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Human Rights Defenders and Fundamental Freedoms in Thailand

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Established in 2011, Destination Justice is an NGO promoting human rights and rule of law, in particular access to justice and access to information. Among other things, Destination Justice has extensively represented, assisted, and reported on persecuted human rights defenders in Southeast Asia and other regions, including before UN bodies. It has also engaged in several UPR processes.

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Introduction

1. This submission* analyses fundamental freedoms in Thailand during its third UPR cycle from May 2016 until this submission's date of 24 March 2021. Within this period, Thailand has installed a new monarch; adopted a new constitution; and transitioned from an imposed to (ostensibly) elected military administration. Since July 2020, these changes have inspired mass civilian protests¹ most commonly calling for the prime minister's resignation, amendment of the new constitution, and reform of the monarchy.²
2. In this context, this submission focuses on human rights defenders (**HRDs**) ranging from first-time protesters through to seasoned human rights advocates. All enjoy fundamental freedoms thanks to Thailand's commitments under the *International Covenant on Civil and Political Rights (ICCPR)* and its support of relevant UPR recommendations and Sustainable Development Goal 16.10 to "protect fundamental freedoms".³
3. However, this submission details how fundamental freedoms have been eroded in Thailand, particularly under Covid-19 related emergency rule. It addresses public participation; freedom of expression and access to information; *lèse-majesté*; freedom of assembly and association; enforced disappearances and torture; and institutional human rights protection/promotion. The following annexes are also submitted:

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|----------------|---|
| Annex A | Assessment of Thailand's implementation of past UPR recommendations |
| Annex B | Laws relevant to fundamental freedoms during Thailand's third UPR cycle |
| Annex C | Known disappearance cases during Thailand's third UPR cycle |
| Annex D | Select cases threatening fundamental freedoms during Thailand's third UPR cycle |

Methodology

4. This submission adopts a law and policy lens consistent with coalition partners' expertise. It assesses Thailand against its international law obligations and UPR commitments.⁴ It focuses on experiences of coalition partners (which include four local and two regional organisations) and interviews with informants with relevant primary testimony. Informants are identified where permitted and safe to do so. Secondary sources are cited only supplementarily. English-language sources are preferred, with internal translations used where sources appeared mistranslated (particularly in **Annex B**). This submission condenses a more detailed report available online.[†]

* **Word count** (excluding cover, endnotes, and annexes): 5,627.

† An extended submission and supplementary information are at: <https://destinationjustice.org/uprthailand2021>.

Executive Summary

5. Contrary to Thailand's commitments under international law, supported UPR recommendations, and Sustainable Development Goal 16.10, during the last UPR cycle:
 - a. The space for public discourse has shrunk. HRDs' efforts at public participation have met judicial harassment; detention; harsh sentences; online and physical attacks; and military-run harassment campaigns. Women, LGBTIQ, and youth are at heightened risk (**Part 1**).
 - b. Online free speech has been targeted for shutdowns and prosecutions for ostensible threats to national security, while access to independent news is under increased threat (**Part 2**).
 - c. There has been a resurgence in prosecuting HRDs for serious crimes due to their advocacy, including e.g. *lèse-majesté* (**0**).
 - d. Widespread crackdowns on protesters, especially via Covid-19 related emergency laws, have undermined freedom of assembly and association (**Part 4**).
 - e. In the extreme, at least nine Thai dissidents have disappeared – including from fellow ASEAN States – while the Thai military has maintained methods of torture and cruel or inhumane treatment or punishment, all while the state has failed to criminalise enforced disappearances and torture (**Part 5**).
 - f. The National Human Rights Commission's operations and independence has been undermined, and a draft NGO/CSO law risks further limiting fundamental freedoms (**Part 6**).

Part 1. Public Participation

6. In its second UPR, Thailand welcomed recommendations that it investigate threats and attacks against HRDs, bring perpetrators to justice, ensure HRDs' protection, and safeguard public participation,⁵ but disregarded others focused on substantive freedoms of expression, peaceful assembly, and association and protection against arbitrary detention.⁶

1.1. Judicial Harassment

7. Despite Thailand's *ICCPR* Article 25 and UPR commitments, it has pursued strategic lawsuits against public participation (**SLAPP** suits) against HRDs,⁷ notably since protests began in July 2020. At least 223 people are being prosecuted⁸ – sometimes first-time protesters including minors. SLAPP suits include *Penal Code* charges of *lèse-majesté* (Section 112), sedition (Section 116), and membership of a secret society to commit unlawful conduct (Section 209).⁹ An obscure provision (Section 110) has been used to charge protesters with attempting to deviate the Queen's motorcade in October 2020,¹⁰ while the *Computer-Related Crime Act* has addressed online advocacy alleged to threaten national security (Sections 14 and 20).

8. Charges have also concerned peripheral issues. Modest fines have been imposed, and since Thailand invoked the *Emergency Decree on Public Administration in the Emergency Situation (Emergency Decree)*¹¹ on 25 March 2020 to curb Covid-19, the authorities have charged protesters for alleged threats to public health.¹²
9. The private sector too has initiated SLAPP suits. For instance, a chicken farm has prosecuted 22 persons for defamation criminally (under *Penal Code* Sections 326 and 328)¹³ and in more than 35 civil cases for highlighting alleged labour rights issues. Almost all these cases have been dismissed.¹⁴

1.2. Detention

10. When HRDs are charged with more serious offences, bail is frequently denied on the basis that accused may evade prosecution or reoffend if bailed.¹⁵ Otherwise, bail is set prohibitively high, e.g. up to US\$154,000.¹⁶ This sidelines HRDs, violates the presumption of innocence,¹⁷ and may constitute arbitrary detention.
11. HRDs have also been detained incommunicado. The 15 October 2020-declared Severe Emergency Situation permitted authorities to detain people for 30 days without charge,¹⁸ with the Police Commissioner General designating makeshift prisons for suspected protesters including at the Border Patrol Police Region 1 Headquarters. Up until the date of this submission, at least 178 persons have reportedly been detained there and 101 remain, despite the designation of makeshift prisons being repealed on 22 October 2020.¹⁹
12. Periods of detention vary.²⁰ Detainees arrive mostly at night;²¹ detention review hearings often take place via video conference, ostensibly due to Covid-19;²² and authorities regularly seize communication equipment.²³ This has limited detainees' access to lawyers and families.²⁴
13. Administrative detention of HRDs has also been used, e.g. at a psychiatric hospital under the *Mental Health Act*,²⁵ despite no evidence that this was necessary.

1.3. Harsh Sentencing

14. In Thailand, sentences for each count accumulate into a longer sentence, amplifying SLAPP suits' punitive effect. For example, in January 2021, a woman was sentenced to 87 years' imprisonment (halved upon confession) for sharing audio clips critical of the monarchy 29 times, each share constituting one *lèse-majesté* count.²⁶ This heavily exceeds the prescribed sentence for one convicted count of such violent crimes as rape or manslaughter.²⁷ Mandatory minimum sentences, e.g. 3 years for *lèse-majesté*, also foster excessive penalties.

1.4. Harassment

15. HRDs suffer online and physical harassment. In May 2020, 25 HRDs who posted anti-monarchy content on Facebook were "witch-hunted" by Facebook groups that broadcast their personal details and encouraged their attack.²⁸ This has culminated in physical attacks: e.g., on 21

October 2016, Chupong Theethuan, a Thai dissident and refugee, was beaten in his home in the Philippines²⁹ after publication of his address.³⁰

1.5. Military's Information Operations

16. Thailand itself appears to sometimes be the harasser. Its army reportedly attacks HRDs over Facebook and Twitter in online “information operations” (IOs),³¹ holding over 50,000 IO Twitter accounts.³² A video clip of a 17 February 2020 meeting also shows soldiers being ordered to prepare for the Future Forward Party’s dissolution four days before the Constitutional Court ruled to dissolve it.³³ Twitter suspended 926 army-linked accounts on 8 October 2020,³⁴ while on 3 March 2021, Facebook took down 185 army-linked accounts focused on Southern Thailand.³⁵

1.6. Women, LGBTIQ, and Youth

17. Women, LGBTIQ, and youth HRDs have been at particular risk, facing additional abuse over their gender, sexual identity, and age. This includes online “witch-hunting” and verbal and physical attacks.³⁶ Youth protesters’ right to education is also threatened via disciplinary action and school pressure for protesting.³⁷

1.7. Recommendations

- 1.1: *To ensure transparent and fair implementation of all laws and decrees in relation to the Covid-19 state of emergency, in particular the Emergency Decree on Public Administration in the Emergency Situation.*
- 1.2: *To ensure the end of judicial harassment and criminalisation of HRDs, in particular through strategic lawsuits against public participation pursued by State and non-State Actors.*
- 1.3: *To immediately end the arbitrary detention of HRDs and release those still detained, in particular under the now repealed Severe Emergency Decree.*
- 1.4: *To fulfill its commitment made during the last UPR review to stop all forms of harassment and intimidation of HRDs and effectively implement measures aimed at preventing violence and crimes against them, and that all alleged attacks on HRDs are promptly, thoroughly and independently investigated, and that perpetrators are held accountable.*
- 1.5: *To take measures to safeguard broad participation from various sectors in political and public affairs, consistent with international law including the HRDs Declaration supported by Thailand.*

Part 2. Freedom of Expression and Access to Information

18. In its second UPR, Thailand supported 13 recommendations to guarantee freedom of expression³⁸ and prevent and investigate violence against journalists.³⁹ However, Thailand opposed recommendations urging reform of the legal/policy framework⁴⁰ and inviting the UN Special Rapporteur on freedom of opinion and expression to visit,⁴¹ although it did voluntarily pledge after its first UPR cycle to issue a standing invitation to all UN special procedures.⁴²

2.1. Free Speech Constraints

19. States urged Thailand to strengthen freedom of expression by amending the *Computer-Related Crime Act*.⁴³ However, while Thailand did do so in 2017, the amendments undermine the freedom, further outlawing, under Section 14, false and “distorted” data; data threatening national economic security or public infrastructure; and sharing such data.⁴⁴ Section 20 also empowers authorities to suppress data dissemination and seek its removal. These reforms backslide on Thailand’s UPR commitment to freedom of expression, risking further restrictions while lacking safeguards to prevent exceeding the modest limits permissible.⁴⁵

2.2. Crackdown on Online Expression

20. The revised *Computer-Related Crime Act* is being enforced through an Anti-Fake News Centre established in November 2019 and the police’s new Technology Crime Suppression Division, which ostensibly aim to combat fake news.⁴⁶ In practice, however, these frequently operate to threaten free speech.
21. As of July 2019, at least 144 people had been prosecuted due to their expression of often critical political views.⁴⁷ Moreover, on 24 August 2020, the government cited sections 14(2) and 20 of the revised *Computer-Related Crime Act* to force Facebook⁴⁸ to shut down 23 journalists’/activists’ websites, most notably prominent critical Facebook forum Royalist Marketplace.⁴⁹ However, a new Royalist Marketplace has been established which already has 2.2 million members.⁵⁰
22. Such unnecessary and disproportionate online crackdowns undermine *ICCPR* Article 19 and the UN Human Rights Committee’s *General Comment 34*. These prohibit harassing someone due to their opinion⁵¹ or constraining dissemination public interest information due to national security.⁵²

2.3. Limiting Information

23. The Covid-19 pandemic has led the government to use emergency degrees to limit access to independent information. On 17 October 2020, the government prohibited publishing information that “instigate[s] fear” or “is intended to distort information [...] affecting the security or state or public order or good morals of the people”.⁵³ Relying on this and the *Computer-Related Crime Act*, on 20 October 2020 the authorities proposed to shut down four independent news outlets due to their protest coverage. However, the Criminal Court blocked this.

24. There have also been efforts to limit offline information access. On 19 September 2020, police confiscated, without a warrant, 45,000 books by protest leaders⁵⁴ intended for protesters. A publishing house also reported harassment,⁵⁵ book confiscations,⁵⁶ a request to give evidence,⁵⁷ and an attempted police raid.⁵⁸
25. Finally, the Thai government reportedly planned in October 2020 to ban the messaging application Telegram, which protesters favour.⁵⁹ However, it appears to remain accessible.
26. These limits to access to information violate the *ICCPR*'s requirement for limitations to be justified, necessary, and proportionate⁶⁰ and protection of information of legitimate public interest.⁶¹ They also violate Thailand's *Constitution*, which guarantees freedom of the press (section 35(2)) and freedom to communicate by any means (section 36(1));⁶² undermine *General Comment 34*'s requirement that media operate "without censorship or restraint";⁶³ and backslide on Thailand's UPR commitments.

2.4. Recommendations

- 2.1: *To review the Computer-Related Crime Act, in particular the 2017 amendments, to ensure Thailand fulfils its UPR 2nd cycle commitment as well as its obligations under international human rights law.*
- 2.2: *To ensure that the right to freedom of expression is fully respected and its exercise facilitated, including with respect to Thailand's Constitution and to Thailand's obligations under international human rights law.*
- 2.3: *To fulfil its voluntary pledge made during its 1st UPR review to issue standing invitation to all the special procedures of the Human Rights Council, in particular to the Special Rapporteurs on freedom of opinion and expression, and freedom of association and assembly, respectively.*

Part 3. Case Study: *Lèse-Majesté*

27. Despite ignoring relevant UPR recommendations critical of its *lèse-majesté* prohibition (*Penal Code* Section 112),⁶⁴ Thailand supported general recommendations on freedom of expression,⁶⁵ which covers expressions critical of the monarchy.

3.1. Hiatus in Prosecutions

28. In its third UPR cycle, Thailand did limit Section 112's use. In February 2018, public prosecutors were directed to forward Section 112 cases to the Attorney General who now alone may decide to pursue cases.⁶⁶ That led to a significant drop in cases, from 10-40 cases pre-2018 to none in 2019.⁶⁷ However, any progress was stymied by public prosecutors' use of other grounds to prosecute such expressions, and the later resumption of Section 112 prosecutions.

3.2. Resumed Prosecutions

29. On 19 November 2020, to protect the "beloved monarchy", the Prime Minister and Metropolitan Police Deputy Commissioner vowed to use "all laws", including Section 112, against protesters.⁶⁸ By 22 March 2021, at least 75 individuals were charged under it,⁶⁹ including six minors the youngest of whom is 14.⁷⁰

3.3. Violations of International Law

30. Thailand's *lèse-majesté* prosecutions exceed the *ICCPR*'s limits on expressions and *General Comment 34*'s guidance that insulting a public figure generally should not be enough for a prosecution⁷¹ let alone aggravated penalties⁷² and that imprisonment is never appropriate for insults and/or defamation.⁷³ Likewise, Thailand cannot limit expression by deeming all insults to the King to threaten national security, public order and/or public morals:⁷⁴ it must specify precise threats and justify convictions.⁷⁵ Similarly, Thailand cannot assert that its King is unique⁷⁶ as public morality limits are construed universally, not from one tradition.⁷⁷ Finally, Thailand's *lèse-majesté* prosecutions violate its UPR commitments to promote freedom of expression.⁷⁸

3.4. Recommendations

3.1: *That steps be immediately taken to bring the Penal Code and Computer-Related Crime Act in line with Thailand's obligations under international law, with public and transparent proceedings in cases concerning these laws immediately implemented.*

3.2: *To review Sections 110, 112, 116, 209, and 210 of the Penal Code, and Articles 14 and 20 of the Computer-Related Crime Act to align them with Thailand's obligations under international human rights law.*

Part 4. Freedom of Assembly and Association

31. Thailand accepted UPR recommendations to enhance freedom of assembly⁷⁹ – including vis-à-vis the constitutional referendum and election⁸⁰ and to safeguard protesters⁸¹ – but not to amend⁸² or repeal laws restricting freedom of assembly, or set a date for visits by the Special Rapporteur on freedoms of association and assembly.⁸³ However, it did voluntarily pledge after its first UPR cycle to issue a standing invitation to all UN special procedures.⁸⁴

4.1. Abolition of Military Courts

32. On 11 December 2018, the Thai authorities abolished a restriction to freedom of assembly under Head of National Council for Peace and Order (**HNCPO**) *Order No. 3*⁸⁵ which ordered that violators be tried in military court.⁸⁶ However, similar clauses persist under other HNCPO orders. Thus, the military retains a broad discretion to restrict assemblies.⁸⁷ Nevertheless, civilians with pending charges under *Order No. 3* have had their cases transferred to civilian courts.⁸⁸

4.2. Constitutional Referendum Crackdowns

33. The new 2017 Constitution recognises the right to peaceful assembly⁸⁹ consistent with the *ICCPR*.⁹⁰ However, at least 203 people were prosecuted for participating in referendum campaigns under *Order No. 3* and the *Organic Act on Referendum for the Draft Constitution*,⁹¹ facing up to 10 years' imprisonment and/or a fine of up to 200,000 Baht (US\$6,600)⁹² and curtailing their freedoms to associate and assemble. Even after the Constitution came into force, at least 104 individuals continued to be prosecuted.⁹³

4.3. Notification Requirement

34. Thailand's *Public Assembly Act* requires at least 24 hours' notice of a protest and imposes other limitations.⁹⁴ At least 245 people were prosecuted under this Act between 2015 and 2019.⁹⁵ 57 more have been charged since mass protests began, mostly for insufficient notification, gathering in prohibited areas, or failing to comply with promoters'/participants' duties.⁹⁶

35. Some have been charged despite the Act's inapplicability in certain areas (e.g. educational institutions) and while emergency laws apply.⁹⁷ In addition, the government's guidelines for security officers are inaccessible,⁹⁸ preventing scrutiny and access to remedies.⁹⁹ Finally, the UN Human Rights Committee's *General Comment 37* stresses that spontaneous protests that do not meet notification requirements are still protected under *ICCPR* Article 21.¹⁰⁰

4.4. Covid-19 Emergency Decrees

36. On 25 March 2020, in response to Covid-19, the Prime Minister invoked the *Emergency Decree* and declared a nationwide emergency¹⁰¹ which continues until at least the end of March 2021.¹⁰² This has enabled numerous public health regulations to be issued.¹⁰³ However, some appear to reach beyond public health and restrict freedom of assembly and association, notably Regulations No. 1 (Clause 5), 13 (Clauses 1 and 5), 15 (Clause 3), and 16 (Clause 5).¹⁰⁴

37. *General Comment 37* emphasises that limitations to assemblies should be modest. Public order should not “justify overbroad restrictions” especially since “assemblies are in some cases inherently disruptive”, while public health limits should apply only where “the assembly presents a substantial health risk”.¹⁰⁵ It is unclear how this could be so if, e.g., social distancing was imposed, as in many States where peaceful assemblies have occurred during Covid-19.
38. Despite the *Public Assembly Act’s* inapplicability in emergencies, at least 358 persons – mostly protesters including 10 minors, two individuals with disabilities and 16 LGBTIQ activists¹⁰⁶ – have been prosecuted under it, the emergency regulations, and other laws. These include the *Penal Code*, the *Maintenance of the Cleanliness and Orderliness of the Country Act*, the *Road Traffic Act*, the *Controlling Public Advertisement by Sound Amplifier Act*, and the *Communicable Disease Act*.¹⁰⁷
39. Moreover, while Thailand notified the UN on 4 June 2020 of its intention to derogate from the *ICCPR* due to Covid-19, it mentioned only derogating from freedom of movement, not freedom of assembly or association.¹⁰⁸

4.5. Severe Emergency Decree

40. From 15 to 22 October 2020, the Prime Minister invoked the *Emergency Decree* to declare a Severe Emergency Situation in Bangkok due to mass protests,¹⁰⁹ although it did not notify the UN of this. The government claimed that expressions by protesters during a 15 October 2020 rally threatened national security.¹¹⁰
41. The ensuing Severe Emergency Decree appeared aimed at restricting the rights to peaceful assembly; to information; not to be arbitrarily arrested or detained, tortured or subjected to CIDT; and to access lawyers and families.¹¹¹ As of 23 October 2020, at least 78 persons were prosecuted under the decree and 21 charged for convening illegal protests.¹¹² Arrestees were detained in makeshift prisons.¹¹³
42. In addition, police dispersed a protest at Pathumwan Intersection on 16 October 2020¹¹⁴ with high-pressure water cannon and chemicals, with at least six persons injured and 100 persons arrested.¹¹⁵ Leaders and protesters were detained,¹¹⁶ including in solitary confinement.¹¹⁷
43. Although the Prime Minister repealed the Severe Emergency Decree on 22 October 2020,¹¹⁸ all prosecutions remain ongoing, including of three students aged under 18.¹¹⁹

4.6. Protest Dispersals

44. Although the *Public Assembly Act* regulates how authorities can disperse illegal protests,¹²⁰ several have been dispersed with limited explanation.¹²¹ When reasons are cited, authorities have noted, e.g., notification failures,¹²² assembling at prohibited sites,¹²³ and the assemblies’ allegedly non-peaceful nature.¹²⁴
45. At least six assemblies have been dispersed without court orders or with use of force¹²⁵ including water cannon, tear gas, and unidentified chemicals, possibly violating the *Guidance on Less-*

Lethal Weapons in Law Enforcement.¹²⁶ Bystanders have been injured¹²⁷ and authorities have used barriers e.g. buses.¹²⁸

4.7. Ongoing Arrests (“We Volunteer” Group)

46. Furthermore, on 6 March 2021, police arrested 48 members of “We Volunteer”, including their leader Mr Piyarat Chongthep. We Volunteer facilitates protesters’ right to peacefully assemble. Their arrest marks the highest number of arrests in a single day since protests began.¹²⁹ They were arrested without warrants or notification of charges, and while this occurred on a protest day, the group was simply eating dinner or about to go home when arrested.¹³⁰
47. Among the 48 individuals arrested, 18 – including 2 minors – have been charged under the *Emergency Decree*, the *Communicable Disease Act*, and *Penal Code* Sections 209 (membership of a secret society to commit unlawful conduct) and 210 (conspiracy to commit an offence through criminal association).¹³¹ It remains unclear how the group is unlawful or criminal. While 17 of the 48 have been released, the court denied bail requests for key leaders,¹³² citing e.g. for Mr. Piyarat that he faces other charges and is likely to reoffend if released.¹³³

4.8. Official Immunity

48. Article 17 of the *Emergency Decree* grants immunity to those in power acting in good faith,¹³⁴ exempting all ensuing regulations, announcements, and notifications from judicial review. Those adversely affected cannot access remedies except through civil torts. This violates Thailand’s *ICCPR* obligation (discussed in *General Comment 34*) to provide access to effective remedies.¹³⁵

4.9. Recommendations

- 4.1: *To fulfil its commitment made during the previous UPR review to ensure respect for freedom of assembly for all in line with Thailand’s Constitution and obligations under international human rights law, including under recent General Comment 37.*
- 4.2: *To review current regulations enacted under emergency decrees and ensure future regulations enacted under such decrees do not restrict people’s right to freedom of peaceful assembly and association, and to ensure Thai officials can be subject to judicial review.*
- 4.3: *To expediently initiate independent investigations into crackdowns against protesters, in particular those involving use of force.*
- 4.4: *To fulfil its commitment made during the previous UPR review to take measures to ensure the rights of peaceful assembly, freedom of expression and freedom of assembly, especially in the context of peaceful protests.*

Part 5. Enforced Disappearances and Torture

49. In both UPRs, Thailand pledged to ratify the *International Convention for the Protection of All Persons from Enforced Disappearance* (**Enforced Disappearance Convention**),¹³⁶ and at the last UPR, to criminalise enforced disappearance.¹³⁷ It also appears willing to ratify the *Optional Protocol to the Convention against Torture*¹³⁸ (**CAT**) and enhance protections against torture including by investigating torture allegations;¹³⁹ establishing a national preventive mechanism;¹⁴⁰ and criminalising torture.¹⁴¹

5.1. Withdrawn WGEID Complaints

50. Thailand has not responded directly to the UN Working Group on Enforced or Involuntary Disappearances on its 75 outstanding cases there but has recently noted that 12 cases were withdrawn.¹⁴² However, this reportedly follows Thai officials visiting those victims' families alleging that the UN could not help, asking if they wanted to withdraw, and advising that they could seek compensation. Officials provided no information about the victims' fate and families reported feeling intimidated into withdrawing, with one subsequent compensation claim being denied.¹⁴³

5.2. Limited Legislative Progress

51. Thailand signed the *Enforced Disappearance Convention* in January 2012 and became a full party to the *CAT* in October 2007. However, it has yet to criminalise torture and enforced disappearances – thus failing to operationalise the *CAT* or take steps to become a full party to the *Enforced Disappearance Convention*.¹⁴⁴ While Thailand has established a committee on torture and disappearance cases,¹⁴⁵ it has only, at best, partially implemented the relevant UPR recommendations.

52. Progress has been hampered by a glacially paced legislative process. Proposed since 2014,¹⁴⁶ a revised draft bill was approved in June 2020¹⁴⁷ and discussed at forums in December.¹⁴⁸ The House of Representatives will likely consider it at its May 2021 session,¹⁴⁹ with no deadline.¹⁵⁰ It then goes to the Senate,¹⁵¹ potentially the Constitutional Court,¹⁵² and via the Prime Minister to the King.¹⁵³ In short, it could be years before the law is enacted.

53. Furthermore, the current bill's definition of torture is inconsistent with international law;¹⁵⁴ cruel, inhumane, and degrading treatment or punishment (**CIDT/P**) is not criminalised;¹⁵⁵ and statutes of limitation apply.¹⁵⁶ Thus, if passed, the bill would violate Thailand's UPR commitment to criminalise the crimes in accordance with international law.

5.3. Disappearance of Nine Dissidents

54. Nine Thai dissidents disappeared from Laos, Vietnam, and Cambodia during the third UPR cycle. The first disappeared in June 2016 just a month after Thailand's second UPR review, and they have disappeared annually, including in 2020.¹⁵⁷ It remains unknown who is responsible. However, all were critical of the military/monarchy; six had or may face charges for *lèse-*

majesté/sedition or SLAPP suits;¹⁵⁸ several were politically active; and eight were online journalists.¹⁵⁹ Among the nine, two are dead;¹⁶⁰ two may be dead;¹⁶¹ four may have been returned to Thai authorities;¹⁶² and none have been heard from again.

55. Under the *ICCPR*, *Enforced Disappearance Convention*, and other international law, Thailand is likely responsible¹⁶³ despite them disappearing outside Thailand.¹⁶⁴ If any were disappeared by or returned to Thai authorities, Thailand must punish those who disappeared them.¹⁶⁵ Even if not involved, Thailand must investigate and seek accountability;¹⁶⁶ failing to do so may amount to acquiescence.¹⁶⁷ If Thailand knows their fate, it must inform their relatives.¹⁶⁸ Thailand is moreover obligated simply by signing the *Enforced Disappearance Convention*.¹⁶⁹ Finally, Thailand's failures to thoroughly investigate these disappearances and its decisions during the cycle to suspend investigating earlier disappearances violate its UPR commitments.¹⁷⁰

5.4. Disappearance of Military Officer

56. In 2018, a Thai Red Beret officer suspected of running an anti-monarchy/military Facebook page fled Thailand.¹⁷¹ He arrived in the Philippines in April 2018,¹⁷² where he disappeared before a meeting with UNHCR. He then reportedly appeared in Malaysia where Thai authorities returned him to Thailand. His fate remains unknown.¹⁷³ However, Thailand remains responsible to investigate and provide information in this regard.

5.5. Disappearance of Foreign Activists

57. Foreign HRDs have likewise disappeared in Thailand:¹⁷⁴
- a. On 26 January 2019, plainclothes Thai police reportedly apprehended Vietnamese journalist Truong Duy Nhat in Bangkok, handing him over to Vietnamese officials.¹⁷⁵ Vietnamese authorities eventually confirmed he had been in their custody since 28 January 2019.¹⁷⁶
 - b. On 26 August 2019, Laotian activist and refugee Od Sayavong¹⁷⁷ left his house in Bangkok and disappeared. Police showed his housemates limited CCTV footage but denied that it featured Mr Od and refused to show additional footage.¹⁷⁸ His fate remains unknown.

5.6. ASEAN Cooperation

58. The pattern of cases of disappearance of dissidents and activists in Thailand and its neighbouring countries suggests possible coordination/acquiescence in these abductions.¹⁷⁹
59. Three of the nine disappeared Thai dissidents were reportedly extradited in May 2019 from Vietnam to Thailand.¹⁸⁰ That same month, at Thailand's request, Malaysia returned Praphan Pipithnamporn – a UNHCR-recognised refugee – to Thailand to face arrest for anti-monarchy activities.¹⁸¹ The Malaysian Prime Minister defended this as an action of a “good neighbour”.¹⁸²
60. On 14 December 2018, Thailand and Laos pledged to not allow individuals to use their soil to undermine each other's security and Laos promised to track down members of the “Thai Federation” group,¹⁸³ which included three Thai dissidents who disappeared in Laos three days

before the pledge.¹⁸⁴ In January 2017, Thailand requested that Laos extradite six Thai dissidents,¹⁸⁵ with the then-head of Thailand's National Security Council stating: "If Laos wants a criminal who violated the law in Laos and is hiding in Thailand, they may ask Thai officials to make an arrest and send that person back."¹⁸⁶ Moreover, there is said to be a Thai special forces unit operating in Laos with Laos's acquiescence.¹⁸⁷

61. As for Cambodia, in February 2018, Thailand extradited, at Cambodia's request, a UNHCR-recognised refugee who threw shoes at a portrait of Cambodian leaders.¹⁸⁸ In March 2018, Thailand and Cambodia agreed "to monitor individuals who escape the law by crossing the border in order to prevent them from using Thailand and Cambodia to create chaos and conflict".¹⁸⁹ Later that month, dissolved Cambodian opposition party members reported seeing Cambodian military vehicles near their home in Bangkok.¹⁹⁰ In December 2018, Thailand extradited a Cambodian trade union activist at Cambodia's request.¹⁹¹
62. If Thai authorities aided/knew of other States' abductions of their nationals on Thai soil, this could constitute acquiescence in a disappearance violating international law. Apparent cooperation with its neighbours to extradite each other's citizens also violates Thailand's UPR commitments.

5.7. Southern Thailand

63. During Thailand's third UPR cycle, the military in Southern Thailand has reportedly maintained methods of torture or CIDT/P against the Muslim population in Southern Thailand. This violates the CAT and Thailand's UPR commitments vis-à-vis enhancing domestic torture protections.
64. In 2018, 21 individuals reported to Duayjai Group suffering torture or CIDT.¹⁹² In 2016, Thai authorities charged three lawyers including for defamation¹⁹³ for releasing a report stating that Thai authorities assaulted and/or tortured 33 people.¹⁹⁴ Multiple sources report that in the region, the military uses sleep deprivation; standing naked in the cold; assault and torture; waterboarding; electrocution; standing one legged; and prohibition of religious activities.¹⁹⁵
65. One case involved Abdulloh Esormusor, a suspected military insurgent who was arrested and detained on 20 July 2019.¹⁹⁶ Discovered unconscious following an interrogation,¹⁹⁷ he fell into a coma¹⁹⁸ despite being healthy when arrested.¹⁹⁹ He died on 25 August 2019,²⁰⁰ reportedly from pneumonia and septic shock following oxygen deprivation to the brain.²⁰¹ The circumstances prompted suspicion of torture,²⁰² despite no traces of torture being found.²⁰³ Police requested video footage but soldiers claimed that all security cameras were broken.²⁰⁴
66. A second case involved Masukri Salae, a suspected member of a violent movement in Pattani Province²⁰⁵ who was detained in a military camp under the *Martial Law* on 14 March 2019²⁰⁶ and released a week later.²⁰⁷ While detained, Mr Masukri was reportedly forced to stand still for three days and only allowed to sit when he prayed or ate; kicked in his legs and hit in the head by a baton wrapped in cloth'; and sleep deprived, leading to a fall in a bathroom.²⁰⁸ Furthermore, he was reportedly forced to fingerprint certain documents while exhausted.²⁰⁹

5.8. Military Conscripts

67. Each year, around 100,000 Thai men are conscripted.²¹⁰ There is an almost annual²¹¹ pattern of physical violence, sexual abuse, excessive punishment, humiliation, etc.²¹² amounting at least to CIDT. For instance, in January 2021, five conscripts were beaten for refusing to disclose from whom they obtained marijuana.²¹³ In November 2020, two conscripts committed suicide under suspicious circumstances.²¹⁴ From 2016-2017, four conscripts died, three suspected of being beaten to death while the other died after running in the sun as punishment.²¹⁵

5.9. 11th Military Circle Prison

68. In 2015, the Ministry of Justice established a temporary prison inside the 11th Military Circle in Bangkok for national security offenders.²¹⁶ Its location makes it difficult to monitor,²¹⁷ but reports suggest use of torture or CIDT/P. In 2015, two detainees died with only the authorities participating in their autopsies. In February 2016, a detainee was reportedly tortured under interrogation.²¹⁸ In April 2017, two Section 112 detainees²¹⁹ were reportedly assaulted.²²⁰

5.10. Recommendations

- 5.1: *To fulfil its commitments during the last UPR review to criminalise enforced disappearance and torture in conformity with international standards including the Convention against Torture, and to ratify the Enforced Disappearance Convention.*
- 5.2: *To expediently respond directly to the UN Working Group on Enforced and Involuntary Disappearances on pending cases, to hold the responsible accountable, and to prevent any further cases of enforced disappearances.*
- 5.3: *To prevent henceforth extraterritorial harassment, attack, and/or abduction of Thai dissidents and HRDs abroad in apparent connection with their advocacy work.*
- 5.4: *To uphold the Convention against Torture by preventing the refoulement of individuals to States where there is a substantial risk of their being subject to torture.*
- 5.5: *To uphold the principles of ASEAN's Charter, Human Rights Declaration, and Treaty on Mutual Legal Assistance on Criminal Matters by preventing extraterritorial abductions within the region.*
- 5.6: *To immediately ratify the Optional Protocol to the Convention against Torture.*
- 5.7: *To end immediately the use of torture and ill-treatment in the military under all circumstances, including for conscripts, detainees and in Southern Thailand.*

5.8: *To fulfil its commitment during the last UPR review to undertake prompt, thorough and impartial investigation of all allegations of torture and ill-treatment and bring perpetrators to justice, including in Southern Thailand.*

5.9: *To immediately end the use of extraordinary laws including emergency decrees and martial law in Southern Thailand.*

Part 6. Institutional Human Rights Protection/Promotion

6.1. National Human Rights Commission

69. In its last UPR, Thailand supported 10 recommendations to ensure its National Human Rights Commission's (NHRC) conformity with the *Paris Principles*, guarantee its independence, and ability to regain its "A" status,²²¹ as well as to generally strengthen human right institutions.²²²
70. However, the *Organic Act on the National Human Rights Commission (NHRC Act)* enacted under the NCPO regime has undermined the NHRC's operations and independence.²²³ In addition to tasking the NHRC to investigate "incorrect or unfair" human rights reports about Thailand,²²⁴ the law reduces the NHRC's size and scope. It also removes the NHRC's powers to intervene in court cases,²²⁵ refer cases to administrative courts, and carry out joint investigations with CSOs/NGOs. In short, the mandate and conduct of the NHRC increasingly falls short of the *Paris Principles*, including on transparency and independence, backsliding on Thailand's relevant UPR commitments.

6.2. Draft NGO/CSO Laws

71. On 23 February 2021, Thailand's Cabinet approved in principle a draft law on the operation, promotion, and development of NGOs/CSOs. It aims to regulate and legalise NGOs/CSOs operating in Thailand and sanction those which fail to register with the State or undertake duties/mandates which purportedly harm public morals.²²⁶ Without safeguards, this law could potentially further restrict the space for public participation and exercise of other fundamental freedoms, which would violate Thailand's *ICCPR* and UPR commitments.

6.3. Recommendations

6.1: *To fulfil its commitments during the last UPR review to ensure the National Human Rights Commission conforms with the Paris Principles, is independent, and regains its "A" status.*

6.2: *To ensure that the draft NGO/CSO law conforms with international law, in particular by guaranteeing full public participation and fundamental freedoms.*

Endnotes

Introduction

- ¹ “Thousands in Bangkok Rally Against Thai Government”, *Bloomberg*, 18 July 2020, available at <https://www.bloomberg.com/news/articles/2020-07-18/thousands-in-bangkok-rally-against-thai-government> (last accessed 10 Mar 2021).
- ² “คณะราษฎร: ประกาศ 3 ข้อเรียกร้องก่อนชุมนุมใหญ่ 14 ตลา ประยุทธ์ลาออก-เปิดสภาแก้ รธน.-ปฏิรูปสถาบันกษัตริย์”, *BBC*, 8 Oct 2020, available at <https://www.bbc.com/thai/thailand-54461248> (last accessed 10 Mar 2021).
- ³ United Nations, *SDG Indicators*, 2021, available at <https://unstats.un.org/sdgs/metadata/?Text=&Goal=16&Target=16.10> (last accessed 16 Mar 2021).

Part 1: Public Participation

- ⁴ This submission assesses the degree of Thailand’s implementation of supported UPR recommendations throughout. See **Annex A** (Assessment of Thailand’s Implementation of Past UPR Recommendations), which sets out those recommendations and responds to OHCHR’s guidance that implementation be assessed using category values with relevant explanations and based on the available matrix of thematically clustered recommendations.
- ⁵ *Cycle 2 supported recommendations*: (1) protect Human Rights Defenders: UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand* (Cycle 2), UN doc. no. A/HRC/33/16, para. 158, recommendations 158.119 (Luxembourg), 158.120 (Czech Republic), 158.22 (New Zealand), 158.123 (Romania); (2) investigation: UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand* (Cycle 2), UN doc. no. A/HRC/33/16, para. 159, recommendations 158.119 (Luxembourg), 158.120 (Czech Republic), 158.121 (Botswana), 158.22 (New Zealand), 158.122 (Norway), 158.123 (Romania), (3) safeguard public participation: 158.142 (Colombia).
- ⁶ *Cycle 2 noted recommendations*: UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand* (Cycle 2), UN doc. no. A/HRC/33/16, para. 159, recommendations 159.51 (United Kingdom), 159.62 (Iceland), 159.58 (Switzerland).
- ⁷ Human Rights Lawyers Association, *สถานการณ์การฟ้องคดีปิดปากในประเทศไทย: มีกลไกคัดกรองแล้วแต่ทำไมแนวโน้มคดียังสูงขึ้นต่อเนื่อง* [SLAPP Suits Situation in Thailand: Why the Number of Suits is Increasing Despite the Screening Mechanism], no date (advanced unedited version).
- ⁸ Human Rights Lawyers Association, *สถานการณ์การฟ้องคดีปิดปากในประเทศไทย: มีกลไกคัดกรองแล้วแต่ทำไมแนวโน้มคดียังสูงขึ้นต่อเนื่อง* [SLAPP Suits Situation in Thailand: Why the Number of Suits is Increasing Despite the Screening Mechanism], no date (advanced unedited version).; “เปิดรายงาน ‘ประเทศไทย: ยุติการปราบปราม เคารพสิทธิในการชุมนุม’”, *Thai Lawyers for Human Rights*, 25 Oct 2020, available at <https://tlhr2014.com/archives/22372> (last accessed 10 Mar 2021). See also **Annex D** for details of selected examples of SLAPP suits brought against HRDs.
- ⁹ See **Annex B** for the content of the relevant provisions under the *Penal Code* and *Computer-Related Crime Act*.
- ¹⁰ “Turning point in Thailand: Queen’s brush with protest”, *Reuters*, 22 Oct 2020, available at <https://www.reuters.com/article/thailand-protests-motorcade-insight-idUSKBN2780NX> (last accessed 28 Feb 2021).
- ¹¹ The *Emergency Decree on Public Administration in Emergency Situation B.E. 2548* was introduced in 2005 and prescribes certain permissible restrictions to rights and liberties whenever an “emergency situation” (as defined in Section 4) is declared. This submission discusses a Covid-19 related emergency declared on 25 March 2020 that remains ongoing as at the date of this submission, and a severe emergency declared on 15 October 2020 that was ended on 22 October 2020 and responded to mass protests. See **Annex B** for relevant content from the *Emergency Decree*.

- ¹² Human Rights Lawyers Association, *สถานการณ์การฟ้องคดีปิดปากในประเทศไทย: มีกลไกกลั่นกรองแล้วแต่ทำไมแนวโน้มคดียังสูงขึ้นต่อเนื่อง* [SLAPP Suits Situation in Thailand: Why the Number of Suits is Increasing Despite the Screening Mechanism], no date (advanced unedited version).: e.g. sedition charges under the *Penal Code*, Section 116, or even an act of assault against the Queen's liberty, under the *Penal Code*, Section 110, or charges of defamation, contempt, or malice against the King, Section 112 of the *Penal Code*. See **Annex B** for relevant excerpts from the *Emergency Decree*.
- ¹³ See **Annex B** for the contents of the relevant provisions of the *Penal Code*.
- ¹⁴ Human Rights Lawyers Association, *สถานการณ์การฟ้องคดีปิดปากในประเทศไทย: มีกลไกกลั่นกรองแล้วแต่ทำไมแนวโน้มคดียังสูงขึ้นต่อเนื่อง* [SLAPP Suits Situation in Thailand: Why the Number of Suits is Increasing Despite the Screening Mechanism], no date (advanced unedited version).

Part 2: Freedom of Expression and Access to Information

- ¹⁵ “สิทธิประกันตัว: สิทธิที่มักถูกยกเว้นสำหรับผู้ต้องหาคดี 112”, *Prachatai*, 21 Feb 2021, available at https://prachatai.com/journal/2021/02/91804?ref=internal_relate (last accessed 28 Feb 2021).
- ¹⁶ “ย้อนดูเทรนด์การให้ - ไม่ให้ประกันตัวผู้วิจารณ์พระมหากษัตริย์ฯ ของศาลไทย”, *iLaw*, 26 Feb 2020, available at <https://freedom.ilaw.or.th/node/796> (last accessed 28 Feb 2021).
- ¹⁷ *Domestic law: Constitution of the Kingdom of Thailand B.E. 2560*, Section 29; *Criminal Procedure Code*, Sections 107 and 108/1. *International law: International Covenant on Civil and Political Rights*, art. 9.
- ¹⁸ *Emergency Decree on Public Administration in Emergency Situations B.E. 2548*, Section 12, available at https://library2.parliament.go.th/giventake/content_give/em160748.pdf, p.12 of the Government Gazette, dated 16 July 2020.
- ¹⁹ “เปิดสถิติผู้ถูกควบคุมตัวไป บก.ตชด. ภาค 1 จากการชุมนุมทางการเมือง”, *Thai Lawyers for Human Rights*, 14 Feb 2021, available at <https://tlhr2014.com/archives/25919> (last accessed 2 Mar 2021); “เปิดข้อหาประชาชน-เยาวชนรวม 23 ราย กรณี #มีมือ28กุมภาพันธ์ ก่อนศาลให้ประกันตัว”, *Thai Lawyers for Human Rights*, 1 Mar 2021, available at <https://tlhr2014.com/archives/26380> (2 Mar 2021).
- ²⁰ Announcement of the Chief Official Responsible for Remediating the Serious Emergency Situation No. 1/2563, 16 Oct 2020, available at <http://www.nsc.go.th/wp-content/uploads/2020/10/Emerg-06.pdf> (last accessed 10 Mar 2021); Announcement of the Chief Official Responsible for Remediating the Serious Emergency Situation No. 6/2563, 17 Oct 2020, available at http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/244/T_0001.PDF (last accessed 10 Mar 2021).
- ²¹ “เปิดสถิติผู้ถูกควบคุมตัวไป บก.ตชด. ภาค 1 จากการชุมนุมทางการเมือง”, *Thai Lawyers for Human Rights*, 14 Feb 2021, available at <https://tlhr2014.com/archives/25919> (last accessed 2 Mar 2021).
- ²² “อนุญาตฝากขัง 8 ผู้ต้องหา #มีมือ 13 กุมภาพันธ์ ให้ประกันตัวหลังนายคดีค้านการฝากขัง ซี ตรี.จับกุมไม่ชอบด้วยกฎหมาย.”, *Thai Lawyers for Human Rights*, 15 Feb 2020, available at <https://tlhr2014.com/archives/25997> (last accessed 10 Mar 2021).
- ²³ Interview with Human Rights Lawyers Association, 13 Feb 2021.
- ²⁴ “เปิดสถิติผู้ถูกควบคุมตัวไป บก.ตชด. ภาค 1 จากการชุมนุมทางการเมือง”, *Thai Lawyers for Human Rights*, 14 Feb 2021, available at <https://tlhr2014.com/archives/25919> (last accessed 2 Mar 2021).
- ²⁵ “ผู้สวมเสื้อ 'เราหมดศรัทธาสถาบันกษัตริย์แล้ว' ถูกจับเข้าจิตเวชแล้ว”, *Prachatai*, 13 July 2020, available at <https://prachatai.com/journal/2020/07/88564> (last accessed 11 Mar 2021). See **Annex B** for the contents of the relevant provisions of the *Mental Health Act*.
- ²⁶ “ศาลจำคุก 87 ปี “อัญชัญ” คดีม.112 เหตุแชร์คลิป “บรรพต” สูงสุดเท่าที่เคยบันทึกไว้”, *Thai Lawyers for Human Rights*, 19 Jan 2021, available at <https://tlhr2014.com/archives/25282> (last accessed 27 Feb 2021).
- ²⁷ The *Penal Code* imposes a sentence of up to 20 years for rape (art. 276) and 15 years for manslaughter (art. 290).
- ²⁸ “ส่องสถานการณ์ ‘ล่าแมมด’ หลังเกิดกลุ่มเฟซบุ๊ก ‘รอยัลลิสต์มาร์เก็ตเพลส’”, *Thai Lawyers for Human Rights*, 2 June 2020, available at <https://tlhr2014.com/archives/18119> (last accessed 10 Mar 2021).

- ²⁹ Telephone conversation with Chupong Theethuan, 10 Mar 2021.
- ³⁰ “ว่างแล้วช่วยโทรกลับ!!! ‘หมอมเหรีญทอง’ทิ้งเบอร์โทร หัวังมิตรประเทศอย่างฟิลิปปินส์ บอกที่ชุกห้วนอน ‘ซูพงษ์ ถิ่นถ้วน’ ลากคอกกลับ ดำเนินคดี!!”, *T News*, 22 Oct 2016, available at <https://www.tnews.co.th/headshot/209692/ว่างแล้วช่วยโทรกลับ!!!หมอมเหรีญทองทิ้งเบอร์โทร-หัวังมิตรประเทศอย่างฟิลิปปินส์-บอกที่ชุกห้วนอนซูพงษ์-ถิ่นถ้วนลากคอกกลับ-ดำเนินคดี!!> (last accessed 11 Mar 2021).
- ³¹ “Army deployed thousands for anti-democracy Twitter campaign: Progressive Movement”, *The Nation*, 1 Dec 2020, available at https://www.nationthailand.com/news/30398901?utm_source=homepage&utm_medium=internal_referral (last accessed 10 Mar 2021).
- ³² “ไอโอ : คณะก้าวหน้าเปิดโปงข้อมูลเครือข่ายปฏิบัติการข่าวสารกองทัพ ด้านเอกชนแกลงโต้ชี้ข้อมูลบิดเบือน”, *BBC*, 1 Dec 2020, available at <https://www.bbc.com/thai/thailand-55145803> (last accessed 10 Mar 2021); Progressive Movement, “เปิดวงจรรูบาทไอโอผู้ฟอนเป็นวงกลม”, *Facebook*, 1 Dec 2020, available at https://www.facebook.com/watch/live/?v=1106804496418092&ref=watch_permalink (last accessed 11 Mar 2021).
- ³³ “ก้าวไกล ชักฟอกขบวนการ IO ภาค 2 เปิดหลักฐาน มีนายทหารสัญญาบัตรคุมปฏิบัติการ”, *The Standard*, 19 Feb 2021, available at <https://thestandard.co/move-forward-party-debate-on-io-operation/> (last accessed 11 Mar 2021).
- ³⁴ “Disclosing networks to our state-linked information operations archive”, *Twitter*, 8 Oct 2020, available at https://blog.twitter.com/en_us/topics/company/2020/disclosing-removed-networks-to-our-archive-of-state-linked-information.html (last accessed 10 Mar 2021).
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- ³⁶ This discussion in this part is based on the observations in the following report: The Observatory for the Protection of Human Rights Defenders, FIDH & OMCT, *Standing Tall: Women Human Rights Defenders at the Forefront of Thailand’s Pro-Democracy Protests*, 2021, pp 37-41, available at https://www.fidh.org/IMG/pdf/rapport-tailhande2021_1_-3.pdf (last accessed 17 Mar 2021).
- ³⁷ See e.g. Sunai Phasuk, “Thailand’s ‘Bad Students’ are Rising Up for Democracy and Change”, *Human Rights Watch*, 17 Sep 2020, available at <https://www.hrw.org/news/2020/09/17/thailands-bad-students-are-rising-democracy-and-change#> (last accessed 17 Mar 2021); Joyce Lau, “Thai Protests Raise Academic Freedom Issues”, *Inside Higher Ed*, 28 Aug 2020, available at <https://www.insidehighered.com/news/2020/08/28/protest-movement-thailand-raises-academic-freedom-concerns> (last accessed 17 Mar 2021).
- ³⁸ Cycle 2 supported recommendations (enhancing freedom of the press, expression, and opinion): UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand* (Cycle 2), UN doc. no. A/HRC/33/16, para. 158, recommendations 158.131 (Guatemala), 158.132 (Japan), 158.133 (Lebanon), 158.134 (Republic of Korea), 158.135 (Albania), 158.136 (Chile), 158.137 (France), 158.141 (Costa Rica), and 158.142 (Colombia). In contrast, Thailand failed to support a similar such recommendation in cycle 1: see Cycle 1 noted recommendation: UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand* (Cycle 1), UN doc. no. A/HRC/19/8, para. 89, recommendation 89.54 (New Zealand).
- ³⁹ Cycle 2 supported recommendations: UN Human Rights Council report no. A/HRC/33/16, Cycle 2, para. 158, recommendations 158.130 (Czech Republic), 158.138 (Austria).
- ⁴⁰ Cycle 2 noted recommendations: (1) review or repeal of specific laws: UN Human Rights Council report no. A/HRC/33/16, Cycle 2, para. 159, recommendations 159.50 (Finland), 159.61 (Italy), 159.63 (Brazil); (2) review or repeal of laws on lèse-majesté, defamation etc.: UN Human Rights Council report no. A/HRC/33/16, Cycle 2, para. 158, recommendations 159.52 (United Kingdom of Great Britain and Northern Ireland), 159.53 (Canada), 159.54 (Norway), 159.55 (Spain), 159.56 (Sweden), 159.57 (Latvia), 159.59 (Germany); (3) ending restrictions or infringements on freedom of the press, expression, and opinion: UN Human Rights Council report no. A/HRC/33/16, Cycle 2, para. 158, recommendations 159.58 (Switzerland), 159.60 (Botswana), 159.62 (Iceland). Cycle 1 noted recommendations (review or repeal of specific laws): UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand* (Cycle 1), UN doc. no. A/HRC/19/8, para. 89, recommendations 89.54 (New Zealand), 89.57, (Norway), 89.58 (Slovenia), 89.59 (Sweden), 89.60 (Spain), 89.61 (Indonesia), 89.62 (Switzerland), 89.63 (Canada), 89.64 (Switzerland).
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- ⁴³ *Cycle 1 noted recommendations* (amending the *Computer-Related Crime Act*): UN doc. no. A/HRC/19/8, para. 89, recommendations 89.51 (United Kingdom), 89.52 and 89.53 (France), 89.60 (Spain). *Cycle 2 noted recommendations* (amending the *Computer-Related Crime Act*): UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand* (Cycle 2), UN doc. no. A/HRC/33/16, para. 159, recommendations 159.53 (Canada), 159.54 (Norway), 159.55 (Spain) and 159.56 (Sweden).
- ⁴⁴ See *Computer-Related Crime Act (No. 2) B.E. 2560*, Section 8; Thai Netizen Network, no date, *Thailand's Computer-related Crime Act 2017*, available at <https://thainetizen.org/docs/cybercrime-act-2017/> (last accessed 7 Jan 2021). See also **Annex B** for the contents of the relevant provisions of the *Computer-Related Crime Act*.
- ⁴⁵ *International Covenant on Civil and Political Rights*, art. 19(3); UN Human Rights Committee, *General Comment No. 34: Freedoms of opinion and expression*, 2010, UN doc. no. CCPR/C/GC/34/CRP.4, paras 22-37.
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- ⁵² UN Human Rights Committee, *Concluding Observations of the Human Rights Committee: Russian Federation*, 2003, UN doc. no. CCPR/CO/79/RUS, para. 21, as cited in UN Human Rights Committee, *General Comment No. 34: Freedoms of opinion and expression*, 2010, UN doc. no. CCPR/C/GC/34/CRP.4, para. 31.
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- ⁶¹ UN Human Rights Committee, *Concluding Observations of the Human Rights Committee: Russian Federation*, 2003, UN doc. no. CCPR/CO/79/RUS, para. 21, as cited in UN Human Rights Committee, *General Comment No. 34: Freedoms of opinion and expression*, 2010, UN doc. no. CCPR/C/GC/34/CRP.4, para. 31.
- ⁶² See **Annex B** for the content of the relevant provisions of the Constitution.
- ⁶³ UN Human Rights Committee, *General Comment No. 34: Freedoms of opinion and expression*, 2010, UN doc. no. CCPR/C/GC/34/CRP.4, para. 14.

Part 3: Case Study: *Lèse-Majesté*

- ⁶⁴ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand (Cycle 2)*, UN doc. no. A/HRC/33/16, para. 159, recommendations 159.53 (Canada), 159.62 (Iceland).
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- ⁷⁰ “มาตรา 112: ศาลให้ประกันตัวเยาวชนอายุ 16 ที่ถูกแจ้งข้อหาหมิ่นสถาบันฯ”, *BBC*, 17 Dec 2020, <https://www.bbc.com/thai/thailand-55344388> (last accessed 11 Jan 2021); “จัสติน-ดี พะเยา-เยาวชน 17 ปี รับทราบข้อหา ม.112 ปราศรัยวิจารณ์สถาบันกษัตริย์ที่วงเวียนใหญ่”, *Thai Lawyers for Human Rights*, 11 Jan 2021, <https://tlhr2014.com/archives/24959> (last accessed 11 Jan 2021); “17-Year-Old Student Latest Person Charged with Insulting HM King”, *Khaosod English*, 7 Jan 2021, <https://www.khaosodenglish.com/politics/2021/01/07/17-year-old-student-latest-person-charged-with-insulting-monarchy/> (last accessed 11 Jan 2021); A 16-year-old boy in Thailand is being criminally charged under an infamous law against making fun of the king and could face up to 15 years in prison”, *Insider*, 17 Dec 2020, <https://www.insider.com/thai-teen-charged-making-fun-king-could-face-15-years-2020-12> (last accessed 11 Jan 2021); “มาตรา 112: ศาลให้ประกันตัวเยาวชนอายุ 16 ที่ถูกแจ้งข้อหาหมิ่นสถาบันฯ”, *BBC*, 17 Dec 2020, <https://www.bbc.com/thai/thailand-55344388> (last accessed 11 Jan 2021); “ประมวลสถานการณ์สลายชุมนุม #มือปลดแอก 20 มีนา กลุ่ม REDEM และแนวร่วมเผชิญทั้งแก๊งสนั่นตาและกระสุนยาง

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- ⁷² UN Human Rights Committee, *General Comment No. 34: Freedoms of opinion and expression*, 2010, UN doc. no. CCPR/C/GC/34, para. 38. See also *Otegi Mondragon v Spain*, European Court of Human Rights, App no. 2034/07, 15 Mar 2011, para. 55.
- ⁷³ UN Human Rights Committee, *General Comment No. 34: Freedoms of opinion and expression*, 2010, UN doc. no. CCPR/C/GC/34, para. 47.
- ⁷⁴ *International Covenant on Civil and Political Rights*, art. 19(3).
- ⁷⁵ *Shin v. Republic of Korea*, UN Human Rights Committee, Communication No. 926/2000, UN doc. no. CCPR/C/80/D/926/2000 (2004), para. 7.3.
- ⁷⁶ See Constitutional Court's Ruling 28-29/2555.
- ⁷⁷ UN Human Rights Committee, *General Comment No. 34: Freedoms of opinion and expression*, 2010, UN doc. no. CCPR/C/GC/34, para. 32.
- ⁷⁸ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand (Cycle 2)*, UN doc. no. A/HRC/33/16, para. 158, recommendations 158.131 (Guatemala), 158.132 (Japan), 158.133 (Lebanon), 158.134 (Republic of Korea), 158.135 (Albania), 158.136 (Chile), 158.137 (France), 158.141 (Costa Rica), and 158.142 (Colombia).

Part 4: Freedom of Assembly and Association

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- ⁸⁰ *Cycle 2 supported recommendations* (guarantee the rights to freedom of expression and assembly and ensure an inclusive debate among all stakeholders with regard to the upcoming referendum and the enactment of a new constitution): UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand (Cycle 2)*, UN doc. no. A/HRC/33/16, para. 158, recommendation 158.138 (Austria).
- ⁸¹ *Cycle 2 supported recommendations* (take measures to ensure the rights of peaceful assembly, freedom of expression and freedom of assembly, especially in the context of peaceful protests): UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand (Cycle 2)*, UN doc. no. A/HRC/33/16, para. 158, recommendation 158.141 (Costa Rica).
- ⁸² *Cycle 2 noted recommendations*: (1) amend ordinary and special laws: UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand (Cycle 2)*, UN doc. no. A/HRC/33/16, para. 159, recommendations 159.53 (Canada); (2) review legislation to comply with international law: UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand (Cycle 2)*, UN doc. no. A/HRC/33/16, para. 159, recommendations 159.50 (Finland), 159.51 (United Kingdom of Great Britain and Northern Ireland).
- ⁸³ *Cycle 2 noted recommendations*: (1) repeal Order 3/2015 by the National Council for Peace and Order and the 2015 Public Assembly Act: UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand (Cycle 2)*, UN doc. no. A/HRC/33/16, para. 159, recommendation 159. 53 (Canada); (2) immediately end all infringements on the rights to freedom of expression, association and peaceful assembly under section 44 of the 2014 interim constitution: UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand (Cycle 2)*, UN doc. no. A/HRC/33/16, para. 159, recommendation 159. 62 (Iceland); (3) propose concrete dates for visits by the Special Rapporteurs on freedom of opinion and expression, and freedom of association and assembly, respectively: UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand (Cycle 2)*, UN doc. no. A/HRC/33/16, para. 159, recommendation 159.19 (Norway).

- ⁸⁴ UPR Info, *Database on UPR Recommendations and States' Voluntary Pledges*, no date, available at [\(https://upr-info-database.uwazi.io/en/library/?q=\(allAggregations:lf,filters:\(state_under_review:\(values:!\(%271cstjpesois%27\)\)\),from:0,incldeUnpublished:lf,limit:30,order:desc,sort:creationDate,types:!\(%275d8ce05361cde0408222eb02%27\),unpublished:lf\)](https://upr-info-database.uwazi.io/en/library/?q=(allAggregations:lf,filters:(state_under_review:(values:!(%271cstjpesois%27))),from:0,incldeUnpublished:lf,limit:30,order:desc,sort:creationDate,types:!(%275d8ce05361cde0408222eb02%27),unpublished:lf)) (last accessed 16 Mar 2021).
- ⁸⁵ HNCPO Order No.22/2561, “*Allowing for the resumption of political activities*”, art. 1, available at https://library2.parliament.go.th/giventake/content_ncpo/ncpo-head-order22-2561.pdf (last accessed 27 Feb 2021), p.55 of the Government Gazette dated 11 Dec 2019. See **Annex B** for the content of the abolished provisions of HCPO Order No. 3.
- ⁸⁶ (1) NCPO Announcement No. 37/2557, “*Prosecuting civilians under the military court jurisdiction*”, art. 2, available at https://library2.parliament.go.th/giventake/content_ncpo/ncpo-announce37-2557.pdf (last accessed 27 Feb 2021), p.3 of the Government Gazette dated 30 May 2014; (2) NCPO Order Announcement No. 38/2557, “*Litigations related to the military court jurisdiction*”, available at https://library2.parliament.go.th/giventake/content_ncpo/ncpo-announce38-2557.pdf (last accessed 27 Feb 2021), p.1 of the Government Gazette dated 30 May 2014.
- ⁸⁷ (1) HNCPO Order No. 13/2559, “*Prevention and Suppression of Particular Crimes which Harm Public Order and Cause Damage to the Economy and Society*”, art. 4, available at <http://www.ratchakittha.soc.go.th/DATA/PDF/2559/E/074/1.PDF> (last accessed 27 Feb 2021), p.2 of the Government Gazette dated 29 Mar 2017; (2) The NCPO Announcement No. 7/2557, “*Prohibiting of Political Assembling*”, prohibits the “political gathering or assembly of more than five persons” and allows for one year’s imprisonment and/or a fine not exceeding 20,000 baht (US\$625) for those who breach it, available at https://library2.parliament.go.th/giventake/content_ncpo/ncpo-announce7-2557.pdf (last accessed 27 Feb 2021), p.1 of the Government Gazette dated 26 Mar 2014.
- ⁸⁸ HNCPO Order No. 3/2558, “*Actions taken to maintain public order and national security*”, art. 12, available at https://library2.parliament.go.th/giventake/content_ncpo/ncpo-head-order3-2558.pdf (last accessed 27 Feb 2021), p.3 of the Government Gazette dated 1 Apr 2015.
- ⁸⁹ *Constitution of the Kingdom of Thailand B.E. 2560*, Section 44.
- ⁹⁰ *International Covenant on Civil and Political Rights*, art. 21.
- ⁹¹ “รัฐธรรมนูญใหม่ประกาศใช้ แต่ “ผู้ต้องหาประชามติ” กว่า 104 ราย ยังถูกดำเนินคดี”, *Thai Lawyers for Human Rights*, 7 Apr 2017, available at <https://tlhr2014.com/archives/3924> (last accessed 2 Mar 2021). See **Annex B** for the relevant provisions of the *Organic Act*.
- ⁹² *Organic Act on Referendum for the Draft Constitution B.E. 2559*, Section 61.
- ⁹³ “รัฐธรรมนูญใหม่ประกาศใช้ แต่ “ผู้ต้องหาประชามติ” กว่า 104 ราย ยังถูกดำเนินคดี”, *Thai Lawyers for Human Rights*, 7 Apr 2017, available at <https://tlhr2014.com/archives/3924> (last accessed 2 Mar 2021).
- ⁹⁴ See **Annex B** for the content of relevant restrictions under the *Public Assembly Act*.
- ⁹⁵ “Five years under NCPO, isn’t that enough? Recommendations to eliminate the effects of the coup”, *Thai Lawyers for Human Rights*, 18 July 2019, available at <https://tlhr2014.com/en/archives/13035> (last accessed 27 Feb 2021).
- ⁹⁶ “นักกฎหมายสิทธิฯ ชี้ ตัวเลขคนถูกดำเนินคดีการเมืองรอบ 1 ปี สูงกว่า 6-7 ปีที่ผ่านมา”, *The Active*, 4 Mar 2021, available at <https://theactive.net/news/20210304-2/> (last accessed 18 Mar 2021); “As if the NCPO Never Left: Six Years After the Coup and the Persistence of Human Rights Violations”, *Thai Lawyers for Human Rights*, 22 May 2020, available at <https://tlhr2014.com/en/archives/17808> (last accessed 27 Feb 2021).
- ⁹⁷ “2020: The Year of Protests, Ceiling Breaking, and Political Lawsuits”, *Thai Lawyers for Human Rights*, 12 Jan 2021, available at <https://tlhr2014.com/en/archives/24956> (last accessed 27 Feb 2021).
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- ⁹⁹ *International Covenant on Civil and Political Rights*, arts 21 and 2.
- ¹⁰⁰ UN Human Rights Committee, *General Comment No. 37: Article 21: Freedom of peaceful assembly*, 2010, UN doc. no. CCPR/C/GC/37, para. 16.
- ¹⁰¹ *Emergency Decree on Public Administration in Emergency Situations B.E. 2548*, art. 5, available at <http://web.krisdika.go.th/data/slideshow/File/02-Thai.pdf>, p.1 of the Government Gazette dated 25 Mar 2020.

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- ¹⁰³ “ประกาศ/มาตรการสำคัญของ พรก.จุกเงิน ในส่วนที่เกี่ยวข้องกับประชาชนหลักๆ มีดังนี้”, *Ministry of Labour*, no date, available at <https://www.tosh.or.th/covid-19/index.php/announce> (last accessed 2 Mar 2021).
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- ¹⁰⁵ UN Human Rights Committee, *General Comment No. 37: Article 21: Freedom of peaceful assembly*, 2010, UN doc. no. CCPR/C/GC/37, para. 16.
- ¹⁰⁶ “สถิติเยาวชนถูกดำเนินคดีจากการแสดงออกและการชุมนุม ปี 2563-64”, *Thai Lawyers for Human Rights*, 11 Jan 2021, <https://tlhr2014.com/archives/24941> (last updated on 22 Feb 2021) (last accessed 2 Mar 2021).
- ¹⁰⁷ “เรียกร้องให้ยุติการดำเนินคดีกับผู้ใช้เสรีภาพในการแสดงออก และประกันสิทธิในกระบวนการยุติธรรม”, *Thai Lawyers for Human Rights*, 15 Feb 2021, <https://tlhr2014.com/archives/25940> (last accessed 2 Mar 2021).
- ¹⁰⁸ Thailand: Notification under Article 4(3), C.N.194.2020. TREATIES-IV.4 (Depositary Notification), available at <https://treaties.un.org/doc/Publication/CN/2020/CN.194.2020-Eng.pdf> (last accessed 2 Mar 2021).
- ¹⁰⁹ *Emergency Decree on Public Administration in Emergency Situations B.E. 2548*, Sections 9 and 11, available at http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/241/T_0001.PDF (last accessed 2 Mar 2021), p.1 of the Government Gazette, dated 15 Oct 2020. See **Annex B** for the content of the Severe Emergency Decree.
- ¹¹⁰ *Emergency Decree on Public Administration in Emergency Situations B.E. 2548*, Sections 9 and 11, available at http://www.ratchakitcha.soc.go.th/DATA/PDF/2563/E/241/T_0001.PDF (last accessed 2 Mar 2021), para. 3 of p. 1 of the Government Gazette, dated 15 Oct 2020. See **Annex B** for the content of the Severe Emergency Decree.
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- ¹³⁴ Cycle 1 noted recommendations: (1) repeal section 17 of the Emergency Decree: UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand* (Cycle 1), UN doc. no. A/HRC/19/8, para. 89, recommendation 89.67 (Switzerland); (2) abolish provisions in the Martial Law Act and section 17 of the Emergency Decree which grant immunity to criminal and civil prosecution to State officials: UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand* (Cycle 1), UN doc. no. A/HRC/19/8, para. 89, recommendation 89.27 (Canada); (3) repeal decree of exception: UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand* (Cycle 1), UN doc. no. A/HRC/19/8, para. 89, recommendation 89.42 (France).
- ¹³⁵ *International Covenant on Civil and Political Rights*, art. 2(3); UN Human Rights Committee, *General Comment No. 34: Freedoms of opinion and expression*, 2010, UN doc. no. CCPR/C/GC/34, paras 24, 32-33, 101.

Part 5: Enforced Disappearances and Torture

- ¹³⁶ Cycle 2 supported recommendations: (1) address the issue of enforced disappearance: UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand* (Cycle 2), UN doc. no. A/HRC/33/16, para. 158, recommendation 158.79 (Republic of Korea); (2) ratify the International Convention for the Protection of All Persons from Enforced Disappearance: UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand* (Cycle 2), UN doc. no. A/HRC/33/16, para. 158, recommendations 158.18 (Belgium), 158.18 (Slovakia), 158.18 (Panama), 158.18 (France), 158.18 (Austria), 158.18 (Argentina), 158.17 (Togo), 158.17 (Kazakhstan), 158.16 (Japan), 158.18 (Sierra Leone), 158.19 (New Zealand), 158.20 (Uruguay). Cycle 1 supported recommendations: (1) address the issue of enforced disappearance: UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand* (Cycle 1), UN doc. no. A/HRC/19/8/Add.1, para. 4, recommendation 89.11 (France); (2) ratify the International Convention for the Protection of All Persons from Enforced Disappearance: UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand* (Cycle 1), UN doc. no. A/HRC/19/8/Add.1, para. 4, recommendations 89.1 (Argentina), 89.2 (Uruguay), 89.3 (Spain), recommendation 89.4 (Austria), 89.11 (France), 89.12 (Nicaragua), 89.13 (Japan).
- ¹³⁷ Cycle 2 supported recommendations: UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand* (Cycle 2), UN doc. no. A/HRC/33/16, para. 158, recommendations 158.19 (New Zealand), 158.20 (Uruguay), 158.32 (Congo), 158.33 (Canada), 158.77 (Spain), 158.78 (Chile).
- ¹³⁸ Cycle 2 supported recommendations: UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand* (Cycle 2), UN doc. no. A/HRC/33/16, para. 158, recommendations 158.7 (Kazakhstan), 158.7 (Georgia), 158.8 (Mozambique), 158.9 (Honduras), 158.10 (Norway), 158.10 (Turkey), 158.10 (Uruguay), 158.10 (Portugal), 158.10 (Poland), 158.10 (Montenegro), 158.10 (Guatemala), 158.10 (France), 158.10 (Austria), 158.13 (Morocco), 158.13 (Denmark), 158.13 (Czech Republic). Cf Cycle 1 supported recommendations (study the possibility of or consider ratifying OP-CAT): UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand* (Cycle 1), UN doc. no. A/HRC/19/8/Add.1, para. 4, recommendations 89.1 (Argentina), 89.5 (Brazil). Cycle 1 noted recommendations (ratify OP-CAT): UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand* (Cycle 1), UN doc. no. A/HRC/19/8, para. 88, recommendations 89.2 (Uruguay), 89.3 (Spain), 89.4 (Austria).
- ¹³⁹ Cycle 2 supported recommendations: UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand* (Cycle 2), UN doc. no. A/HRC/33/16, para. 158, recommendations 158.30 (Slovakia), 158.76 (New Zealand); UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand* (Cycle 2), UN doc. no. A/HRC/33/16/Add.1, para. 4, recommendation 159.17 (Canada).
- ¹⁴⁰ Cycle 2 supported recommendations: UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand* (Cycle 2), UN doc. no. A/HRC/33/16, para. 158, recommendations 158.13 (Morocco), 158.13 (Denmark), 158.13 (Czech Republic).
- ¹⁴¹ Cycle 2 supported recommendations: UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Thailand* (Cycle 2), UN doc. no. A/HRC/33/16, para. 158, recommendations 158.11 (Romania), 158.12 (Spain), 158.19 (New Zealand), 158.30 (Slovakia), 158.32 (Congo), 158.33 (Canada), 158.78 (Chile).
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- ¹⁵³ *Constitution of the Kingdom of Thailand B.E. 2560*, Section 145.
- ¹⁵⁴ *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, art. 1.
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- ¹⁷⁴ See **Annex C** for details of circumstances surrounding the disappearance of foreign HRDs.
- ¹⁷⁵ Mandates of the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the human rights of migrants and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, *Communication with Thailand*, UN doc. no. UA THA 5/2019, 18 Apr 2019 (last accessed 10 Mar 2021), p.2; “Vietnamese and Thai authorities must come clean about journalist’s disappearance”, *Amnesty International*, 21 Mar 2019, available at <https://www.amnesty.org/en/latest/news/2019/03/vietnamese-thai-authorities-come-clean-about-journalist-disappearance/> (last accessed 23 Feb 2021); “Thailand: Authorities must investigate abduction of Vietnamese journalist”, *Amnesty International*, 21 June 2019, available at <https://www.amnesty.org/en/latest/news/2019/06/thailand-authorities-investigate-abduction-vietnamese-journalist/> (last accessed 23 Feb 2021).
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Part 6: Institutional Human Rights Protection/Promotion

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