, and ensure that any deprivation of liberty is based on an individualised assessment of necessity and proportionality rather than blanket application of the Immigration Act.
- 2) Reform the bail system by waiving bail for UNHCR-recognised refugees, allowing CSOs to act as guarantors, and requiring written justification for any rejection based on individual assessment.
- 3) Immediately address the deteriorating physical and mental health conditions in IDCs by setting a maximum occupancy limit, improving ventilation, establishing regular and sufficient medical visits, and providing mandatory mental health services including trauma-informed care.
- 4) Ensure UNHCR and CSOs have unrestricted, regular access to all IDCs for legal and protection screening.
- 5) Transition from custodial management to genuine non-custodial, community-based alternatives that preserve freedom of movement and family unity, including closing the Mother and Child Center in Bang Khen as a form of detention and replacing it with community-led care models.
- 6) Formalise a 'zero child detention' policy via Cabinet Resolution and amend the MOU-ATD to include all family members, including fathers, to prevent family separation.

## Principle of Non-Refoulement

12. Even though Thailand is not a party to the 1951 Refugee Convention, it must respect the principle of non-refoulement under the ICCPR (Article 7), the CAT (Article 3), and as jus cogens under customary international law.<sup>15</sup> The principle of non-refoulement is now also codified in Thailand's domestic law through Section 13 of the Prevention and Suppression of Torture and Enforced Disappearance Act B.E. 2565 (2022).<sup>16</sup>
13. Refugees in Thailand continue to face refoulement. In April 2023, three Myanmar opposition activists were arrested in Mae Sot and handed to junta-aligned border forces.<sup>17</sup> In late October 2023, Thai military authorities began forcibly returning thousands of Myanmar refugees sheltering in border areas to Karenni State, with many returning to Thailand within days due to renewed airstrikes.<sup>18</sup> In March 2024, officials transported 19 Myanmar children to the Chiang Rai border for repatriation before civil society pressure halted the return.<sup>19</sup> In August 2024, Thailand's Labour Ministry announced the detention and deportation of over 144,000 Myanmar nationals in three months during an immigration crackdown, raising serious concerns that persons with protection needs were returned without individualised assessment.<sup>20</sup> In early 2026, AAT successfully intervened to prevent the refoulement of a Burmese national detained at a southern border crossing. The person was transferred to be detained in the IDC in Bangkok. More broadly, in February 2025, approximately 40 Uyghur refugees were reportedly forcibly returned from Suan Phlu IDC to Kashgar, Xinjiang, despite having been detained for over ten years and facing well-documented risks of persecution. UNHCR condemned the forced returns. A separate Fortify Rights investigation documented how Thai immigration officials coordinated with a Myanmar junta labour attaché to forcibly return over 3,500 Myanmar nationals through the Ranong–Kawthaung border crossing between February 2024 and November 2025, where survivors reported being conscripted at gunpoint into military service — a pattern assessed as potentially constituting human trafficking.

14. Clause 25(1) of the NSM Regulation provides that 'protected persons' shall not be repatriated to their country of origin. However, the Regulation includes an overly broad exception on national security grounds, which may undermine its effectiveness as a barrier to refoulement.
15. AAT's 2026 Deportation Study, based on 50 in-depth interviews with Myanmar nationals, documents a systematic pattern of deportation risk that directly engages Thailand's non-refoulement obligations. Among those interviewed, **84% feared arrest or persecution upon return to Myanmar, 38% feared armed conflict, and 36% feared military conscription**. Only 6% cited economic reasons as the primary cause of leaving Myanmar, confirming that the overwhelming majority have protection-relevant profiles. AAT's documentation of cases shows that CDM workers and activists face near-certain arrest upon return, political detainees face multiple simultaneous criminal charges, and deaths in detention following deportation have been reported.
16. The study further reveals a structural gap between the existence of legal protections and their enforcement in practice. Although Section 13 of the Anti-Torture Act codifies non-refoulement in Thai domestic law, this provision is not consistently operationalised by frontline enforcement personnel. **82% of participants actively restricted their daily movement due to fear of deportation**, 40% had been arrested at least once, and 50% had been asked to pay bribes to avoid enforcement action. Critically, **70% of participants were entirely unaware of the NSM** and 64% had never applied for any form of protection, indicating that enforcement-first approaches are operating without parallel access to protection pathways. Prolonged detention also forces individuals to request deportation themselves, further blurring the line between voluntary and coerced return. The broad national security exception in Clause 25 of the NSM Regulation compounds this gap, permitting deportation of individuals who may qualify for protection without individualised assessment.

#### Recommendations

- 1) Issue binding operational instructions to all immigration, police, and military authorities requiring individualised protection screenings prior to any deportation or return, and prohibiting deportation of any person who has expressed a protection need — including during mass immigration enforcement operations.
- 2) Establish an accessible complaints and accountability mechanism to investigate reports of deportation in violation of Section 13 of the Prevention and Suppression of Torture and Enforced Disappearance Act B.E. 2565 (2022).
- 3) Suspend all deportations to Myanmar until the armed conflict has substantially subsided and safety upon return can be assured, in line with Thailand's obligations under the CAT.
- 4) Remove the overly broad national security exception from Clause 25 of the NSM Regulation to ensure the non-refoulement guarantee is unconditional.

### Right to the Highest Attainable Standard of Health

17. Under the ICESCR, everyone is entitled to enjoy the highest attainable standard of health regardless of legal status. During the 3rd UPR cycle, Thailand accepted recommendations to ensure equal access to healthcare for all.<sup>21</sup> However, under the Ministry of Public Health Notification, asylum seekers and refugees in Thailand cannot access public health insurance.<sup>22</sup> Urban refugees who cannot work legally face severe barriers to paying for treatment. Research has found that asylum seekers and refugees have significantly more unmet healthcare needs than Thai nationals.<sup>23</sup>

### Recommendations

- 1) Ensure all populations in Thailand, regardless of immigration status, have access to public health insurance.
- 2) Issue instructions prohibiting health facilities from inquiring about immigration status or reporting patients to immigration authorities.

## Right to Work

18. The RTG is not fulfilling its international obligations regarding the right to work. Under ICESCR Article 6(1) and ICERD Article 5(e)(i), everyone — including non-citizens — has the right to work and free choice of employment.<sup>24</sup> Because Thai domestic law does not legally recognise refugee status, refugees are generally not permitted to work. While camp-based refugees along the border have recently been granted limited work permits, urban refugees remain entirely excluded. Members of the RLN report that the absence of legal work rights forces many urban refugees in Bangkok into informal employment, exposing them to labour exploitation, unsafe working conditions, and heightened risks of trafficking. Refugees are afraid to seek justice due to the risk of arrest.<sup>25</sup>
19. The NSM does not include the right to work.<sup>26</sup> The Foreigners' Working Management Emergency Decree B.E. 2560 (2017), Section 63 could be applied to persons in a 'refugee-like' situation but requires a Cabinet Resolution to implement. Following sharp reductions in USAID and international humanitarian funding to Thailand in early 2025, urban refugees face an acute humanitarian crisis: without the right to work and without humanitarian assistance, families cannot pay rent, afford food, access healthcare, or keep children in school.<sup>27</sup> AAT's 2026 Deportation Study found that 96% of participants could not save any money and 44% were entirely unemployed. The study further found that employment is the single strongest predictor of feeling safe — yet enforcement conditions prevent the very economic participation that would improve protection outcomes.

### Recommendations

- 1) Urgently issue a Cabinet Resolution granting persons who have applied for or been granted Protected Person status under the NSM the right to work, with temporary work permits, while their cases are being assessed and during any appeal period.
- 2) Enforce the Foreigners' Working Management Emergency Decree B.E. 2560 (2017), Section 63 for urban and encamped refugees to grant the right to work.
- 3) Provide labour law protections enabling refugees to hold employers accountable for exploitation, abuse, and dangerous working conditions, without risk of immigration enforcement.

## Rights of Refugee and Asylum-Seeking Children

### Right to Education

20. Thailand has committed to the EFA policy. Following Thailand's withdrawal of its reservation to CRC Article 22 on 30 August 2024, its obligations to ensure refugee children's access to education are strengthened.<sup>28</sup> However, over 60% of migrant children living in Thailand are not in school.<sup>29</sup> Urban refugee children face barriers including financial constraints, language difficulties, discrimination, and a parallel education system of MLCs that are not formally recognised and severely limit future options.

21. The right to education for refugee and asylum-seeking children in Thailand is strongly shaped by national security policies, including guidance from the National Security Council, the Immigration Act, and the National Education Act. In 2023, at least 15 children from a refugee camp in Tak Province were denied enrollment in a local public school<sup>30</sup> under the Tak Education Service Area Office 2 announcement, which excludes children in refugee camps, undocumented migrants, and cross-border commuting students. This announcement is not consistent with children's right to education and development, nor with the principle of the best interests of the child.
22. Since the 2021 Myanmar coup, a growing number of displaced Myanmar children have crossed into Thailand, particularly into the five border districts of Tak province, both with their families and unaccompanied, in search of safety and access to education. Many of these children lack identity or legal documentation due to the urgency of fleeing violence and insecurity and experience in access to education. Most of them therefore study in Migrant Learning Centers (MLCs) where the number of students is now two times greater<sup>31</sup> than before the conflict<sup>32</sup>, resulting in overcrowded classrooms, limited teaching resources, and no support from the Thai government.
23. On 28 October 2025, the Thai Cabinet adopted a resolution on recommendation concerning children without civil registration or Thai nationality accessing education, based on recommendations from the NHRC.<sup>33</sup> The NHRC recommendations focus on children without civil registration, migrant children, unaccompanied and separated children traveling for education, cross-border commuting students, and children in border refugee camps, proposing measures and legal amendments to protect their rights. The Ministry of Education was assigned to coordinate with relevant agencies to study and assess the feasibility of these recommendations. However, it does not explicitly cover displaced Myanmar children who migrated to Thailand following the 2021 coup, leaving their education and educational pathway unresolved.
24. Although the Ministry of Education issued an announcement on 27 January 2026<sup>34</sup> allowing all children, regardless of nationality or legal status, to enroll in Thai public schools nationwide, citing alignment with the Convention on the Rights of the Child and the right to education, it does not address the needs of displaced Myanmar children, whose education largely depends on Migrant Learning Centers, which are not officially recognized by the Thai government. As a result, these children continue to face the risk of school closures and ongoing educational insecurity. Sharp reductions in international humanitarian funding since early 2025 have removed financial support for education-related costs for refugee families, increasing dropout rates. Children of refugees who cannot work legally face compounding disadvantage.<sup>35</sup>

### **Recommendations**

- 1) Recognizing the right to education and ensuring that education is available and accessible for all children, particularly children in migration context.
- 2) Fully implement the Education for All policy by removing barriers for refugee and undocumented children, including recognition of Learning Centre certificates.
- 3) Grant all children the right to enrol in Thai public schools regardless of documentation status, consistent with CRC Article 22 obligations following Thailand's reservation withdrawal.
- 4) Support mother-tongue-based multilingual education to improve inclusion and learning outcomes for refugee children.

## Right to Protection

25. Under Article 22 of the CRC, States Parties must ensure that refugee or asylum-seeking children, whether accompanied or unaccompanied, receive appropriate protection and humanitarian assistance in accordance with the Convention and other relevant human rights or humanitarian instruments. Thailand withdrew its reservation to Article 22 on 30 August 2024. Since then, however, there has been no concrete policy or implementation to protect refugee and asylum-seeking children, particularly displaced Myanmar children affected by the 2021 coup. As a result, these children continue to face limited access to protection and heightened vulnerability.
26. The National Child Protection Action Plan B.E. 2566–2570 (2023–2027)<sup>35</sup> affirms that all children in Thailand should have equal, non-discriminatory access to services and tailored support, particularly those requiring specific protection or unable to access assistance. Unaccompanied and separated Myanmar displaced children, particularly those who migrated after the 2021 coup and are living in dormitories or with relatives, are at risk of physical and sexual abuse by their guardians due to their dependence on them. However, the government has not initiated any special protection measures to safeguard these children on the move from harm and exploitation.
27. Children under the age of 18 remain at risk of arrest and detention in immigration detention centers, despite Thailand’s adoption of the MOU-ATD in 2019.<sup>36</sup> In 2023, 33 children under 18 were arrested and placed in immigration detention centers by the Tak Immigration Office due to irregular entry into Thailand. Although the MOU-ATD stipulates that detention should be used only as a last resort, it continues to be applied in border areas where government shelters are distant and resources are limited.

### Recommendations

- 1) Ensure the right to protection of refugee, asylum-seeking, and displaced children by establishing a practical, dedicated protection framework guided by Article 22 of the CRC and the principle of the best interests of the child.
- 2) Establish an effective monitoring mechanism to oversee the implementation of the MOU-ATD nationwide, ensuring that children under the age of 18 are not placed in immigration detention centres.
- 3) Strengthen the capacity of responsible government officials, particularly in border districts, to ensure the effective protection of children in migration contexts in line with international and domestic child rights frameworks.

## Right to Health and Wellbeing

28. Thailand committed during the third cycle of the UPR<sup>37</sup> to strengthen equitable access to health services and prioritize the mental health of children and youth. A 2025 assessment conducted by RBB<sup>38</sup>, using the Depression, Anxiety and Stress Scale (DASS-21), surveyed 722 children and youth aged 9 to 21 across seven Migrant Learning Centres in Mae Sot District, Tak Province, and found high levels of psychological distress. Severe or very severe anxiety was identified in 40% of participants, while depression and stress were each identified in 17 per cent. However, access to psychosocial support services remains limited. At Mae Sot Hospital, only two psychiatrists serve a large population, while in the education sector in Tak Province, there is approximately one psychologist for every 10,000 students.<sup>39</sup>
29. Articles 24 and 27 of the CRC explicitly guarantee children the right to the highest attainable standard of health and an adequate standard of living. Despite this, displaced Myanmar children in Tak province face serious health risks due to overcrowded and unsanitary conditions in school dormitories. Limited access to clean water, nutritious food, and hygiene

supplies contribute to the spread of communicable diseases, including diarrhea and influenza. Children are also exposed to additional risks from environmental hazards, and agricultural chemicals, further undermining their health and well-being.<sup>40</sup>

### Recommendations

1. Ensure equitable access to healthcare for children regardless of legal status and nationality, by extending universal health coverage to cover displaced children affected by Myanmar conflict.
2. Support frontline health services with sufficient financial and human resources to ensure equal and non-discriminatory access to quality health care for all children, particularly displaced Myanmar children, in line with CRC Articles 2 and 24.

### Positive Developments

30. Thailand has taken several important steps toward improving refugee protection during the period under review. On 30 August 2024, Thailand withdrew its reservation to CRC Article 22, reaffirming its commitment to protecting refugee children. The Prevention and Suppression of Torture and Enforced Disappearance Act B.E. 2565 (2022), which entered into force in February 2023, codified the principle of non-refoulement in Thai domestic law for the first time (Section 13). In 2024, Thailand made pledges across four substantive areas of NSM improvement at the GRF.
31. While these developments are welcomed, their implementation remains limited, and significant protection gaps continue to affect refugees and asylum seekers in practice.

### Implementation of Previous UPR Recommendations

32. During the 3rd UPR cycle (39th Session, November 2021), Thailand accepted or supported 219 of 278 recommendations.<sup>41</sup> Thailand accepted recommendations to improve conditions in immigration detention, consider alternatives to detention for children, protect vulnerable persons regardless of nationality, and improve protection for migrants and refugees.
  33. Thailand did **not accept** recommendations to: ratify the 1951 Refugee Convention and 1967 Protocol; stop deportation and forced return of refugees in accordance with the non-refoulement principle; or establish a formal asylum system with legal recognition of refugee status. Implementation of accepted recommendations remains partial: arrest, detention, and deportation of refugees continue; the NSM has granted protection to only seven individuals; and children continue to be detained or face family separation.
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## ENDNOTES

[1] UNHCR Thailand, Refugee Population Overview (November 2024), <https://www.unhcr.org/th/en/ekiiywkab-unhcr/unhcr-thailand>

[2] Regulation of the Office of the Prime Minister on the Screening of Aliens who Enter into the Kingdom and are Unable to Return to the Country of Origin B.E. 2562, December 25, 2019; UNHCR Multi-Country Office Thailand, Annual Results Report 2024, <https://www.unhcr.org/sites/default/files/2025-06/Thailand%20MCO%20ARR%202024.pdf>

[3] East Asia Forum, "Thailand's Refugee System Puts Publicity Over Protection," 10 July 2025, <https://eastasiaforum.org/2025/07/10/thailands-refugee-system-puts-publicity-over-protection/>

[4] Thailand Immigration Act B.E. 2522 (1979), Section 54. See also Fortify Rights, "Thailand: Don't Criminalize Refugees Seeking Protection," 13 December 2023, <https://www.fortifyrights.org/tha-inv-2023-12-13/>

[5] Refugee Rights Network in Thailand Joint Submission, UPR Thailand Cycle 3, 39th Sessions (Contributors: Asia Pacific Refugee Rights Network, AAT, People Empowerment Foundation, Refugee Rights Litigation Project) [hereinafter Cycle 3 submission], para. 3.

[6] FIDH & UCL, Out of Sight – Human Rights Violations in Thailand's Immigration Detention Centers (October 2024), <https://reliefweb.int/report/thailand/out-sight-human-rights-violations-thailands-immigration-detention-centers-en>; UNHCR, Detention & Deportation, <https://help.unhcr.org/thailand/protection/detention-deportation/>

[7] Asylum Access Thailand (AAT), Policy Recommendations: Addressing Critical Gaps in the Regulation of the Prime Minister's Office Re: Screening of Aliens Entering into the Kingdom Who Are Unable to Return to Their Country of Origin B.E. 2562 (2019), based on operational support findings (September 2025), available at: <https://drive.google.com/file/d/107XAFc1ubTdeZuD9jmcsRiTYRrwlRkww/view>

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