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World Report 2019 - Thailand

The National Council for Peace and Order (NCPO) military junta delayed lifting severe restrictions on free expression, association, and assembly, despite announcing a national election in February 2019. There are serious concerns that political parties, media, and voters will not be given the opportunity to participate in a genuinely democratic process. Prime Minister Gen. Prayuth Chan-ocha still wields power unhindered by administrative, legislative, or judicial oversight or accountability, including for serious human rights violations.

Free Expression

Acting on the junta’s orders, authorities have routinely enforced censorship, and threatened media outlets with punishment and closure if they publicize information critical of military rule and the monarchy or raised issues considered to be sensitive to national security. Peace TV was temporarily shut down in February and May 2018 for failing to comply with such regulations. Voice TV’s outspoken news talk programs “Tonight Thailand” and “Wake Up News” were forced off the air for 15 days in March and for 30 days in September.

Thai authorities often disrupted academic seminars and public discussions about the state of human rights and democracy in Thailand. In August, prominent academic Chayan Vaddhanaphuti and four other participants from the International Conference on Thai Studies, held on July 2017 in Chiang Mai province, were brought to court and charged with violating the NCPO’s ban on public assembly by more than five persons and for displaying symbolic opposition to the NCPO by making *The Hunger Games* three-finger salute and holding banners criticizing the military’s heavy-handed surveillance of the conference.

Authorities in Pathum Thani province forced the cancellation of a seminar organized by the Rohingya Peace Network of Thailand to mark the one-year anniversary of violence in Myanmar’s Rakhine State on August 25, claiming the event would undermine relations between Thailand and Myanmar. On September 10, the NCPO forced the closure of a panel event, “Will Myanmar’s Generals Ever Face Justice for International Crimes?” at the Foreign Correspondents’ Club of Thailand (FCCT) on the same grounds.

In 2018, at least 130 pro-democracy activists in Bangkok and other provinces faced illegal assembly charges—and in some cases, sedition—for peacefully demanding the junta’s promised election to be held without further delay and that all restrictions on fundamental freedoms be immediately lifted.

In October, army chief, Gen. Apirat Kongsompong, announced that a coup remained an option for the military to quell political upheavals.

The junta continued to prosecute its critics under the sedition law and the Computer-Related Crime Act (CCA). Since the 2014 coup, at least 92 people have been charged with sedition. In February, authorities charged an outspoken politician, Watana Muangsook, with sedition and for violating the CCA for his Facebook posts in support of pro-democracy activists’ demands for a free and fair election.

The CCA provides overly broad grounds for authorities to prosecute anyone for their internet postings critical of government agencies and officials. In June, authorities issued an arrest warrant against London-based Watana Ebbage for posting information on her Facebook page—KonthaiUK—alleging corruption in military procurement programs. At least 29 people in Thailand were arrested for sharing Watana’s posts. In September, authorities arrested 12 Facebook users for sharing information about an alleged rape of a British tourist on Koh Tao island. Arrest warrants were also issued against Suzanne Emery, the British publisher of the online newspaper *Samui Times*, and Pramuk Anantasin, the Thai-American administrator of the CSI LA Facebook page, for reporting the story and criticizing the quality of police work in this case.

In 2018, the NCPO continued to summon members of the opposition Pheu Thai Party and the United Front for Democracy against Dictatorship (UDD, also known as the “Red Shirts”), as well as anyone accused of opposing military rule, for “attitude adjustment” sessions to compel them to stop expressing political opinions against the junta. Failure to report when summoned is a criminal offense.

Authorities have arrested more than 100 people on *lese majeste* (insulting the monarchy) charges since the 2014 coup, mostly for posting or sharing critical commentary online. Some have been convicted and sentenced to decades of imprisonment.

Military Detention and Military Courts

Under NCPO Orders 3/2015 and 13/2016, military authorities can secretly detain people for a wide range of offenses and hold them for up to seven days without charge, access to lawyers, or any safeguards against mistreatment. The government also regularly uses military detention under the 1914 Martial Law Act and the 2005 Emergency Decree on Public Administration in State of Emergency—in which abuses during interrogation occur with impunity—during operations against suspected separatist insurgents in the southern border provinces of Pattani, Yala, and Naradhiwat.

The NCPO rejected calls to disclose information about persons held in military detention and summarily dismissed all allegations that soldiers tortured or otherwise mistreated detainees.

The junta has failed to transfer 369 criminal cases, involving more than 1,800 civilians, from military courts to civilian courts as international law requires.

Enforced Disappearances and Torture

Thailand signed the International Convention for the Protection of All Persons from Enforced Disappearance in January 2012 but has yet to ratify the treaty. The penal code does not recognize enforced disappearance as a criminal offense. After the junta-appointed National Legislative Assembly suddenly suspended its consideration of the Prevention and Suppression of Torture and Enforced Disappearance Bill in February 2017, the government has not provided a clear timeframe when the bill will be reintroduced.

The Department of Special Investigations has made little progress in investigating enforced disappearance cases, including the two high-profile cases of Muslim lawyer Somchai Neelapaijit and ethnic Karen activist Porlajee “Billy” Rakchongcharoen. Meanwhile, the government-appointed Committee to Receive Complaints and Investigate Allegations of Torture and Enforced Disappearance has little authority or political will to take serious action.

Thailand does not have a law that criminalizes torture as required by the UN Convention against Torture, which it ratified in 2007. In 2018, authorities regularly failed to conduct serious and credible inquiries into torture allegations. When accused of using torture, government agencies often retaliated against accusers with libel and computer crime lawsuits for allegedly damaging their reputation and making false statements. In February 2018, the Internal Security Operations Command (ISOC) filed criminal and civil defamation complaints against Ismae Teh for making allegations on Thai PBS TV that he was tortured in military custody in Pattani province in 2008. The military also filed a criminal defamation complaint and sought 10 million Thai baht (US\$286,000) in damages from MGR Online news for its reports about torture allegations related to Ismae and other ethnic Malay Muslims in Thailand’s southern border provinces.

Lack of Accountability for Politically Motivated Violence

Despite evidence showing that soldiers were responsible for most casualties during the 2010 political confrontations with the UDD, or “Red Shirts,” that left at least 90 dead and more than 2,000 injured, no military personnel or officials from the government of

former Prime Minister Abhisit Vejjajiva have been charged for killing and wounding civilians at the time. At the same time, numerous UDD leaders and supporters have been prosecuted on criminal charges related to the “Red Shirt” street protests in 2010.

Human Rights Defenders

Government pledges to develop measures to protect human rights defenders remained unfulfilled in 2018. The killings of more than 30 human rights defenders and civil society activists since 2001 remained unresolved. Military cover-up and shoddy police work hampered the efforts to prosecute soldiers who shot dead teenage ethnic Lahu activist Chaiyaphum Pasae in March 2017 in Chiang Mai province.

Authorities and private companies used civil and criminal defamation lawsuits to retaliate against individuals reporting human rights abuses. In March 2018, Bangkok’s Prakanong Court ordered labor rights activist Andy Hall to pay 10 million Thai baht (US\$313,000) in damages, plus legal and court fees to Natural Fruit Co., Ltd. regarding an interview he gave to Al Jazeera English in April 2013 alleging abuses of Burmese workers in the company’s pineapple processing factory. The company continued to press for imprisonment of Hall for criminal defamation and computer crimes related to FinnWatch’s 2013 “Cheap Has a High Price” report.

Authorities are continuing the criminal cases against Sirikan Charoensiri of the Thai Lawyers for Human Rights, who was accused of sedition and other serious offenses for her professional activities representing 14 student activists arrested in June 2015 after staging peaceful protests in Bangkok.

In May, six United Nations human rights experts called on Thailand—where defamation laws have frequently been used to retaliate against whistle blowers who report labor abuses—to revise its laws and prosecution processes to prevent the “misuse of defamation legislation by companies.”

In an annual report released in September, the UN secretary-general named Thailand on a list of 38 states where individuals faced intimidation or reprisals for cooperating with the UN on human rights.

After the revised law on the National Human Rights Commission of Thailand was enacted in August 2017, the agency has been seriously weakened. The government has required that the commission issue rebuttals to reports by international human rights groups and foreign governments about Thailand’s human rights problems.

Violence and Abuses in Southern Border Provinces

Since January 2004, Barisan Revolusi Nasional (BRN) insurgents have committed numerous laws-of-war violations. More than 90 percent of the 6,800 people killed in the ongoing armed conflict in Thailand’s southern border provinces have been civilians, including children, from both ethnic Malay Muslim and ethnic Thai Buddhist communities.

In June and July, at least five ethnic Thai Buddhists were seriously wounded from landmines that BRN insurgents laid in rubber plantations in Yala province.

The government has failed to prosecute members of its security forces responsible for torture and unlawful killings of ethnic Malay Muslims. In many cases, authorities provided financial compensation to the victims or their families in exchange for their agreement not to speak out or file criminal cases against officials.

Refugees, Asylum Seekers, and Migrant Workers

Thailand is not a party to the 1951 Refugee Convention and its 1967 protocol. Thai authorities continued to treat asylum seekers, including those recognized by the UN as refugees, as illegal migrants subject to arrest and deportation. The January 2017 cabinet resolution to set up a national screening mechanism for asylum seekers still has not been implemented.

Starting in August, the government has launched a nationwide crackdown on illegal migrants and arrested more than 200 refugees and asylum seekers from Vietnam, Cambodia, and Pakistan. They have since been detained in squalid immigration lockups. More than 50 children have been separated from their parents.

The government refused to let the UN refugee agency conduct refugee status determinations for Rohingya asylum seekers and holds at least 105 in indefinite immigration detention. Over 60 ethnic Uighurs reportedly from China remained in indefinite immigration detention at time of writing after they were arrested in March 2014.

Migrant workers from Myanmar, Cambodia, Laos, and Vietnam are vulnerable to physical abuses, indefinite detention, and extortion by Thai authorities; severe labor rights abuses and exploitation by employers; and violence and human trafficking by criminals who sometimes collaborate with corrupt officials. The situation worsened as many missed the registration deadline under the Decree Concerning the Management of Foreign Workers’ Employment in June. Migrant workers remained fearful of reporting abuses to authorities due to fears of retaliation. Under the Labor Relations Act, migrant workers are legally barred from organizing or leading trade unions.

In July, a magistrates court in Bangkok acquitted 14 Burmese migrant workers of criminal defamation charges for filing a complaint against their employer—Thammakaset Company Limited, a chicken farm in Lopburi province—with the National Human Rights Commission of Thailand, ruling that the workers took action in good faith in order to protect their rights as guaranteed by the Thai constitution and international conventions. However, the company still pursues retaliatory prosecution of the workers and human rights activists involved in this case with defamation charges.

Government reforms in the fishing industry fell far short of resolving serious labor rights abuses. Many migrant workers still face forced labor in the fishing industry, in conditions of debt bondage to recruiters, unable to change employers, not paid on time, and paid well below the minimum wage.

The influential National Fisheries Association of Thailand (NFAT) campaigned against ratification and implementation of the International Labour Organization (ILO) Work in Fishing Convention (No. 188), which would ensure vulnerable fishing workers are sufficiently protected. The NFAT’s opposition to a standalone law to criminalize forced labor also stalled Thailand’s progress to meet its commitments after ratifying in June the Protocol of 2014 to the Forced Labor Convention.

The United States State Department ranked Thailand in Tier 2 (of three tiers) in its annual Trafficking in Persons Report. The European Commission raised concerns about human trafficking and forced labor on Thai fishing boats and put Thailand on formal notice for possible trade sanctions connected to illegal, unreported, and unregulated fishing.

Gender Equality

While Thailand enacted the Gender Equality Act in 2015, implementation remains problematic. For example, the government’s pledges to the UN Committee on the Elimination of Discrimination against Women (CEDAW) about its commitment to improve gender equality were undermined by the decision in September to end the enrollment of women in the Police Cadet Academy.

Anti-Narcotics Policy

The government failed to pursue criminal investigations of extrajudicial killings related to anti-drug operations, especially the more than 2,800 killings that accompanied then-Prime Minister Thaksin Shinawatra’s “war on drugs” in 2003.

The Interior Ministry and military continued to operate boot camp-style forced rehabilitation of drug users.

Key International Actors

The UN and Thailand’s major allies continued to express concerns regarding violations of fundamental rights and freedoms since the 2014 coup. The United States, European Union, and other countries maintained that relations will only be fully restored after the junta returns the country to democratic civilian rule through free and fair elections.

In December 2017, all 28 EU foreign ministers decided to resume political contacts at all levels with Thailand and expressed its readiness to strengthen relations and cooperation once a democratically elected civilian government is in place.

The EU decried Thailand carrying out its first execution in nearly 10 years, in June, and urged the Thai government to refrain from any future executions and to work towards a moratorium and the eventual abolition of the death penalty.

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