

Human Rights Watch

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

<https://www.hrw.org/world-report/2022/country-chapters/thailand>

Annual reports

Events of 2021

Pro-democracy demonstrators display the three-finger resistance symbol in Bangkok, Thailand, June 24, 2021.

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The government of Prime Minister Gen. Prayut Chan-ocha, in 2021, restricted fundamental rights, particularly free expression and assembly, arbitrarily arrested democracy activists and critics of the monarchy, and enforced a nationwide state of emergency using the Covid-19 pandemic as a pretext. The authorities suppressed youth-led democracy protests, sometimes violently. The government introduced a draft law to tightly control all civil society organizations, restrict foreign funding for nongovernmental organizations (NGOs), and imposed compulsory registration.

There were thousands of democracy protests across Thailand in 2020 and 2021. Rather than engaging with them on the issues, the authorities seemed intent on preventing protests from gaining support and spreading across the country.

The [youth-led uprising](#) became widely known for its iconic three-finger salute displayed by tens of thousands in the streets demanding a new democratic constitution be introduced with reforms to the monarchy. The momentum of the protests was seriously disrupted by the pandemic and subsequent lockdown measures, as well as criminal prosecution, violent crackdowns, and harassment of protesters.

Since August, the street protests have become increasingly leaderless and represented by the largely underprivileged, heavily impacted, urban poor. These protesters, some as young as 12, are demanding Prime Minister Prayut step down as a first step toward ending authoritarian rule, cronyism, corruption, and government inefficiency.

The front line of increasingly violent confrontations was in Bangkok's Din Daeng district. Protesters vandalized and burned traffic police booths, police vehicles, and royal portraits. Riot police used water cannons mixed with dye and teargas chemicals, as well as teargas grenades and rubber bullets to disperse the crowds. While the authorities [claimed](#) to follow international standards for crowd control, in practice riot police routinely used excessive force against protesters, in some cases causing [serious injuries](#). Protesters, widely referred to by the media as *Taluh Gas* (shattering teargas), used slingshots, fireworks, and Molotov cocktails to attack the police.

In September, the government ordered the extension of its nationwide enforcement of the draconian [Emergency Decree on Public Administration in Emergency Situation](#) to November, continuing the authorities' broad powers to restrict fundamental freedoms with impunity. It was the fourteenth extension since March 2020. At least [1,100 people](#) who took part in democracy protests have been charged with violating social distancing measures, curfew restrictions, and other emergency measures. Some of them have also been charged with sedition.

The government used the emergency measures to clamp down on freedom of expression and media freedom. In July, Prime Minister Prayut issued [emergency regulation number 29](#), empowering the authorities to censor online expression and prosecute individuals responsible for communications that may instigate fear or distort information about the pandemic. The government revoked this regulation in August, after the Bangkok Civil Court [ruled](#) that it violated the constitutionally recognized right to freedom of expression.

In November 2020, Prime Minister Prayut [ordered Thai authorities](#) to use all laws and all articles against democracy protesters, bringing back *lèse-majesté* (insulting the monarchy) prosecutions after a three-year [hiatus](#). The authorities have since charged at least [151 people](#), including 12 children, under Article 112 of the penal code in relation to various activities at democracy protests or comments on social media. Making critical or offensive comments about the monarchy is also a serious criminal offense under the Computer-Related Crime Act.

Prominent democracy activists, including Arnon Nampa, Parit Chiwarak, Jatupat Boonpattaraksa, and Panupong Jadnok, have been put in pretrial detention in *lèse-majesté* cases that could take years to be concluded in the courts.

In January 2021, former opposition leader Thanathorn Juangroongruangkit was [charged](#) with *lèse-majesté* and cybercrimes for criticizing Siam Bioscience, a company owned by the king that produces Covid-19 vaccines.

In January, the Bangkok Criminal Court sentenced Anchan Preelert to 87 years in prison (later halved after she pleaded guilty), setting a [new record](#) for length of imprisonment meted out in a *lèse-majesté* conviction.

On September 16, the parliament approved the first reading of the [Prevention and Suppression of Torture and Enforced Disappearance Bill](#).

Torture and enforced disappearance have long been problems in Thailand. Most of the reported cases have not been resolved, and hardly anyone has been punished.

Human Rights Watch has documented [numerous cases related to counterinsurgency operations in Thailand's southern border provinces](#) in which police and military personnel tortured ethnic Malay Muslims in custody. There are also credible reports of torture being used as a form of [punishment of military conscripts](#). During the five years of military rule after the 2014 coup, many people taken into incommunicado military custody alleged they were [tortured or otherwise ill-treated while being detained and interrogated by soldiers](#). In addition, police and military units have often carried out anti-drug operations without effective safeguards against torture and other abuses. In August, police officers [tortured to death](#) a suspected drug trafficker in Nakhon Sawan province.

Since 1980, the United Nations Working Group on Enforced or Involuntary Disappearances has [recorded 91 cases](#) of enforced disappearance in Thailand, including of the prominent Muslim lawyer [Somchai Neelapaijit](#) in March 2004. In recent years, at least nine dissidents who fled persecution in Thailand have been [forcibly disappeared in neighboring countries](#). In September, the working group raised concerns in its [annual report](#) about enforced disappearances in the context of transnational transfers between Thailand and neighboring countries.

Thailand is a state party to the [Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#) and also signed, but did not ratify, the [International Convention for the Protection of All Persons from Enforced Disappearance](#).

Despite evidence showing that soldiers were responsible for most of the casualties during the [2010 political confrontations](#) with the United Front for Democracy Against Dictatorship (the Red Shirts) that left at least 99 dead and more than 2,000 injured, no military personnel or officials from the government of then-Prime Minister Abhisit Vejjajiva have been charged.

The government also has 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 government has failed to fulfill its obligation to ensure human rights defenders can carry out their work in a safe and enabling environment.

On May 4, a gunman fatally shot [Somsak Onchuenjit](#), a lawyer and land rights activist, in Trang province.

The police has made no progress in investigating [violent attacks](#) in 2019 targeting prominent democracy activists Sirawith Seritiwat, Anurak Jeantawanich, and Ekachai Hongkangwan.

Cover-up actions and shoddy police work continue to hamper the efforts to prosecute soldiers who shot dead ethnic Lahu activist [Chaiyaphum Pasae](#) in March 2017 in Chiang Mai province and park officials involved in the murder of ethnic Karen activist [Porlajee Billy Rakchongcharoen](#) in April 2014 in Phetchaburi province.

Despite the adoption of Thailand's [National Action Plan on Business and Human Rights](#) in 2019, Thai authorities have failed to protect human rights defenders from [reprisals](#) and end the abusive use of [strategic lawsuits against public participation](#) (SLAPP). Former National Human Rights Commissioner and Magsaysay Award winner [Angkhana Neelapaijit](#) is one of the many activists hit with such retaliatory lawsuits.

The government took no steps to reform the National Human Rights Commission of Thailand, which was [downgraded](#) by the [Global Alliance of National Human Rights Institutions](#) in 2016 because of its substandard selection process for commissioners and its lack of political independence.

In February 2021, the government approved in principle the [Operations of Not-for-Profit Organizations Bill](#). The authorities would have broad discretion under the proposed law to arbitrarily deny registration of nongovernmental organizations (NGOs) and make them subject to criminal charges that include up to five years imprisonment and a fine of THB100,000 (US\$3,225).

In addition, NGOs will be required to seek prior approval from the minister of interior for activities supported with foreign funding. The bill also permits the authorities to enter NGO offices for inspection and to obtain electronic communications. After massive international criticism and a growing national campaign against the draft law, the government sent it for revisions by the Council of State, the government's legal arm.

The armed conflict in Thailand's Pattani, Yala, Narathiwat, and Songkhla provinces, which has resulted in more than 7,000 deaths since January 2004, subsided in the first half of 2021, partly due to the unilateral ceasefire announcement by Barisan Revolusi Nasional (BRN) to facilitate humanitarian assistance for people affected by the Covid-19 pandemic. The ceasefire ended when BRN issued a statement on July 20, [criticizing](#) the government for taking advantage of the situation to raid their strongholds. Insurgent attacks on military targets and civilians have since [increased](#).

The government has not prosecuted members of its security forces responsible for torture, unlawful killings, and other abuses of ethnic Malay Muslims. In many cases, the authorities provided financial compensation to the victims or their families in exchange for their agreement not to speak out against the security forces or file criminal cases against officials. Thailand has not endorsed the [Safe Schools Declaration](#).

Thailand is not a party to the 1951 Refugee Convention or its 1967 protocol. The authorities continue to treat asylum seekers as illegal migrants subject to arrest, detention, and deportation.

In September, the Bangkok Criminal Court released Malaysian transgender activist Nur Sajat, who was recognized as a refugee by the UN High Commissioner for Refugees, on bail after she was arrested on illegal entry charges. The Malaysian authorities unsuccessfully attempted to extradite her from Thailand to face charges of insulting Islam for having dressed as a woman.

The authorities have made no progress in investigating the apparent enforced disappearance of exiled dissidents from [Vietnam](#) and [Laos](#) in Bangkok.

The government refused to let the UN refugee agency conduct status determinations for Lao Hmong, ethnic Rohingya, and Uighurs, and people from Myanmar and North Korea held in immigration detention. More than 50 Uighurs and several hundred Rohingya remain in indefinite detention in squalid conditions in immigration lockups.

Despite government-instituted reforms in the fishing industry, [many migrant workers face forced labor, remain in debt bondage to recruiters, cannot change employers, and receive sub-minimum wages that are paid months late](#).

The government has failed to adequately provide migrant workers with internationally recognized worker rights, such as protection for freedom of association and collective bargaining. Migrant workers are barred in law from organizing and establishing labor unions, or serving as a government recognized labor union leader.

The government ordered factories, construction sites, markets, and worker dormitories to be temporarily sealed off during the pandemic, locking tens of thousands of migrant workers inside with limited access to essential supplies and health care.

[Thammakaset Company Limited](#) continues to [retaliate](#) against migrant workers, rights activists, and journalists who report on abusive labor conditions at its chicken farm in Lopburi province.

In July, Thailand was downgraded in the US Trafficking in Persons (TIP) Report [from Tier 2 to the Tier 2 Watchlist](#) for the first time in four years.

In February 2021, Thailand passed a law permitting abortion during the first 12 weeks of pregnancy. This reform is an important advance, but [falls short](#) of fully protecting pregnant peoples reproductive rights. The criminal code continues to impose up to six months in jail and fines on those who seek abortions after 12 weeks of pregnancy if they cannot meet [criteria](#) set by the Medical Council of Thailand.

While Thailand enacted the [Gender Equality Act](#) in 2015, implementation remains problematic. There has been little progress in the parliamentary review of the [Life Partnership Bill](#). If enacted, this law will be an important step towards recognizing the fundamental dignity of same-sex couples and providing them with important legal protections. The current draft, however, still needs improvements to comply with international standards on equality and non-discrimination. On September 28, the Constitutional Court [postponed](#) its ruling on whether the Civil and Commercial Code, which currently only recognizes marriage between a man and a woman, contravenes the constitution.

Despite being a popular destination for gender-affirming health care, Thailand continues to lack a procedure by which transgender people can change their legal gender.

The US and like-minded countries raised concerns in 2021 about the governments proposed rights-violating NGO law and other major human rights issues, but did not publicly speak out. The United States, European Union, United Kingdom, Australia, and Canada have been instrumental in providing protection for refugees and asylum-seekers arrested by the authorities and at risk of refoulement.

The EU continued to take steps towards the resumption of negotiations for a bilateral free trade agreement with Thailand, which have been frozen since the 2014 coup.

In November, the UN Human Rights Council held the third cycle Universal Periodic Review (UPR) of Thailand. Key issues raised by member states and rights groups included torture, enforced disappearance, freedom of expression, association and peaceful assembly, refugees, the rights of older people, the death penalty, impunity for state-sponsored rights abuses, emergency powers, and national rights mechanisms.

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