

Country Updates on Human Rights and Democracy 2019

Thailand

1. Overview of the human rights and democracy situation: Even though an elected civilian government took office following the March 2019 general elections, restrictions on freedom of expression and peaceful assembly remained. Criminal defamation, sedition, computer crime, and unlawful public assembly charges continued to restrict free speech and peaceful demonstrations, including by dissidents, opposition politicians, academic critics, and human rights defenders (HRDs). Although the National Council for Peace and Order (NCPO) repealed a large number of orders issued during its five-year rule, NCPO Order No 3/2015 authorising security officials to carry out searches, detentions, and arrests without judicial oversight remains in effect.

In early 2019, the Thai government earned international praise for allowing two high-profile asylum-seekers, Bahraini football player Hakeem al-Araibi and Saudi teenager Rahaf Mohammed al-Qunun, to leave Thailand to return and resettle in a safe third country. However, in other cases, the treatment of political asylum-seekers from neighbouring countries has raised concerns. Two dissidents from Vietnam and Laos have reportedly gone missing in Bangkok as they sought assistance from the UNHCR. The Vietnamese dissident, journalist Truong Duy Nhat, is now behind bars in Hanoi, while Laotian activist Od Sayavong is still missing. Furthermore, human rights organisations highlighted the enforced disappearance of Thai dissidents abroad and forced repatriations of asylum-seekers in Thailand as major concerns in 2019. Three Thai political activists went missing from Vietnam in May 2019. They are widely believed to have been sent back to Thailand although their whereabouts remain unknown.

HRDs and political activists continue to report being subjected to intimidation, abduction, violent attacks, and judicial harassment. In June 2019, a prominent pro-democracy activist was attacked and severely beaten on two occasions. In October 2019, the army filed sedition charges against 12 opposition MPs, academics, and political activists, accusing them of stirring unrest by participating in a public forum advocating in favour of constitutional amendments. Furthermore, various state and non-state actors filed at least six new defamation lawsuits against HRDs.

In October 2019, Thailand became the first country in Asia to adopt a National Action Plan on Business and Human Rights (NAP). CSOs have, however, expressed disappointment that the NAP does not provide adequate measures to protect HRDs and communities affected by harmful business operations.

The Royal Thai Government remains committed to suppressing forced labour, child labour, and the trafficking of migrant workers in the fishing and seafood processing sectors. After becoming the first country in Asia to ratify the ILO Work in Fishing Convention (C188) in January 2019, Thailand passed amendments to the 2008 Anti-Trafficking Act to impose harsher penalties for traffickers and adding 'forced labour or service' as a criminal offense.

2. EU action – key focus areas: The EU continues to encourage the government to pass the legislation to criminalise torture and enforced disappearances and take steps to reduce offences punishable by death in the Thai penal code. EU advocacy and coordination of observation of up-coming hearings and trials will continue to focus on freedom of expression and assembly, political pluralism, as well as on strategic lawsuits against public

participation (SLAPP).

3. EU bilateral political engagement: The EU delegation to Thailand has implemented a number of actions to contribute to the protection of human rights and democracy in the country. This included the observation of several human rights-relevant judicial proceedings, including police hearings, prosecutors' decisions and trials, and the outreach with the Royal Thai Police regarding the discontinuation of enrolment of female police cadets and the exclusion of women from becoming investigators. In terms of participation in events, the EU addressed speeches at an EU-funded Human Rights Defenders School, as well as at the Global Campus of Human Rights at Mahidol University, and at a seminar on the prevention of torture and enforced disappearance at Thammasat University. Other activities included: the organisation of a human rights seminar for journalists, participation in an informal dialogue on human rights hosted by the Thai ministry of Foreign Affairs and a visit to Chiang Mai province to review the implementation of an EU-funded programme for migrant children. The EU engaged with local activists and rights advocates in the North East of Thailand in a dialogue on political freedoms and human rights in the region during a visit to Khon Kaen. Dialogue with the authorities also included exchanges with the House of Representatives (Standing Committee on Legal Affairs, Justice and Human Rights), and with the Justice Minister (on business and human rights; prevention of torture and enforced disappearance; civil partnership and death penalty). The EU delegation hosted an event to mark Human Rights Day on 10 December 2019.

4. EU financial engagement: Through different EU programmes (e.g. the EU's Aid to Uprooted People (AUP); and the EIDHR), the EU supported projects focussing on human rights of the Myanmar Muslim and host communities in Thailand (EUR 2.5 million) and of Cambodian workers (EUR 954,000). The EU also funded an OHCHR project aimed at strengthening HRDs capacity and at providing technical support to the Royal Thai Government to address human rights issues. An ILO-implemented project (with a total budget of EUR 4.2 million) addressed the prevention of forced labour, child labour and other unacceptable forms of work in the Thai fishing and seafood processing sectors. In 2019, the EU delegation continued to manage several CSOs projects aimed at strengthening different aspects of human rights in Thailand, in particular: strengthen women's groups; promote women empowerment; focus on workers in informal sectors. Finally, in 2019, the EU delegation announced a partnership agreement with UNDP to jointly implement a regional programme in the area of business and human rights.

5. Multilateral context: Thailand submitted its Universal Periodic Review (UPR) Second Cycle Mid-term Report (2016-2018) to the OHCHR in March 2019.

In October 2019, Thailand became the first country in Asia and the 23rd in the world to adopt a National Action Plan on Business and Human Rights, which lays down guidelines for local companies and state agencies to follow the UN Guiding Principles on Business and Human Rights.

In December 2019, the Thai Cabinet approved the establishment of a screening mechanism to distinguish people in need of international protection from economic migrants. The screening mechanism may help regularise the stay of persons in need of protection and lend predictability to the asylum space. As such, it was welcomed by UNHCR. As Thailand has not signed the 1951 Refugee Convention and does not have specific asylum legislation, refugees and asylum-seekers who do not have a legal right to stay in Thailand are currently treated as illegal immigrants.

In October 2019, UN human rights experts expressed serious concerns about the disappearance of a prominent Lao human rights defender who went missing in Thailand just months after meeting a UN special rapporteur.