Thailand

The year was tumultuous for Thailand with the passing of King Bhumibol Adulyadej on October 13 after a reign of 70 years. The Thai government, led by Prime Minister Gen. Prayut Chan-ocha, repeatedly failed in 2016 to fulfill pledges made to the United Nations General Assembly and Human Rights Council to respect human rights and restore democratic rule. A new constitution, which will entrench unaccountable and abusive military power, was adopted in a referendum marked by repressive tactics against critics of the proposed constitution.

Referendum and New Constitution

In the lead up to the constitutional referendum on August 7, the ruling National Council for Peace and Order (NCPO) junta curtailed the rights to freedom of expression, association, and peaceful assembly through repressive laws such the Referendum Act, the Computer Crime Act, and article 116 of the penal code on sedition, as well as NCPO orders censoring media and preventing public gatherings of more than five people.

Thai authorities arrested at least 120 politicians, activists, journalists, and supporters of political movements who had criticized the proposed constitution, publicly announced they would vote “no,” urged voters to reject the draft constitution, or sought to monitor voting.

The government also did not provide equal access to state media for opponents of the proposed constitution, and failed to ensure that the election commission overseeing the referendum acted impartially. The constitution passed with support from 61 percent of voters.

The 2014 interim constitution permitted the NCPO to wield unlimited administrative, legislative, and judicial power without effective oversight or accountability, including for human rights violations. The new constitution endorses such powers, and ensures that the junta cannot be held accountable for abuses it has committed since taking power in the
May 2014 coup. Instead of paving the way for a return to democratic civilian rule as promised in its so-called road map, the junta has created and imposed a political structure that appears designed to prolong the military’s grip on power.

**Censorship and Restrictions on Free Expression**

The junta continued to censor public discussions related to human rights, democracy, the monarchy, and the NCPO’s performance. On September 28, Amnesty International cancelled its Bangkok press conference to launch a report on torture in Thailand after authorities threatened to arrest senior Amnesty International staff for working illegally as foreigners in the country.

The NCPO granted power to the National Broadcasting and Telecommunications Commission to punish critical media. Outspoken news analysts at Voice TV and Spring News channels were suspended because of their critical reporting about military rule. In July 2016, Peace TV channel was forced off the air for 30 days.

The junta regularly exercises its power to ban political assembly of more than five persons. Protesters who take part in peaceful protests to express disagreement with the junta face up to two years in prison.

The junta also broadly used sedition charges, which carry up to seven years in prison, to prosecute those who express opposition to military rule. In March, the military in Chiang Mai province arrested and charged Theerawan Charoensuk with sedition for posting a photo on Facebook of her holding a red bowl inscribed with Thai New Year greetings from former Prime Ministers Thaksin Shinawatra and Yingluck Shonawatra. Since the coup, at least 38 people have been charged with sedition.

The junta continues to prosecute people under the *lese majeste* (insulting the monarchy) laws, an offense punishable by up to 15 years in prison. Since the May 2014 coup, Thai authorities have charged at least 68 persons with *lese majeste*, mostly for posting or sharing comments online.
The crackdown has intensified since the death of King Bhumibol Adulyadej on October 13, with the authorities arresting 10 people and investigating 194 new cases. There were at least seven cases of vigilante violence targeting those accused of making negative comments about the late king or Crown Prince Maha Vajiralongkorn, or not wearing black during the 30-day mourning period.

The government in 2016 also requested that the United States, United Kingdom, Sweden, France, Australia, New Zealand, Japan, Cambodia, and Laos send back Thai citizens who sought political asylum from persecution under lese majeste charges.

**Arbitrary Detention and Military Courts**

On September 12, General Prayut revoked three NCPO orders that empowered military courts to try civilians for national security offenses, including sedition and lese majeste. However, the action is not retroactive and does not affect the more than 1,800 cases already brought against civilians in military courts. The military also retains power to arrest, detain, and interrogate civilians for a wide range of offenses without safeguards against abuse or accountability for human rights violations.

The NCPO summarily dismissed allegations that the military has tortured and ill-treated detainees, even after the death of fortune-teller Suriyan Sucharitpolwong and Police Maj. Prakrom Warunprapa—both charged with lese majeste—during their detention at the 11th Army Circle military base in Bangkok in November 2015.

At time of writing, 45 civilians were detained at the remand facility inside the 11th Army Circle military base in Bangkok without effective safeguards against abuse.

The NCPO has summoned members of the Pheu Thai Party and the United Front for Democracy against Dictatorship (UDD), known as the “Red Shirts,” as well as other activists accused by authorities of opposing military rule, for “attitude adjustment.” Failure to report to the NCPO’s summons is considered a criminal offense. The NCPO compelled persons released from “attitude adjustment” programs to sign an agreement stating they will not make political comments, be involved in political activities, or travel abroad
without permission. Failure to comply with such agreements can result in a new detention or two years in prison.

Lack of Accountability for Politically Motivated Violence

Despite evidence showing that government security forces were responsible for the majority of casualties during the 2010 political confrontation, which left at least 90 dead and more than 2,000 injured, no policymakers from the then Abhisit Vejjajiva government or military personnel have been charged for unlawfully killing and wounding protesters or passersby.

While UDD leaders and supporters faced serious criminal charges for the 2010 street protests, there has been little progress in investigating or prosecuting alleged criminal offenses by the People’s Alliance for Democracy (PAD), knowns as the “Yellow Shirts,” during political confrontations in 2008 or the People’s Democratic Reform Committee (PDRC) in 2013-2014.

Violence and Abuses in Southern Border Provinces

Since January 2004, more than 6,000 ethnic Malay Muslims and Thai Buddhists have been killed in the armed conflict in Thailand’s southern border provinces.

An ongoing peace dialogue between the government and the Barisan Revolusi Nasional and other separatist groups in the loose network of Majlis Syura Patani made little progress. Insurgents continue to violate the laws of war by targeting civilians in bombings, roadside ambushes, drive-by shootings, and assassinations. Evidence strongly suggests that separatist groups expanded their operations beyond Thailand’s southern border provinces and carried out a string of explosions and arson attacks in seven tourist towns on August 11 and 12.

On September 6, a bomb detonated outside a school in Narathiwat province as parents dropped off their children, killing a father and his 4-year-old daughter. The blast also wounded at least 10 teachers, parents, and traffic police. Since 2004, alleged insurgents have torched or bombed more than 200 schools, and killed at least 184 teachers.
The government still failed to prosecute security force personnel responsible for illegal killings, torture, and other abuses against ethnic Malay Muslims. In many cases, Thai authorities provided financial compensation to victims or their families in exchange for their agreement not to pursue criminal prosecution of abusive officials.

**Enforced Disappearances**

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

Since 1980, the UN Working Group on Enforced or Involuntary Disappearances has recorded 82 cases of enforced disappearance in Thailand. Many of these cases implicated Thai officials—including the disappearances of prominent Muslim lawyer Somchai Neelapaijit in March 2004, and ethnic Karen activist Por Cha Lee “Billy” Rakchongcharoen in April 2014. None have been successfully resolved.

**Human Rights Defenders**

The killing and enforced disappearance of more than 30 human rights defenders and other civil society activists since 2001 remains a serious blot on Thailand’s human rights record. Even high-profile cases investigated by the Justice Ministry’s Department of Special Investigation rarely result in prosecution. Police made no progress in investigating the fate of land rights activist Den Khamlae, who went missing in a forest near his home in Chaiyaphum province in April 2016. Government pledges to develop measures to protect human rights defenders remained unfulfilled.

Thai authorities and private companies continue to use defamation lawsuits to retaliate against those reporting human rights violations. On September 20, the Bangkok South Criminal Court found British labor rights activist Andy Hall guilty of criminal defamation and violating the Computer Crime Act and sentenced him to four years in prison (which the judge suspended because Hall's work was considered beneficial to Thai society).

Hall’s conviction was based on a complaint filed by Natural Fruit Co. Ltd.—one of Thailand’s biggest pineapple processors—regarding a report alleging serious labor rights
abuses at one of its factories. Hall left Thailand on November 7, saying he feared for his safety amid legal problems and growing harassment.

In July, the military filed a complaint against prominent activists Somchai Homlaor, Pornpen Khongkachonkie, and Anchana Heemmina, accusing them of criminal defamation and violating the Computer Crimes Act for reporting about torture and other ill-treatment of insurgent suspects in the southern border provinces. In September, the military accused Sirikan Charoensiri, a key member of Thai Lawyers for Human Rights, of sedition for accompanying and providing legal assistance to activists from the New Democracy Movement during their peaceful anti-coup protest in Bangkok in June 2015.

**Refugees, Asylum Seekers, and Migrant Workers**

Thailand has not ratified the 1951 Refugee Convention and its 1967 Protocol. Thai authorities continued to treat asylum seekers, including those whom the UN recognized as refugees, as illegal migrants who are subject to arrest and deportation.

The government has failed to provide information regarding the current whereabouts and well-being of the over 100 ethnic Uighurs and Chinese dissidents deported to China in 2015, in violation of international law.

The government announced in June that it needed more time to put in place a process, in collaboration with Burma and the UN, to repatriate more than 120,000 refugees living in the nine camps on the Thai-Burma border.

The government did not allow the office of the UN High Commissioner for Refugees to conduct refugee status determination screenings for ethnic Rohingya from Burma. Rohingya men, women, and children have been placed in indefinite detention in immigration detention centers and government shelters across Thailand.

Migrant workers from Burma, Cambodia, Laos, and Vietnam are vulnerable to physical abuses, indefinite detention, and extortion by Thai authorities; severe labor rights abuses and exploitation by employers; and violence and human trafficking by criminals, sometimes in collaboration with corrupt officials.
The government declared combating human trafficking to be a “national priority,” including by enforcing the Human Trafficking Criminal Procedure Act, with mixed results. At time of writing, efforts by the Command Center to Combat Illegal Fishing to suppress human trafficking in fishing and seafood food processing sectors were still limited.

There was little progress in the trial of Lt. Gen. Manas Kongpa—together with 52 local politicians, community leaders, businessmen, and alleged criminals—for trafficking ethnic Rohingya to Malaysia. Migrant workers remain fearful of reporting trafficking crimes or cooperating with Thai authorities due to lack of effective protection.

**Anti-Narcotics Policy**

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.

In June, the government announced a plan to remove methamphetamine from category 1, the most serious substance on the controlled substance list, in order to ease prison overcrowding and facilitate drug users’ access to rehabilitation. While the government indicated in September that it would transfer drug dependency treatment to the Ministry of Public Health, alleged drug users are still held in drug detention centers operated by the Ministry of Interior and the military without due process and subject to an exhausting regime of exercise and military-style drills the government claims constitute “treatment.”

**Environment**

The Pollution Control Department received a budget allocation in January 2016 to clean up Klity Creek in Kanchanaburi province. The creek is contaminated by lead from a badly regulated and now-defunct lead processing factory that presents a health threat to hundreds of ethnic Karen families living downstream. In a landmark 2013 ruling, the Supreme Court ordered the government to clean up the site. At time of writing, however, no clean-up had begun.
Key International Actors

In June, Thailand was defeated by Kazakhstan in a bid to seek a non-permanent seat on the UN Security Council for 2017-2018.

UN bodies and Thailand's major allies continued to urge the junta to respect human rights and return the country to democratic civilian rule through free and fair elections. During the Human Rights Council's Universal Periodic Review of Thailand in May, the Office of the High Commissioner for Human Rights and many countries expressed concerns regarding violations of fundamental rights and freedoms since the May 2014 coup.

In January 2015, based on recommendations from the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, Thailand's National Human Rights Commission was downgraded due to the lack of independence in selecting commissioners and its own poor performance.

The US State Department upgraded Thailand from a Tier 3 ranking to Tier 2 (Watch List) in its annual Trafficking in Persons Report despite concerns by human rights groups about the lack of significant progress in government actions. The European Commission raised human trafficking and forced labor on Thai fishing boats when putting Thailand on formal notice for possible trade sanctions connected to illegal, unreported, and unregulated fishing.