

# Human Rights Watch

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

<https://www.hrw.org/world-report/2021/country-chapters/thailand>

### Annual reports

Events of 2020

A high school student holds up the three-finger salute and gives a speech at a youth-led rally in Chiang Mai, Thailand on August 25, 2020.

2020 Supitcha Chailom

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As More Climate Chaos Looms, Slashing Fossil Fuels Is Key

Thailand faced a serious human rights crisis in 2020. Prime Minister Gen. Prayut Chan-ocha's government imposed restrictions on civil and political rights, particularly freedom of expression, arbitrarily arrested democracy activists, engineered the dissolution of a major opposition political party on politically motivated grounds, and enforced a nationwide state of emergency, using the Covid-19 pandemic as a pretext.

Thailand's teetering efforts to restore civilian democratic rule were seriously undermined when the Constitutional Court dissolved the opposition Future Forward Party on February 21 on [politically motivated allegations](#) that the party took an illegal loan from its leader, Thanathorn Juangroongruangkit, and imposed 10-year political bans on 16 of its executive members.

In October, the Election Commission of Thailand, which brought a complaint in this case, announced that it would [file criminal charges](#) against Thanathorn and 15 other party executives for violating the prohibition of political donations exceeding 10 million baht (US\$320,000) per person per year. If convicted, Thanathorn faces up to five years in prison, and other party executives face up to three years. In addition, the court ordered confiscation from the party of 181.3 million baht (US\$5.8 million), the amount of the loan considered to exceed legal limits. The party's remaining members of parliament and members later formed the Move Forward Party in the opposition coalition.

Youth-led democracy protests started in universities and schools across Thailand after the Constitutional Court [dissolved the opposition Future Forward Party](#) in February. But the onset of the Covid-19 pandemic in March disrupted those protests.

As Thailand managed to control the spread of Covid-19, a second round of protests emerged. The Free Youth Movement organized a protest in Bangkok on July 18, calling for the dissolution of parliament, the drafting of a new constitution, and an end to government harassment and intimidation of people who exercise their right to freedom of expression. The protests continued to grow, with tens of thousands of participants regularly joining demonstrations. The agenda also broadened to include [demands for reform of the monarchy](#).

The democracy movement quickly evolved to become the Peoples Movement by incorporating the demands and involvement of other groups, including children demanding greater freedoms on school grounds and in the classrooms; lesbian, gay, bisexual, and transgender (LGBT) groups demanding gender equality; labor groups demanding fair compensation for Covid-19 impacts and better employment conditions; ethnic Malay Muslims in the southern border provinces demanding an end to military control of their region; and people demanding accountability for state-sponsored rights violations.

The government enacted the draconian [Emergency Decree on Public Administration in Emergency Situation](#) nationwide on March 2 to control the spread of Covid-19, grant powers to impose curfews and other restrictions, and manage inter-agency response.

Despite Thailand's success in getting community transmission of Covid-19 [under control](#), the Emergency Decree has been continually [extended without justification](#), effectively using the coronavirus as a pretext to expand its repressive policies.

The government misused the Covid-19 emergency measures to clamp down on freedom of expression and of media, especially criticism about the government response to the pandemic. Whistleblowers in the public health sector were [targeted by disciplinary actions and retaliatory lawsuits](#) after they reported hoarding and black-market profiteering of surgical masks and medical supplies. Social distancing restrictions were enforced in a discriminatory manner, targeting activists. According to the Thai Lawyers for Human Rights, [73 activists](#) who took part in anti-government protests and democracy protests were charged with violating social distancing measures intended to control the spread of Covid-19.

In August, the government dropped [previous promises to listen to dissenting voices](#) and adopted a more hostile stance toward democracy protests. On October 15, in response to the escalating protests, Prime Minister Prayut declared a severe state of emergency in Bangkok. Shortly thereafter, riot police [forcibly cleared protesters](#) who had camped outside the Government House. On October 16, [riot police used water cannons](#) laced with blue dye and teargas chemicals to break up the protest in Bangkok's Pathumwan shopping district.

When Bangkok's severe emergency situation was lifted on October 22, at least 91 democracy activists faced charges of illegal assembly and violating the Emergency Decree for holding anti-government protests. Some protest leaders were also charged with sedition for making demands for reform of the monarchy. In addition, Ekachai Hongkangwan, Bunkueanun Paothong, and Suranat Paenprasert were charged with committing an act of violence against the queen, despite no violence taking place, and obstructing the royal motorcade.

On November 17, [riot police used water cannons mixed with purple dye and teargas chemicals, as well as teargas grenades and pepper spray grenades](#) to prevent a demonstration organized by the Peoples Movement from reaching the parliament, where a debate on constitutional amendments, including possible reforms to the monarchy, was underway. At least 55 people were injured, most from inhaling teargas. The injured included six democracy demonstrators who suffered gunshot wounds during a clash with pro-government ultra-royalist groups near the parliament.

In September, [Thai Lawyers for Human Rights](#) reported that police officers entered schools to intimidate students by taking photos and questioning children who participated in democracy protests. Officials also pressured students' families. School administrators punished students for wearing white ribbons on campus or showing the ubiquitous three-finger salute during the national anthem. At least [four high school students](#) in Bangkok and other provinces were [charged](#) with violating the Emergency Decrees ban on public gathering. A total of [103 harassment incidents](#) were reported by Thai Lawyers for Human Rights in August.

Thai authorities were previously [instructed by the king](#) to avoid using the *lèse-majesté* (insulting the monarchy) provision under article 112 of the penal code. But on November 19, Prime Minister Prayut [ordered Thai authorities](#) to use all laws and all articles against pro-democracy protesters, bringing back *lèse-majesté* prosecution after a three-year hiatus. Since then, at least 14 activists have been charged under article 112 for making onstage speech or online commentary demanding reform of the monarchy.

In addition, making critical or offensive comments about the monarchy is also a serious criminal offense under the Computer-Related Crime Act. In September, the government [filed computer crime cases](#) against three democracy activists for posting commentaries about the monarchy on Facebook and other social media platforms.

In August, Facebook blocked access within Thailand to the Royalist Marketplace, a group that discusses the monarchy, after the company's local representative was served with a legal request from the Ministry of Digital Economy and Society. Facebook pledged to legally challenge the request, which it said contravenes international human rights law.

In September, Digital Economy and Society Minister Buddhipongse Punnakanta [filed a complaint](#) with the Police Technology Crime Suppression Division accusing Facebook, Twitter, and YouTube of failing to fully cooperate with the courts' takedown orders. It was the first time in Thailand that social media companies faced prosecution under the Computer-Related Crime Act.

On October 21, the Bangkok Criminal Court lifted a government order banning [Voice TV, The Reporters, The Standard, and Prachatai](#). The court ruled that media freedom is guaranteed under the constitution and international human rights standards and that these media outlets' live broadcast reporting of the police dispersal of the democracy protest on October 16 was carried out in good faith.

Torture has long been a problem in Thailand, but torture is still not recognized as a criminal offense under the penal code. Despite public pledges by the military and the police, there has been no progress in the prosecution of soldiers responsible for the [torture and murder of Yutthana Saisa](#) who was arrested in a drug raid in an army camp in Nakhon Phanom province on April 17.

Thailand signed the International Convention for the Protection of All Persons from Enforced Disappearance in 2012 but has not ratified the treaty. The penal code does not recognize enforced disappearance as a criminal offense.

The United Nations Working Group on Enforced or Involuntary Disappearances has recorded [82 cases of enforced disappearance](#) in Thailand between 1980 and 2015, including of prominent Muslim lawyer [Somchai Neelapaijit](#). In recent years, nine dissidents who fled persecution in Thailand have been [forcibly disappeared in neighboring countries](#). At least two of them, [Chatchan Boonphawal and Kraidet Lueller](#), were found brutally murdered and dumped in the Mekong River after they were abducted in Laos in December 2018. On June 4, exiled democracy activist [Wanchalearm Satsaksit](#) was forcibly disappeared in Cambodia's capital city, Phnom Penh.

Thai authorities engage in practices that facilitate torture and enforced disappearances, such as the use of secret detention by anti-narcotics units, and secret military detention of national security suspects and suspected insurgents in the southern border provinces.

Despite evidence showing that soldiers were responsible for most 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 for killing or wounding demonstrators or bystanders.

The government 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 failed to meet its obligation to ensure human rights defenders can carry out their work in a safe and enabling environment. There has been no progress in the police investigation of [brutal attacks](#) in 2019 targeting democracy activists Sirawit Seritiwat, Anurak Jeantawanich, and Ekachai Hongkangwan.

Cover-up actions and shoddy police work continued 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 Petchaburi province.

Despite the adoption of Thailand's [National Action Plan on Business and Human Rights](#) in October 2019, Thai authorities failed to protect human rights defenders from [reprisals](#) and end the abusive use of [strategic lawsuits against public participation](#) (SLAPP). An amendment to the Criminal Procedure Code to address this issue remain unused by prosecutors and courts.

In December 2019, Lop Buri Provincial Court [sentenced journalist Suchanee Cloitre to two years in prison](#) for a tweet she sent about the Thammakaset poultry farm that was accused of labor rights abuses. The Appeals Court acquitted her in October 2020. In March, a group of [UN experts](#) condemned the continued misuse of judicial processes by this company to harass and silence human rights defenders who spoke out against its abusive and exploitative labor practices. Former National Human Rights Commissioner and Magsaysay Award winner [Angkhana Neelapajit](#) 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 January 2020, Barisan Revolusi Nasional (BRN) leaders signed the [Deed of Commitment for the Protection of Children from the Effects of Armed Conflict](#), pledging their commitment to protect children and education in armed conflicts. This included a commitment not to recruit children or associate them with military operations. These pledges have yet to be implemented.

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 partly due to BRNs [unilateral ceasefire announcement](#) on April 3 in response to the [appeal made by the UN secretary-general](#) for warring parties in conflicts around the world to observe ceasefires to help contain the Covid-19 pandemic. The ceasefire ended on April 30 when Thai security forces killed three BRN insurgents in a [raid in Pattani province](#).

The government has not prosecuted 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 against the security forces, and not 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. Thai authorities continued to treat asylum seekers, including those recognized as refugees by the UN High Commissioner for Refugees, as illegal migrants subject to arrest and deportation.

The government prevented the UN refugee agency from conducting status determination for Lao Hmong, ethnic Rohingya, and ethnic Uyghurs, as well as others from Myanmar and North Korea held in indefinite immigration detention.

Migrant workers most of whom are from Myanmar, Cambodia, Laos, and Vietnam were excluded or struggled to qualify for Covid-19 responsive government aid for unemployed workers. These workers are usually already indebted because of the recruitment fees they pay. Migrant workers find it difficult to report workplace abuses and seek redress, and reported instances of retaliation by employers, police, and other government officials when migrants publicize abuses.

Despite government-instituted reforms in the fishing industry, many migrant workers still face forced labor, remain in debt bondage to recruiters, cannot change employers, and receive sub-minimum wages that are paid months late. The US government listed the Thai fishing industry in its 2020 List of Goods Produced by Child Labor or Forced Labor.

In April, the US [suspended US\\$1.3 billion in trade preferences](#) for Thailand because of its failure to adequately provide internationally recognized worker rights, such as protection for freedom of association and collective bargaining.

While Thailand enacted the [Gender Equality Act](#) in 2015, implementation remains problematic. There has been little progress in the parliamentary review of the Justice Ministry's [Life Partnership Bill](#). If enacted, this draft law would 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. At time of writing, a gender recognition bill was poised to be brought before the parliament for consideration.

Domestic violence is a serious problem in Thailand. Despite the adoption of the Family Institute Protection Act in February 2019, which prescribes criminal action against perpetrators of domestic violence, gaps in the law and protections remain.

After the March 2019 election, the US, Australia, Japan, and other countries normalized relations. These countries did not publicly speak out about the lack of significant human rights improvements.

The European Union has sought to broaden its engagement with Thailand since October 2019, and the commission has the mandate to take steps towards the resumption of negotiations for a bilateral free trade agreement with Thailand, which have been frozen since 2014.

Renewed close military relations between the US and Thailand contributed to Washingtons relative silence about the Thai militarys continuing human rights violations.

In August, the UN Childrens Fund [issued a statement](#) urging all actors, including schools and learning institutions, in Thailand to uphold children and young peoples right to freedom of expression, and to protect them from all forms of violence and intimidation.

On November 18, the spokesperson for UN Secretary-General Antnio Guterres [expressed concern](#) about the Thai governments use of force against peaceful protesters.

Basic Freedoms Stifled Amid Youth-Led Democracy Uprising

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