

# THAILAND

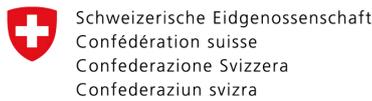
## STANDING TALL

Women human rights defenders at the  
forefront of Thailand's pro-democracy  
protests



February 2021

Cover photo: Pro-democracy student protesters hold up a three-finger salute at Bangkok's Victory Monument during a rally on October 21, 2020. © Lauren DeCicca / Getty Images via AFP



Federal Department of Foreign Affairs FDFA



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## LIST OF ACRONYMS

CRC = Convention on the Rights of the Child  
CEDAW = Convention on the Elimination of All Forms of Discrimination Against Women  
EU = European Union  
FFP = Future Forward Party  
HRD = Human rights defender  
ICCPR = International Covenant on Civil and Political Rights  
LGBTIQ = Lesbian, gay, bisexual, transgender, intersex, and queer  
MFP = Move Forward Party  
MP = Member of Parliament  
NLA = National Legislative Assembly  
NCPO = National Council for Peace and Order  
NGO = Non-governmental organization  
OHCHR = Office of the UN High Commissioner for Human Rights  
PPP = Phalang Pracharat Party  
SUT = Student Union of Thailand  
TEA = Togetherness for Equality and Action  
UN = United Nations  
UPR = Universal Periodic Review  
WHRD = Woman human rights defender

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# 1. EXECUTIVE SUMMARY

Women have been the face of nationwide pro-democracy demonstrations that began in Thailand in February 2020. Female university and school students, in particular, have been at the front and center of the ongoing wave of these peaceful protests. Not only have these women, both youth and adults, made up a significant number of the participants, they have also played a key role in organizing and leading the demonstrations. In this capacity, many of these women have engaged in the protection and promotion of fundamental human rights and freedoms of others through peaceful means. They can therefore be unequivocally defined as women human rights defenders (WHRDs).

Based on interviews conducted with a total of 22 WHRDs, including two under the age of 18, who are part of the pro-democracy movement in Thailand, the report focuses on the role WHRDs played and the human rights violations and challenges they faced in connection with their participation in the protests. References to WHRDs in this report include lesbian, gay, bisexual, transgender, intersex, and queer (LGBTIQ) individuals who are also affected by socially defined gender norms shaped by patriarchy and gender binary (a classification system consisting of two genders, male and female).

Many of the WHRDs at the forefront of the protests have been vocal about reforms of Thailand's monarchy, which they argue wields overwhelming and unchecked influence over Thai society and politics. During the demonstrations, women took to stages to criticize gender stereotypes, unequal power relations, and other injustices in Thai society that obstruct women and LGBTIQ people from enjoying their fundamental human rights. Women's and LGBTIQ's rights groups also organized and led their own rallies to insist on their calls for gender equality and reaffirm the demands of the pro-democracy movement. Female high school students are another significant force that has emerged as pro-democracy demonstrations swept across the country. They have often taken the lead in calling for deep reform of the country's outdated educational system and rules, including gender-biased school uniforms and haircuts.

Despite the empowering developments related to the pro-democracy protests, WHRDs have been systematically targeted by both state and non-state actors for their activism. WHRDs have been subjected to the same types of human rights violations for exercising their freedoms of expression and peaceful assembly as male activists. However, they have also been exposed to additional gender-based attacks and harassment.

Thai authorities actively engaged in repeated attacks against WHRDs through the use of repressive laws and decrees that do not conform to international standards. In 2020, the Observatory for the Protection of Human Rights Defenders documented the prosecution of 11 WHRDs, including one under the age of 18, in relation to their participation in the protests. Four of them were arrested, detained, and released. Most of the 11 WHRDs face 10 or more cases, including under Articles 112 (lèse-majesté) and 116 (sedition) of the Criminal Code, the Computer Crimes Act, and the Public Assembly Act.

Authorities have also subjected WHRDs to frequent harassment, intimidation, and surveillance. Authorities visited residences and educational institutions of WHRDs as a means of intimidating them or gathering information on their activities. WHRDs reported that this type of harassment and intimidation was also extended to their family members as a way to discourage WHRDs from carrying out their work or participating in the protests. Student WHRDs reported police went to their school or university to monitor their activities, asked for their identification from their teachers, or pressured people in the administration to take measures against them.

Other forms of mistreatment commonly faced by WHRDs who are responsible for liaising or interacting with law enforcement officials are conduct or remarks that are discriminatory

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against women or sexual in nature. Such conduct usually causes extreme discomfort for WHRDs and constitutes sexual harassment against them.

Attacks against WHRDs are often gender-based or inflicted in a gender-specific way, such as sexual assault and harassment. Other attacks may be violations inflicted regardless of their gender, yet they have gender-based consequences. During pro-democracy protests, women and LGBTIQ rights groups have consistently raised awareness about the issue of sexual harassment against women activists. LGBTIQ and gender non-conforming activists face another layer of attacks because of their sexual orientation, gender identity or expression, as well as for defending rights related to gender and sexuality.

WHRDs reported gender-specific attacks mostly taking the form of verbal abuse and harassment directly aimed at them simply because of their gender and gender expression. This often overlaps with WHRDs' experience of online attacks and harassment. Many of these instances are sexual or personal in nature and often have harsh emotional or psychological effects on women. Ultimately, these violations aim to question and delegitimize the work and credibility of WHRDs. In addition, WHRDs' characters, physical appearance, and attires have also been repeatedly used to target them.

WHRDs also faced certain types of pressure from people in their personal relationships as a result of their activism. This disproportionately impacted students, since they are normally dependent on their families. As a young generation of Thais came out to criticize the establishment and demand reforms of the country's political system and the monarchy, generational divides became more obvious and fueled conflicts within families.

One fundamental issue faced by WHRDs is that they, their views, and their contributions were often ignored or excluded, including within the organizations of which they are part. Despite the prominence of women and LGBTIQ individuals in the protests, many WHRDs interviewed for this report said they have experienced exclusionary attitudes and treatment within their own movements. Often they felt that women activists are still not equally represented in leadership or frontline positions.

These acts of harassment, attacks, and challenges faced by WHRDs can result in chronic stress, burnout, or issues of self-esteem. Some WHRDs expressed their concern about the lack of awareness and support needed for the general well-being of women activists.

To complete the picture, violations against WHRDs are reinforced by an entrenched culture of impunity for abuses in Thailand. Except for labor law provisions on sexual harassment in the workplace, Thailand has no specific laws that recognize offenses of sexual harassment against women, including online sexual harassment.

The report makes numerous recommendations to both the Thai government and the international community to ensure the protection of WHRDs and the respect of their fundamental rights in accordance with international standards.

## Methodology

For this report, the Observatory for the Protection of Human Rights Defenders (an FIDH-OMCT partnership) interviewed a total of 22 WHRDs, including two under the age of 18, who are part of the pro-democracy movement in Thailand. The interviews were conducted between October 15 and December 19, 2020. The findings of the report also draw from resources produced by the Observatory, FIDH, other non-governmental organizations (NGOs), and various United Nations human rights monitoring mechanisms, as well as verified news reports.

# HUMAN RIGHTS VIOLATIONS and CHALLENGES FACED

by *pro-democracy*

WOMEN HUMAN RIGHTS DEFENDERS (WHRDs)

## 1. Criminalization

Arbitrary arrests



Detentions



Criminal charges



## 2. Surveillance, intimidation, harassment



WHRDs were followed by police at protest sites, outside of their homes/residences



Received frequent phone calls from police



Police visited their families and schools

## 3. Sexual harassment

Inappropriate remarks and behaviors, text messages, phone calls from the authorities



## 4. Online threats and attacks

 Offensive, insulting posts

Threats of sexual violence 

 Fake news and doctored photos

## 5. Challenges in their private lives

Pressure from

parents, family members

teachers, school officials

## 6. Non-recognition within the movement

Double standards

Excluded from participation & decision-making



Women's rights, gender equality issues sidelined

## 7. Psychological impacts



Stress



Burnout



Lack of self-esteem

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## 2. WHO'S WHO OF LEADING PRO-DEMOCRACY WHRDS

Below are the profiles of 22 leading pro-democracy WHRDs who were interviewed for this report.

### 1. Ms. Alisar Bindusa @FonalisFWP



Ms. Alisar Bindusa, aka Fon, 25, is a pro-democracy and community rights activist from Songkhla Province. Ms. Alisar has been actively involved in anti-junta campaigns following the May 2014 military coup d'état. Ms. Alisar has been defending the community rights of people in Songkhla and other provinces in the south of Thailand since the days she was a student at Prince of Songkhla University, Songkhla Province.

### 2. Ms. Benjamaporn Niwas



Ms. Benjamaporn Niwas, aka Ploy, 16, is a high school student and pro-democracy activist from Bangkok. She is a key leader of the pro-democracy group Bad Students and has been fighting for a deep reform of the Thai education system. Ms. Benjamaporn has been vocal about outdated rules and violations of human rights of students in school. She is one of the three students under the age of 18 who have been prosecuted on charges of violating the Severe State of Emergency for her participation in a pro-democracy protest on October 15 in Bangkok.

### 3. Ms. Chitsanupong Nithiwana @InToeyView



Ms. Chitsanupong Nithiwana, aka Best, 25, is a transgender activist from Chiang Mai Province. She is enrolled in a Master's Degree program on gender and women studies at Chiang Mai University. She is the co-founder and leader of Young Pride Club, a youth community advocating for gender diversity, equality, and the rights of LGBTIQ individuals. Ms. Chitsanupong also participates in the pro-democracy and feminist movement in pressing for an inclusive and representative democratic system that respects and promotes gender equality.

### 4. Ms. Chonnikarn Wangmee



Ms. Chonnikarn Wangmee, aka Mai, 22, is a university student and pro-democracy activist from Songkhla Province. She is currently studying economics at Prince of Songkhla University. She is responsible for organizing pro-democracy protests at the university level. Ms. Chonnikarn is also involved with the Democracy of Southern Thailand, a group that campaigns for democracy and human rights issues for individuals and communities in southern Thailand.

5. Ms. Chonthicha Jangrew  @LookkateChonth1



Ms. Chonthicha Jangrew, aka Lookkate, 28, is a pro-democracy activist from Nonthaburi Province. She is enrolled in a Master's Degree program at the Institute of Human Rights and Peace Studies, Mahidol University, Nakhon Pathom Province. She is co-founder and leader of the Democracy Restoration Group and works to support various pro-democracy organizations. Following the May 2014 military coup d'état, Ms. Chonthicha was a leader in pro-democracy campaigns against the military junta. She was arrested several times in connection with her participation in anti-junta protests. In June 2015, she was detained at the Central Women's Correctional Institution in Bangkok for 13 days as a result of a protest on May 22, 2015, on the occasion of the first anniversary of the coup. Ms. Chonthicha faces at least 15 criminal cases in connection with her participation in the 2020 pro-democracy protests.

6. Ms. Chumaporn Taengkliang  @waaddaotk



Ms. Chumaporn Taengkliang, aka Waaddao, 36, is a gender equality and LGBTIQ rights activist from Nakhon Sri Thammarat Province. She is a co-founder and core member of Togetherness for Equality and Action (TEA), a lesbian, queer, and bisexual women-led NGO working on gender diversity, equality, and justice in Thailand. Ms. Chumaporn is also a co-founder of the Feminist's Liberation Front and leads campaigns for a democratic system that respects and promotes gender equality. At a protest on September 19, 2020, in Bangkok, Ms. Chumaporn gave a powerful speech that challenged gender norms and sexual harassment in Thai society and raised issues about the patriarchal structure under the Thai monarchy.

7. Ms. Itsara Wongthahan  @croppuzyeiei



Ms. Itsara Wongthahan, aka Kim, 18, is a high school student and pro-democracy activist from Mahasarakham Province. She is a co-founder and coordinator of the Coalition of Mahasarakham Students, an organization that advocates for democracy, education, and students' participation in politics. Ms. Itsara has also been vocal about gender and marriage equality and the rights of sex workers. Her speech at a pro-democracy protest on September 3 about the rights of sex workers and abortion in Roi Et Province was attacked by conservative politicians and netizens.

8. Ms. Jirathita Thammarak  @H\_jiraita



Ms. Jirathita Thammarak, aka Hugo, 23, is a pro-democracy activist from Petchaburi Province. She started advocating for democracy as an English student at Walailak University in Nakhon Sri Thammarat Province. She is now a leading protest organizer for the pro-democracy group Free People. Ms. Jirathita also works for Thai Volunteer Service, where she advocates for community's rights, environmental rights, and land rights in northeastern Thailand.

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**9. Ms. Jutatip Sirikhan**  **@JutatipSRK**



Ms. Jutatip Sirikhan, aka Ua, 22, is a university student and pro-democracy activist from Amnat Charoen Province. She is currently studying Southeast Asian studies at Thammasat University's Tha Prachan Campus in Bangkok. Ms. Jutatip is an outspoken leader of the pro-democracy group Free Youth. She faces 10 criminal cases under various laws, including Articles 112 (lèse-majesté) and 116 (sedition) of the Criminal Code, in relation to her participation in pro-democracy protests. On September 1, she was arrested while on her way to her university classes and released on the same day for her participation in a protest on July 18. Ms. Jutatip's grandfather, Mr. Tiang Sirikhan, was a victim of enforced disappearance and extrajudicial killing in 1952. Ms. Jutatip has joined other families of victims of enforced disappearance to demand accountability and justice for the victims.

**10. Ms. Kamonchanok Rueankham**  **@rubyseann**



Ms. Kamonchanok Rueankham, aka Yin, 14, is a middle school student and pro-democracy activist from Phayao Province. Ms. Kamonchanok is involved with the pro-democracy group Free People in Phayao Province in leading the organization of protests in her school and in Phayao Province. Ms. Kamonchanok has opposed the growing authoritarianism in the Thai education system following the May 2014 military coup d'état, such as the inclusion of the junta's 12 nationalistic Thai values into the national curriculum.<sup>1</sup>

**11. Ms. Kornkanok Khumta**  **@pup\_kornkanok**



Ms. Kornkanok Khumta, aka Pup, 27, is a pro-democracy and women's rights activist from Yasothon Province. She works to support the wellbeing of WHRDs with the feminist organization Backyard Politics. As a co-founder of the Feminist's Liberation Front, she is outspoken about women's sexual and reproductive rights. Prior to this, Ms. Kornkanok was a pro-democracy student activist who campaigned against the military junta following the May 2014 military coup d'état. On April 25, 2016, she was detained for one day at the Central Women's Correctional Institution in Bangkok on charges of violating the junta's ban on political gatherings for demanding an investigation into alleged corruption by the military in the construction of Rajabhakti Park in Prachuap Khiri Khan Province.

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<sup>1</sup> After the May 2014 coup d'état, the NCPO established 12 "core Thai values" to be promoted in primary and secondary schools across Thailand. The 12 values are: love for the nation, religion, and monarchy; honesty, sacrifice, patience, and good intentions for the public; gratitude to parents, guardians, and teachers; perseverance in learning, seeking knowledge directly and indirectly; conservation of the precious Thai culture and traditions; morality, integrity, well-wishes upon others, and generosity; correct understanding of the essence of democracy with His Majesty the King as the head of state; discipline and respect for the law and the elders; awareness and mindfulness of thoughts and actions, following the guidance of His Majesty the King; following the sufficiency economy philosophy of His Majesty the King; physical and mental strength against greed and shame over religious sins; and precedence to the public and national interest over personal interest.

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**12. Ms. Lanlana Suriyo**  **@lannanasur**



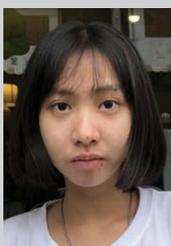
Ms. Lanlana Suriyo, aka Lanna, 25, is a university student and pro-democracy activist from Chonburi Province. She is currently studying law at Thammasat University, Lampang Campus, where she is also head of the student council. Ms. Lanlana works for the student group FreedomTULP as a leading organizer of pro-democracy protests at her university and in Lampang Province. She has also joined the Free People in organizing pro-democracy protests in Bangkok.

**13. Ms. Nantacha Chuchuai**  **@imnotdustja**



Ms. Nantacha Chuchuai, aka Film, 18, is a university student and pro-democracy activist from Trang Province. She is currently studying English at Bangkok University in Bangkok. She is a protest organizer and leader from the Coalition of Bangkok University Students and the co-founder of the Popular Student Network for Democracy. Ms. Nantacha also volunteers for the Feminist's Liberation Front in campaigning for gender equality and women's rights issues.

**14. Ms. Netnapha Amnatsongserm**



Ms. Netnapha Amnatsongserm, aka Nice, 21, is a university student and pro-democracy activist from Bangkok. She is currently studying Asian studies at Silpakorn University in Bangkok. She has been involved with the pro-democracy groups Free Youth and Free People in organizing protests in Bangkok. Ms. Netnapha has been charged under Article 116 of the Criminal Code for reading a statement that contained the pro-democracy movement's three initial demands at a protest on July 18 in Bangkok.

**15. Ms. Pakkajira Songsiripatra**



Ms. Pakkajira Songsiripatra, aka Tonliew, 22, is a university student and pro-democracy activist from Bangkok. She is currently studying education at Chiang Mai University, Chiang Mai Province. She works for the student group Community of Mor Chor as a lead organizer of pro-democracy protests in both the university and Chiang Mai Province. She is also involved with the pro-democracy groups Free Youth and Free People in organizing protests in Bangkok. Ms. Pakkajira advocates for education reform and reform of the welfare state.

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**16. Ms. Panusaya Sithijirawattanakul**  **@PanusayaS**



Ms. Panusaya Sithijirawattanakul, aka Rung, 22, is a university student and pro-democracy activist from Nonthaburi Province. She is currently studying sociology and anthropology at Thammasat University, Rangsit Campus, Pathumthani Province. She is a prominent leader of the United Front of Thammasat and Demonstration and is one of the leaders of the pro-democracy protests. Ms. Panusaya publicly criticized the Thai monarchy when she took to the stage to read a 10-point manifesto calling for monarchy reform at a pro-democracy protest on August 10 at Thammasat University's Rangsit Campus. She was arrested on October 15 and detained for 16 days at the Central Women's Correctional Institution in Bangkok. She faces 17 cases under various laws, including Articles 112 (lèse-majesté) and 116 (sedition) of the Criminal Code. In November 2020, Ms. Panusaya was listed as one of the world's 100 most inspiring and influential women of 2020 by the BBC. In December 2020, she was named Person of the Year by the Thai news outlet Khaosod *English*.

**17. Ms. Patsaravalee Tanakitvibulpon**  **@TMindpat**



Ms. Patsaravalee Tanakitvibulpon, aka Mind, 25, is a university student and pro-democracy activist from Saraburi Province. She is currently studying engineering at Mahanakorn University of Technology in Bangkok. She is a prominent leader of the pro-democracy student group Mahanakon for Democracy and member of the Free People. Ms. Patsaravalee faces eight criminal cases under various laws, including Article 116 of the Criminal Code (sedition) in connection with her participation in pro-democracy protests. On October 21, 2020, she was arrested by police and detained overnight at the Border Patrol Police Region 1 Headquarters in Pathumthani Province for participating in a protest on October 15 in Bangkok. She has been charged with Article 112 of the Criminal Code (lèse-majesté) as a result of her calls for the reform of the Thai monarchy.

**18. Ms. Pimsiri Petchnamrob**  **@ppethchnamrob**



Ms. Pimsiri Petchnamrob, aka Mook, 35, is a pro-democracy activist from Bangkok. She has been working as an advocate for human rights and equality and is currently the Thailand Program Officer for ARTICLE 19, an international NGO that works on freedom of expression and information. Ms. Pimsiri has been charged under Article 112 of the Criminal Code (lèse-majesté) for giving a speech at a pro-democracy protest on November 29 in Bangkok, during which she quoted a statement that the UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression made in 2017 criticizing the lèse-majesté law.

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**19. Ms. Sirin Mungcharoen**  **@fleurs36**



Ms. Sirin Mungcharoen, aka Fleur, 22, is a university student and pro-democracy activist from Samut Prakan Province. She is currently studying Spanish at Chulalongkorn University in Bangkok. She is also a feminist activist who advocates for women's rights, including women's participation in politics and gender norms. She is the co-founder of the Spring Movement, a student organization advocating for various human rights issues, both at the university and national level. She also works for Feminist Samyan Press, a publisher of Thai translated works on feminism and other works by women writers run by women students and activists.

**20. Sirisak Chaited**  **@ChitedSirisak**



Sirisak Chaited, aka Ton, 39, is an independent LGBTIQ and sex workers' rights activist from Chiang Mai Province. Sirisak self-identifies as gender-nonconforming and has been campaigning for gender diversity and equality in Thailand for over 10 years. Sirisak is a lead organizer of the annual Chiang Mai Pride parade and regularly joins pro-democracy protests across the country to raise awareness and advocate for the rights of LGBTIQ individuals and sex workers.

**21. Ms. Supitcha Chailom**  **@florasprig**



Ms. Supitcha Chailom, aka Maynu, 18, is a high school student and pro-democracy activist from Chiang Mai Province. She is a member of the pro-democracy groups Bad Students and Chiang Mai Students for Democracy. Ms. Supitcha received considerable public attention after she gave a powerful speech at a pro-democracy protest organized by the student group Community of Mor Chor on August 24 in Chiang Mai Province to criticize the outdated Thai educational system. Since then, she has been active in organizing and speaking at pro-democracy protests both in Chiang Mai Province and at the national level.

**22. Ms. Yanisa Varaksapong**  **@yanisavara**



Ms. Yanisa Varaksapong, aka Lookmai, 22, is a university student and pro-democracy activist from Bangkok. She is currently studying political science at Chulalongkorn University in Bangkok. She works with the student group Nisit Chula Party in campaigning for various issues and organizing pro-democracy protests within Chulalongkorn University and beyond. When police used excessive force to disperse a peaceful pro-democracy protest at Bangkok's Pathumwan intersection on October 16, she and other student members of the group designated a safe zone within the university campus and provided various types of support for protesters. Ms. Yanisa is also active with the LGBTIQ rights group Seri Toey Plus in campaigning for gender equality and justice.

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### 3. BACKGROUND: HUMAN RIGHTS VIOLATIONS PERSIST UNDER MILITARY-BACKED GOVERNMENT

Despite a general election held in March 2019, Thailand remains under a government that features many members of the military that seized power in May 2014, including retired army general and Prime Minister Prayuth Chan-ocha. The government that took power in 2019 has continued many of the repressive policies implemented by the military junta and failed to demonstrate its commitment to fully respect fundamental human rights and the rule of law.

On March 24, 2019, following repeated delays, Thailand held its first general election since the 2014 coup, led by the military junta National Council for Peace and Order (NCPO). The election, however, failed to bring a promised return to a fully democratic government and allowed Mr. Prayuth to remain prime minister, as a direct result of the application of key provisions of Thailand's constitution. The charter, drafted by junta appointees and promulgated on April 6, 2017, established a new complex electoral system that weakens political parties and ensures prolonged, institutionalized military-backed rule.<sup>2</sup> Most notably, Article 269 stipulates that the junta-appointed 250-seat Senate joins the popularly elected 500-member House of Representatives to vote for the prime minister in electoral cycles until 2024.

#### General election plagued by extensive interference by the NCPO

The NCPO extensively interfered in the election. The Election Commission, which controlled the administration of the election process, was wholly appointed by the junta.<sup>3</sup> In the period leading up to the election, the junta's absolute power under Article 44 of the 2014 interim constitution, as well as other NCPO orders restricting freedoms of expression and peaceful assembly, remained firmly in place.<sup>4</sup> By maintaining repressive laws, the junta barred political parties from campaigning until three months before the election took place,<sup>5</sup> routinely brought serious criminal charges against dissidents and opposition politicians who criticized the junta,<sup>6</sup> and enforced censorship to suppress independent news media.<sup>7</sup>

On May 8, 2019, six weeks after the election took place, the Election Commission released the final election results, both for constituency (375) and party-list (125) seats.<sup>8</sup> The delayed announcement came amid growing complaints about voting irregularities, including nearly two million votes disqualified as "spoiled ballots"<sup>9</sup> and a confusing preliminary vote count.<sup>10</sup> The Election Commission also came under heavy criticism for its interpretation of the complicated formula for the allocation of the 125 party-list Members of Parliament (MPs).<sup>11</sup>

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<sup>2</sup> BBC, *Thailand's constitution: New era, new uncertainties*, April 7, 2017

<sup>3</sup> Prachatai, *New election commissioners to be handpicked by junta-appointed senators*, September 14, 2017

<sup>4</sup> FIDH, UCL, and iLaw, *Assessment of Thailand's follow-up actions for the implementation of the UN Human Rights Committee's recommendations*, April 27, 2020

<sup>5</sup> NCPO Order 22/2018 repealed other NCPO Orders, lifting restrictions on political campaigning.

<sup>6</sup> AP, *Future Forward's Thanatorn charged with computer crime*, August 24, 2018; Reuters, *Thai police charge founder of new party over Facebook speech*, September 17, 2018

<sup>7</sup> Bangkok Post, *Voice TV suspended for 15 days*, February 12, 2019; Prachatai, *"Programming will return shortly": international news media broadcasts censored?*, March 13, 2019

<sup>8</sup> Los Angeles Times, *Thai election results announced, with no clear majority*, May 8, 2019

<sup>9</sup> CNN, *Confusion mounts as Thailand's election results delayed*, March 25, 2019

<sup>10</sup> Straits Times, *Thailand's puzzling election results explained*, March 26, 2019

<sup>11</sup> Under the new "mixed-member apportionment" calculation system based on the Organic Law on Election of MPs, the ballots voters cast counted as both votes for the constituency candidates and votes for those in the party list. The total number of votes that a party received nationwide via this single vote determined the number of party-list MPs allocated to each party. Parties that were eligible to gain party-list seats in the first round of calculation should

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On June 6, 2019, NCPO Head Prayuth Chan-ocha transitioned from a coup leader to head of a new government after securing a majority of the votes for prime minister from the combined House of Representative and Senate.<sup>12</sup> Thanks to the vital support from the junta-appointed senators, Mr. Prayuth obtained 500 votes, far surpassing the 376 votes needed out of the 750 from both houses. Of all 250 senators present, 249 voted for Mr. Prayuth, while the Senate speaker abstained.<sup>13</sup>

By virtue of Article 265 of the constitution, the NCPO retained its grip on power after the election, until its dissolution on July 16, 2019, following the swearing-in of the new cabinet headed by Mr. Prayuth. Members of the military-backed Phalang Pracharat Party (PPP), including former generals and important figures of the NCPO, were appointed to ministerial posts.<sup>14</sup>

During the first months of Mr. Prayuth's government, polarization deepened as the government continued its attempts to weaken the political opposition. The new progressive Future Forward Party (FFP) became a target of increasing attacks due to its staunch critique of the junta and the administration that succeeded it.<sup>15</sup> The party gained considerable support from younger Thai voters for its proposal to put an end to military's influence over Thai politics and bring about structural reforms to the Thai political system. Despite coming under repeated attacks by the junta since its establishment in March 2018, the party made a strong showing in the 2019 polls, winning the third largest share of seats in Parliament.<sup>16</sup>

On November 20, 2019, the Constitutional Court suspended FFP leader Thanathorn Juangroongruangkit from his MP status. The court found Mr. Thanathorn guilty of violating electoral regulations for holding shares in a media company when he applied to run for office, a decision seen by many observers as politically motivated.<sup>17</sup> Mr. Thanathorn and other FFP members have been persecuted under various laws, including Article 116 of the Criminal Code (sedition),<sup>18</sup> the 2007 Computer Crimes Act,<sup>19</sup> and the election laws.<sup>20</sup> At the time of the Constitutional Court's decision, the case was one of the 28 filed against Mr. Thanathorn and the FFP since the party's foundation.<sup>21</sup>

Political tensions heightened when Thailand's Constitutional Court dissolved the FFP for violating election laws.<sup>22</sup> On February 21, 2020, the Court ruled that the 191 million Baht (approx. US\$ six million) loan the FFP obtained from its leader was in violation of Articles 66 and 72 of the Organic Law on Political Parties. The provisions limit legal donations from individuals at 10 million Baht (approx. US\$316,000), though there is no specific provision prohibiting anyone from issuing a loan to a political party.<sup>23</sup> The Court also banned 16 party executives from politics for 10 years.

The Court's decision strengthened the tenuous parliamentary majority of the ruling coalition under Prime Minister Prayuth. Since 11 of the executives also served as MPs, the Court's

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secure the minimum threshold of 71,065 votes. The threshold is calculated by dividing the total of 35.53 million valid votes by the number of 500 MPs. The 150 party-list seats would then be distributed among parties according to the proportion of the votes that they received. However, the Election Commission decided to implement a different formula that would allow it to award seats to smaller political parties which received fewer votes than the electoral quotient. The inclusion of a total of 27 parties dropped the threshold from one party-list seat per 71,065 votes to one seat per approximately 30,000 votes.

12 CNN, *Thailand's junta chief elected as country's next prime minister*, June 6, 2019

13 Prachatai, *Prayuth officially chosen as Prime Minister of Thailand*, June 6, 2019

14 Prachatai, *'New' cabinet announced, junta faces challenges from all sides*, July 17, 2019

15 New Mandela, *Anakot Mai: 'lawfare' and Future Forward Party's legacy*, February 28, 2020

16 Straits Times, *Future Forward Party shows it is a force to be reckoned with*, March 26, 2019

17 Guardian, *Thai opposition leader disqualified as MP over election law breach*, November 20, 2019

18 Reuters, *Thailand's rising political star charged with sedition*, April 6, 2019

19 Bangkok Post, *Future Forward's Thanathorn charged with Computer Crimes*, August 24, 2020

20 Al Jazeera, *Banned Thai opposition figure faces new criminal charges*, March 11, 2020

21 Straits Times, *Thai Future Forward party faces dissolution over loan from leader*, December 12, 2019

22 Guardian, *Thai court dissolves opposition party Future Forward*, February 21, 2020

23 Straits Times, *Thai Future Forward party faces dissolution over loan from leader*, December 12, 2019

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ruling resulted in the number of FFP's seats in Parliament being reduced from 76 to 65.<sup>24</sup> Fifty-five of them formed a new party, called Move Forward Party (MFP), to pursue the same policies of the FFP, while others defected to join the government's coalition parties.<sup>25</sup>

The dissolution of the FFP effectively disenfranchised the votes of over six million people.<sup>26</sup> This triggered significant frustration among the party's young anti-establishment supporters over what they considered an illegitimate action from the government.<sup>27</sup> Outraged by the Constitutional Court's decision, Thai university and high school students began mobilizing to express their dissent, both online and in the streets.

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<sup>24</sup> Reuters, *Explainer: What's next in Thai politics after opposition party banned?*, February 21, 2020; Prachatai, *Constitutional Court rules to dissolve Future Forward party*, February 21, 2020

<sup>25</sup> Khaosod English, *Moving forward: 55 disbanded MPs join new party*, March 9, 2020

<sup>26</sup> Time, *A Thai Opposition Party that pushed for Democratic Reform has just been disbanded*, February 21, 2020

<sup>27</sup> BBC, *Why a new generation of young Thais are protesting the government*, August 1, 2020

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## 4. NEW PRO-DEMOCRACY MOVEMENT EMERGES AMID COVID-19 PANDEMIC

The Constitutional Court's ruling [See above, 3], fueled by long-standing discontent with the suppression of democracy and human rights and economic mismanagement during the junta era, prompted a wave of student-led demonstrations across Thailand.<sup>28</sup> On February 22, 2020, the Student Union of Thailand (SUT) convened a gathering at Thammasat University campus in Bangkok to voice their resistance to the dissolution of the FFP and the military-backed government.<sup>29</sup> Hundreds of students and FFP supporters participated in the protest. Following the event, youth-led pro-democracy flash mobs quickly gathered momentum and took place predominantly across campuses of universities and premises of other educational institutions in Bangkok and beyond.<sup>30</sup> From February 21 to March 14, there were at least 79 flash mobs in universities and six in high schools across the country.<sup>31</sup> Authorities constantly attempted to interfere with, or shut down, the students' activities.<sup>32</sup>

In March, youth pro-democracy demonstrations came to a halt due to the novel coronavirus (COVID-19) pandemic. In an attempt to control the spread of the virus, on March 26, 2020, the Thai government promulgated an Emergency Decree, which included a ban on public gatherings.<sup>33</sup> Violations of measures under the Emergency Decree carried a penalty of up to two years in prison and a fine of up to 40,000 Baht (US\$1,225) [See below, 5.1.d].

As a result of the Emergency Decree's ban on public gatherings, young people took to social media platforms to continue their political activism and criticize the government's management of the pandemic.<sup>34</sup> In response, the Thai government heightened its effort to hamper the exercise of freedom of expression online.<sup>35</sup> Authorities actively monitored online activities, censoring, and prosecuting those publishing alleged "fake news" online under the Computer Crimes Act.<sup>36</sup>

Dissent against the government increased following the disappearance of Thai pro-democracy activist Wanchalerm Satsaksit in Cambodia. On June 4, 2020, Mr. Wanchalerm appeared to be kidnapped in front of his condominium in Phnom Penh, by a group of unidentified men dressed in black.<sup>37</sup> Mr. Wanchalerm, who had fled Thailand after the 2014 coup, was an outspoken critic of the NCPO and was accused of violating Article 112 of the Criminal Code (*lèse-majesté*). Many observers viewed his disappearance in the context of the ongoing efforts by Thai authorities to pursue dissidents who fled to neighboring countries following the 2014 coup. From 2016 to 2020, at least eight other Thai dissidents living in exile disappeared under suspicious circumstances.<sup>38</sup> Despite the Emergency Decree, different groups of people gathered at various places around Bangkok calling for an investigation into Mr. Wanchalerm's disappearance and for justice to be delivered to his family.<sup>39</sup> Many activists were charged in connection to the participation in these protests.<sup>40</sup>

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28 AP, *Thai student rallies protest dissolution of opposition party*, February 26, 2020

29 Reuters, *Hundreds join protest against ban of opposition party in Thailand*, February 22, 2020

30 Straits Times, *Thai students rise up in wave of 'flash mobs' anti-government protests*, February 27, 2020

31 Thai Lawyers for Human Rights, *Situation of rights and liberties during 95 demonstrations after the dissolution of the Future Forward*, March 17, 2020

32 Thai Lawyers for Human Rights, *TLHR overall situation in February 2020*, March 10, 2020

33 Royal Gazette, *Emergency Decree on Public Administration in Emergency Situations B.E. 2548 (2005)*; <http://web.krisdika.go.th/data/slideshow/File/1-EN-EMERGENCY.pdf>

34 Reuters, *Coronavirus pandemic prompts rare questioning of Thai monarchy*, March 23, 2020

35 Human Rights Watch, *Thailand: COVID-19 clampdown on free speech, 25 March 2020*; ARTICLE 19, *Thailand: Emergency measures threaten human rights*, March 25, 2020

36 Khaosod English, *Gov't bans media from field report during virus curfew*, April 3, 2020; Thai Lawyers for Human Rights, *TLHR overall situation in April 2020*, May 12, 2020

37 BBC, *Wanchalerm Satsaksit: The Thai satirist abducted in broad daylight*, July 2, 2020

38 FIDH, *Address enforced disappearances, deliver justice for the victims and their families*, August 20, 2018

39 Bangkok Post, *Exiled Thai activist 'abducted in Cambodia'*, 5 June 2020; South China Morning Post, *Thais protest against 'disappearance' of activist Wanchalerm Satsaksit, snatched by gunmen in Cambodia*, June 8, 2020

40 Prachatai, *Students arrested over white ribbon campaign for disappeared activist*, June 10, 2020

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In mid-July, as the rate of COVID-19 infection subsided across the country, a second wave of nationwide demonstration led by students resumed. On July 18, the student group Free Youth Movement defied the ban on public gatherings and organized a demonstration at the Democracy Monument in Bangkok, drawing about 2,500 predominantly young participants.<sup>41</sup> Three demands were put forward by the protesters: 1) the dissolution of Parliament; 2) an end to the harassment of government critics who exercise their fundamental right to freedom of expression; and 3) the drafting of a new constitution.<sup>42</sup> Following the event, youth mobilization increased across the country.<sup>43</sup> The movement also evolved and attracted broader supporters from other age groups beyond students, increasingly challenging the legitimacy of the government and raising their demands for political change.<sup>44</sup>

The protests intensified following the lifting of the ban on public gatherings under the Emergency Decree on August 1. The protest movement took an unprecedented turn when protesters expressed direct criticism of the monarchy, an act that is punishable with prison terms from three to 15 years under the *lèse-majesté* provision of Thailand's Criminal Code.<sup>45</sup> They also made open calls for greater oversight of royal budget and the power of the monarch to be curbed in accordance with a democratic, constitutional monarchy.<sup>46</sup> The calls for monarchy reform marked a revolutionary moment in modern Thai history and were later taken up and amplified by subsequent protests.<sup>47</sup> On August 10, during a rally at Thammasat University's Rangsit Campus, Pathumthani Province, protest leader Ms. Panusaya Sitijirawattanakul read out 10 comprehensive demands for reform of the monarchy with the aim to make the institution more transparent and accountable. The demands were put in explicit and detailed terms, including limiting the monarchy's political powers, establishing tighter controls on palace finances, and abolishing *lèse-majesté*.<sup>48</sup>

After that, reform of the monarchy became increasingly central to the pro-democracy movement. The new Khana Ratsadon [People's Party], a reincarnation of the political movement which overthrew the absolute monarchy in Thailand in 1932, announced that they would continue to press for: 1) the resignation of Prime Minister Prayuth Chan-ocha; 2) the reform of the monarchy; and 3) the drafting of a new constitution.<sup>49</sup>

In addition to the demands for political and monarchy reforms, the protest movement has been fighting for greater structural changes and solutions to long-standing socio-economic issues in Thailand. At these demonstrations, people took to stages to discuss a variety of matters, including: gender equality; economic inequality; an outdated education system and violence against students by teachers in schools; environmental issues and community rights; conflicts in Thailand's Deep South; political prisoners and Thai exiles; and Thai Buddhist institutions.<sup>50</sup> Another remarkable aspect of the movement has been the emergence of women activists who have played a crucial role in the pro-democracy protests.<sup>51</sup>

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<sup>41</sup> Reuters, *Thai protesters call for government to resign*, July 18, 2020; AP, *Thousands in Bangkok rally against the government*, July 18, 2020

<sup>42</sup> Prachatai, *Students lead mass protest against dictatorship at Democracy Monument*, July 20, 2020

<sup>43</sup> Thai Lawyers for Human Rights, *Two weeks after youth groups began to free themselves: Their call to end harassment backfired*, August 3, 2020

<sup>44</sup> Asia Global Online, *The Free People movements and political awakening in Thailand*, October 22, 2020

<sup>45</sup> Guardian, *Thailand protesters openly criticize monarchy in Harry Potter-themed rally*, August 4, 2020

<sup>46</sup> BBC, *Thailand protests: Risking it all to challenge the monarchy*, August 14, 2020

<sup>47</sup> AP, *Thai protesters rally pushes demands for democratic reforms*, September 20, 2020; Al Jazeera, *The protests in Thailand are making history*, October 21, 2020

<sup>48</sup> Guardian, *The king and I: student risking jail by challenging Thailand's monarchy*, October 13, 2020

<sup>49</sup> Thai PBS, *Reincarnated Khana Rasadorn to press three demands in October 14<sup>th</sup> protest*, October 8, 2020

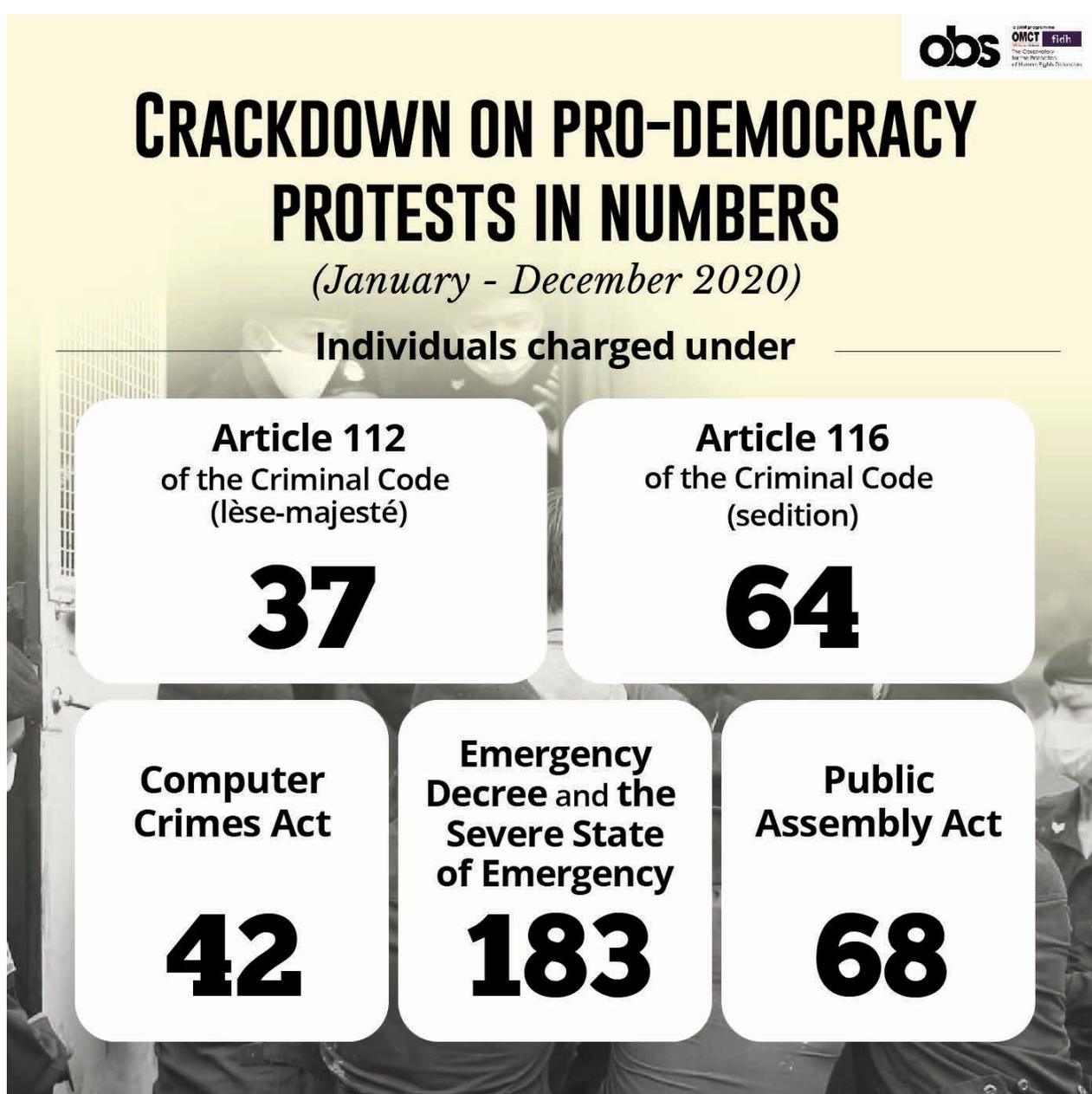
<sup>50</sup> BBC Thai, *Free People: Apart from democracy, other issues raised at 16 August rally*, August 18, 2020; AP, *Thai protesters rally again, promoting a diversity of causes*, November 14, 2020

<sup>51</sup> New York Times, *Young women take a frontline role in Thailand's protests*, September 24, 2020

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## 5. REPRESSION OF PEACEFUL PROTESTERS

Disregard for fundamental human rights and liberties remains one of the key characteristics of the military-backed government under Prime Minister Prayuth. Similar to the situation under the NCPO, the rights to freedom of expression and peaceful assembly, particularly, are severely constrained under Mr. Prayuth's administration. From mid-July 2020, pro-democracy demonstrations grew in scale and intensity, despite restrictions imposed by the government. Government repression of the legitimate exercise of freedoms of expression and peaceful assembly also escalated. Between January and December 2020, authorities took legal action against at least 287 individuals in relation to their participation in peaceful pro-democracy protests.<sup>52</sup>



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<sup>52</sup> Statistics compiled by the Thai Lawyers for Human Rights.

Human rights defenders, journalists, politicians, and protesters have constantly been targeted with serious criminal charges, including: Articles 110 and 112 of the Criminal Code (lèse-majesté); Article 116 of the Criminal Code (sedition); Article 326 of the Criminal Code (defamation); Article 328 of the Criminal Code (libel); Article 14 of the Computer Crimes Act; the Public Assembly Act; and the Emergency Decree, in violation of Thailand's international human rights obligations [See below, 5.1]. Other minor offenses under various other laws were also used by authorities to restrict the legitimate exercise of freedoms of expression and peaceful assembly.<sup>53</sup> Authorities also targeted student protesters under the age of 18 for their participation in pro-democracy protests. Besides bringing criminal charges, authorities have also systematically monitored, harassed, and intimidated pro-democracy activists.<sup>54</sup>

### 5.1. Domestic laws restricting freedom of expression and peaceful assembly

Below are some of the main legal provisions that authorities used to target critics of the government and the monarchy, including pro-democracy protest leaders and participants.

#### a. Articles 110 and 112 of the Criminal Code (lèse-majesté)

While no legal action had been taken against individuals under Article 112 of the Criminal Code between July 2017 and October 2020, enforcement of the notorious lèse-majesté law was renewed and used against pro-democracy activists starting in November 2020. Article 112 punishes with prison terms of three to 15 years those who are found guilty of defaming, insulting, or threatening the King, the Queen, the Heir to the throne, and the Regent.



Pro-democracy protesters take part in a march to denounce the use of Article 112 of the Thai Criminal Code (lèse-majesté) in Bangkok on December 10, 2020. © Jack Taylor / AFP

<sup>53</sup> For example: Article 114 of the Land Traffic Act ("obstructing the traffic"); Article 4 of the Control of the Use of Amplifier Act ("use of loudspeakers without permission"); Article 19 of the Maintenance of the Cleanliness and Orderliness Act ("placing an object on the road"); Article 34 of Communicable Disease Act ("participating in acts that increase the risk for infection").

<sup>54</sup> Thai Lawyers for Human Rights, *Before 14 October: Overview of harassment of individuals by authorities following Free Youth's protest (Statistics of 18 July to 10 October)*, November 10, 2020

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Earlier, on June 15, 2020, Prime Minister Prayuth stated that Article 112 was not being enforced because King Rama X had “mercy and asked that it not be used.”<sup>55</sup> As the protesters rapidly escalated their criticism of the monarchy and demands for reforms, on November 19, Prime Minister Prayuth announced that the government would enforce “all laws and articles” against protesters.<sup>56</sup> By January 22, 2021, 55 individuals had been charged under Article 112 in connection with their participation in peaceful pro-democracy protests.<sup>57</sup> Among them are prominent protest leaders Messrs. **Anon Nampa, Parit Chiwarak, Panupong Chadnok, Tattep Runaprapaikitseeree, and Piyarat Chongthep**. Seven women protest leaders were also charged with Article 112 [See below, Appendix II: Table of prosecutions of WHRDs]. None of them was detained under these charges, which remain pending.

In another development, authorities charged three pro-democracy activists, Messrs. **Bunkueanun Paotong, Ekkachai Hongkangwan, and Suranat Paenprasoet**, with an arcane crime of attempted violence against the Queen under Article 110 of the Criminal Code.<sup>58</sup> On October 14, 2020, the three were among a large group of protesters located in the vicinity of Government House in Bangkok – an area through which Queen Suthida’s motorcade drove and made a brief encounter with protesters.<sup>59</sup> Article 110 carries a sentence of 16 years to life imprisonment for those found guilty of “committing or attempting to commit an act of violence against the Queen,” or a death sentence “if such act is likely to endanger the life of the Queen.”

#### **b. Article 116 of the Criminal Code (sedition)**

The government has aggressively used Article 116 of the Criminal Code (sedition) to stifle its critics and target pro-democracy activists.<sup>60</sup> Between mid-2017 and late-2020, authorities resorted to the use of Article 116 and the Computer Crimes Act instead of Article 112 to prosecute those criticizing the monarchy, both offline and online.<sup>61</sup> Article 116 prescribes jail terms of up to seven years for individuals found guilty of expressing an “opinion or criticism in order: (a) to bring about a change in the laws or the government by the use of coercion or violence, (b) to create confusion or disaffection among the people to the point of causing unrest in the kingdom, or (c) to have people violate the law.” From the establishment of the new government in July 2019 to April 2020, at least 21 people were charged with sedition.<sup>62</sup>

In 2020, as the pro-democracy movement grew and amplified the calls for monarchy reform, authorities regularly pressed sedition charges against individuals in connection with their participation in peaceful assemblies. Between January and December 2020, at least 64 protesters were charged for violating Article 116.<sup>63</sup> Many of them are protest leaders who gave speeches about their demand for monarchy reform. However, Article 116 has also been used to press charges against pro-democracy activists who spoke about other issues on protest stages.<sup>64</sup> Some of those targeted with sedition charges have also been former *lèse-majesté* convicts, namely Messrs. **Somyot Pruksakasemsuk and Patiwat Saraiyaem**. The two were

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<sup>55</sup> Bangkok Post, *Prayuth, Prawit warn ‘movement’ against palace*, June 15, 2020

<sup>56</sup> Al Jazeera, *PM Prayuth promises to use ‘all laws’ against Thai protesters*, November 19, 2020

<sup>57</sup> Thai Lawyers for Human Rights, *The number of prosecutions under “lèse-majesté” in 2020-2021*, December 16, 2020; updated as of January 22, 2021 [in Thai]

<sup>58</sup> The Observatory, *Thailand: Release all pro-democracy activists, end crackdown on peaceful dissent and independent media*, October 16, 2020; Reuters, *Thai police to charge two for violence against queen*, October 16, 2020; Prachatai, *Third person charged in connection with the royal motorcade incident*, October 21, 2020

<sup>59</sup> Reuters, *Turning point in Thailand: Queen’s brush with protest*, October 23, 2020

<sup>60</sup> iLaw, *Thailand Post-Election Report: Article 116 “sedition” as political weapon and replacement of Article 112*, December 27, 2019

<sup>61</sup> iLaw, *Article 14(3) of the Computer Crimes Act, new version of lèse-majesté, replacing Article 112*, February 21, 2020; Thai Lawyers for Human Rights, *As if the NCPO never left: Six years after the coup and the persistent of human rights violations*, May 22, 2020

<sup>62</sup> Thai Lawyers for Human Rights, *As if the NCPO never left: Six years after the coup and the persistent of human rights violations*, May 22, 2020

<sup>63</sup> Statistics compiled by the Thai Lawyers for Human Rights.

<sup>64</sup> Thai Lawyers for Human Rights, *One month after 14 October, three times as many prosecutions of protests, 175 people prosecuted, charges of Article 116-Emergency Decree surge*, November 15, 2020

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arrested and detained for sedition in connection with their participation in peaceful a pro-democracy protest on September 19, 2020. They were later released [See below, 5.2.a].

### **c. Article 14 of the Computer Crimes Act**

Under Prime Minister Prayuth's government, authorities have often used the Computer Crimes Act, enacted in 2007 and amended in 2017 by the junta-appointed National Legislative Assembly (NLA), to target critics of the government and the monarchy. Article 14 of the Computer Crimes Act notably addresses offenses that involve: (1) the import to a computer system of "forged" or "distorted" information "that is likely to cause damage to the public"; (2) "false computer data in a manner that is likely to damage the maintenance of national security, public safety, national economic security or public infrastructure serving national public interest or cause panic in the public"; and (3) "any computer data which is an offense about the security of the Kingdom or is an offense about terrorism." Individuals found guilty of violating Article 14 face up to five years in prison or a 100,000 Baht (US\$3,061) fine, or both.

After July 2017, Article 14(3) of the Computer Crimes Act, instead of Article 112 of the Criminal Code, was repeatedly used to prosecute those criticizing the monarchy on online platform.<sup>65</sup>

In relation to the 2020 protest movement, which heavily relied on the use of social media, the Computer Crimes Act was used to target some of the protest leaders over online political expression.<sup>66</sup> Between January and December 2020, at least 42 were charged with violating the Computer Crimes Act for expressing political opinions online.<sup>67</sup>

### **d. Public Assembly Act**

Enacted in 2015 under the NCPO, the Public Assembly Act has been consistently used by Prayuth's administration to place restrictions on political activities and peaceful public gatherings. In addition, the law has been used numerous times by the authorities to interfere with public demonstrations, including intimidating or discouraging protest organizers and participants, closing protest venues, and monitoring protest activities.<sup>68</sup>

The Public Assembly Act imposes many duties for individuals who legitimately exercise their right to freedom of peaceful assembly. Article 10 of the law requires protest organizers to provide police notice and information of the planned public assembly at least 24 hours in advance. Under Article 32, failure to provide the notification results in the assembly being illegal, even if such assembly is peaceful and therefore protected by the constitution. Article 7 bans demonstrations within 150 meters of royal palaces, or within the compounds of the Government House, Parliament, and courthouses, unless a specific area has been authorized and designated by the authorities. Article 16(8) also prohibits rallies from 6 pm to 6 am and bars protesters from blocking entrances or creating a disturbance at government offices, airports, seaports, train and bus stations, hospitals, schools, and embassies. Violators of the law face prison terms of up to five years and/or fines of up to 100,000 Baht (US\$2,860).

In response to the expanding pro-democracy movement in 2020, the Public Assembly Act was the primary law used to target peaceful demonstrators before the enactment of the Emergency

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<sup>65</sup> iLaw, *Article 14(3) of the Computer Crimes Act, new version of lèse-majesté, replacing Article 112*, February 21, 2020; Thai Lawyers for Human Rights, *As if the NCPO never left: Six years after the coup and the persistent of human rights violations*, May 22, 2020

<sup>66</sup> Reuters, *Thailand takes first legal action against Facebook, Twitter over content*, September 24, 2020; Nation, *Protest leader Panusya arrested at hotel room*, October 15, 2020; Thai Lawyers for Human Rights, *Before 14 October: Overview of harassment of individuals by authorities following Free Youth's protest (Statistics of 18 July to 10 October)*, November 10, 2020

<sup>67</sup> Statistics compiled by the Thai Lawyers for Human Rights.

<sup>68</sup> Thai Lawyers for Human Rights, *As if the NCPO never left: Six years after the coup and the persistent of human rights violations*, May 22, 2020

Decree in March.<sup>69</sup> However, after the lifting of the ban on public gatherings under the Emergency Decree, authorities still used the Public Assembly Act in conjunction with the Emergency Decree to press charges against protesters, despite the Act's explicit inapplicability during the period of enforcement of the Emergency Decree.<sup>70</sup> Between January and December 2020, at least 68 protest organizers were charged under the Public Assembly Act.<sup>71</sup>

#### e. Emergency Decree on Public Administration in the State of Emergency

On March 25, 2020, the Thai government declared a State of Emergency pursuant to Article 5 of the 2005 Emergency Decree on Public Administration in the State of Emergency ("Emergency Decree") in an effort to control the spread of COVID-19. However, with its broad and vague provisions, the law imposed serious restrictions on the exercise of the right to freedom of expression and the right to freedom of peaceful assembly.<sup>72</sup> Article 9 of the Emergency Decree prohibits public assemblies and the dissemination of online information that is "false" or capable of instigating fear among the public.<sup>73</sup> Under Article 18, violations of measures under the Emergency Decree carry penalties of up to two years' imprisonment or a fine of up to 40,000 Baht (US\$1,225).<sup>74</sup> The State of Emergency was renewed numerous times, with the latest extension valid until February 28, 2021.<sup>75</sup> The ban on public gatherings was lifted on August 1, 2020.<sup>76</sup> However, on December 25, 2020, following a sudden spike in cases of COVID-19 infections, Prime Minister Prayuth Chan-ocha issued a set of regulations under Article 9 of the Emergency Decree, which included a ban on gatherings or illegal assembly in crowded areas or any activities that would incite unrest.<sup>77</sup>

Despite Prime Minister Prayuth's statement on July 21, 2020, that the extension of the Emergency Decree was not in connection with the rising student-led public demonstration, the law was repeatedly enforced to prosecute protesters.<sup>78</sup> Prior to the lifting of the ban on public assemblies, at least 67 individuals were charged under the Emergency Decree in relation to their protest participation.<sup>79</sup>

Between March and December 2020, at least 183 individuals were charged with violating the Emergency Decree in connection with their participation in the pro-democracy protest, including the period under the Severe State of Emergency that was imposed in Bangkok from October 15 to October 22, 2020 [See below, 5.1.f].<sup>80</sup> At least seven children were summoned by police for the same offense.<sup>81</sup>

69 ARTICLE 19, Thai Lawyers for Human Rights, *#WhatshappeninginThailand: Government crackdown on the right to protest*, October 25, 2020; Thai Lawyers for Human Rights, *As if the NCPO never left: Six years after the coup and the persistent of human rights violations*, May 22, 2020

70 Article 3(6) of the Public Assembly Act; Thai Lawyers for Human Rights, *Even more bizarre legal consequences: When Emergency Decree is used simultaneously with Public Assembly Act*, September 2, 2020; Thai Lawyers for Human Rights, *Statistics of individuals charged with the Emergency Decree as a result of political gatherings (as of September 28, 2020)*, October 12, 2020

71 Statistics compiled by the Thai Lawyers for Human Rights.

72 ARTICLE 19, *Thailand: Emergency measures threaten human rights*, March 25, 2020

73 Straits Times, *Coronavirus: State of Emergency declared in Thailand by PM Prayut, with tough new restrictions*, March 25 2020; Thai Lawyers for Human Rights, *Summary of "The legal opinion on the declaration on the state of emergency in response to COVID-19 pandemic"*, March 30, 2020

74 Royal Gazette, *Emergency Decree on Public Administration in Emergency Situations B.E. 2548 (2005)*, June 12, 2020; <http://web.krisdika.go.th/data/slideshow/File/1-EN-EMERGENCY.pdf>

75 Nation, *State of emergency approved until end of Feb*, January 4, 2021

76 Bangkok Post, *Emergency Decree extended*, July 23, 2020

77 Bangkok Post, *Emergency decree rules tightened*, December 26, 2020

78 BBC Thai, *COVID-19: Prayuth insists Emergency Decree irrelevant to political assemblies*, July 21, 2020; ARTICLE 19, Thai Lawyers for Human Rights, *#WhatshappeninginThailand: Government crackdown on the right to protest*, October 25, 2020

79 ARTICLE 19, Thai Lawyers for Human Rights, *#WhatshappeninginThailand: Government crackdown on the right to protest*, October 25, 2020

80 Thai Lawyers for Human Rights, *Table of cases of individuals accused of violating Emergency Decree from participating in political protests*, September 28, 2020; Thai Lawyers for Human Rights, 2020: The year of protests, ceiling breaking, and political lawsuits, January 12, 2020

81 Thai Lawyers for Human Rights, *Statistics of youths prosecuted for expressing their opinions and participating in protests*, January 11, 2021

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## **f. Severe State of Emergency in Bangkok**

The Thai government invoked enhanced emergency powers for the second time in response to a peaceful pro-democracy protest on October 14-15, 2020, in Bangkok, and following an incident involving the royal motorcade near the site of the protest on October 14 [See above, 5.1.a].<sup>82</sup> In the early hours of October 15, the government declared a Severe State of Emergency in Bangkok on the grounds that the pro-democracy protesters caused disturbances and threatened national security and public safety.<sup>83</sup> Public gatherings of more than four people were banned as a result.<sup>84</sup> Police officers had the power to arrest and hold persons in custody up to 30 days without charges.<sup>85</sup> In the hours that followed the announcement, police arrested at least 28 key protest leaders and activists in connection with the protest.<sup>86</sup>

Authorities also used emergency powers to escalate the crackdown on online political activities. On October 19, the Thai government ordered internet providers to block Telegram, a private messaging app used by protesters to organize rallies.<sup>87</sup> On October 20, police ordered an investigation into online platforms of the pro-democracy group Free Youth and independent Thai media outlets *Voice TV*, *Reporters*, *Standard*, and *Prachatai* to determine whether they had violated the Severe State of Emergency and should be suspended.<sup>88</sup> On October 22, the government lifted the Severe State of Emergency.<sup>89</sup> Ninety individuals, including a 16-year old boy, were arrested in the eight days during which the Severe State of Emergency was in force.<sup>90</sup> All of them have been released.

## **5.2. Thailand's response to pro-democracy protests in breach of its international human rights obligations**

The Thai government's response to the pro-democracy protests has been in breach of Thailand's obligations under three key international human rights instruments to which it is a state party.

### **a. International Covenant on Civil and Political Rights (ICCPR)**

According to Article 3 of the ICCPR,<sup>91</sup> Thailand has an obligation to "ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the Covenant." The rights protected under the ICCPR include the rights to: security of the person and freedom from arbitrary detention (Article 9); freedom of opinion and expression (Article 19); and freedom of peaceful assembly (Article 21). Amid ongoing pro-democracy demonstrations, the Thai government has utterly failed to ensure and protect these fundamental rights of protest leaders and participants.

Article 9(1) of the ICCPR states that no one should be subjected to arbitrary arrest or detention.

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<sup>82</sup> Reuters, *Turning point in Thailand: Queen's brush with protest*, October 23, 2020

<sup>83</sup> Financial Times, *Thailand declares state of emergency and cracks down on demonstrators*, October 15, 2020; Thai Lawyers for Human Rights, *Public Statement on "The Declaration of Severe state of Emergency and Crackdown on protests"*, October 15, 2020

<sup>84</sup> The Observatory, Thailand: *End crackdown on peaceful pro-democracy activists, lift emergency decree*, October 16, 2020

<sup>85</sup> Thai Lawyers for Human Rights, *Public Statement on "The Declaration of Severe State of Emergency and Crackdown on Protest"*, October 15, 2020

<sup>86</sup> Thai Lawyers for Human Rights, *Public Statement on "The Declaration of Severe State of Emergency and Crackdown on Protest"*, October 15, 2020

<sup>87</sup> BBC, *Thailand protests: Authorities move to ban Telegram messaging app*, October 19, 2020

<sup>88</sup> The Observatory, *Release all pro-democracy activists, and end crackdown on peaceful dissent and independent media*, October 23, 2020

<sup>89</sup> Authorities continued to enjoy powers under the first Emergency Decree in effect since March 2020 in response to the COVID-19 pandemic; BBC, *Thailand protest: state of emergency lifted after days of rallies*, October 22, 2020

<sup>90</sup> The Observatory, Thailand: *Release all pro-democracy activists, end crackdown on peaceful dissent and independent media*, October 23, 2020

<sup>91</sup> UN General Assembly, *International Covenant on Civil and Political Rights*, December 16, 1966

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Many arrests and detentions of pro-democracy leaders and protesters were “arbitrary” by international standards, because they resulted from the legitimate exercise of the right to freedom of opinion and expression and the right to freedom of peaceful assembly, which are guaranteed by Articles 19 and 21 of the ICCPR, respectively. In addition, various protest leaders were repeatedly denied bail after being detained in connection with their participation in the demonstrations. Such practice is inconsistent with Article 9(3) of the ICCPR, which states that “pre-trial detention should be the exception.”

For example, on October 13, 2020, key pro-democracy activist Mr. **Jatupat Boonpataraksa** was arrested along with 20 other protesters in a forceful dispersal of a demonstration at Bangkok’s Democracy Monument.<sup>92</sup> He was not granted bail until finally being released on October 23.<sup>93</sup>

Three prominent protest leaders Mr. Panupong Jadnok, Mr. Parit Chiwarak, and Ms. Panusaya Sithijirawattanakul were arrested and detained in a protest crackdown shortly after the announcement of the Severe State of Emergency in Bangkok on October 15.<sup>94</sup> They were charged with various offenses, including under Article 116 of the Thai Criminal Code (sedition). Messrs. Panupong and Parit were held in the Bangkok Remand Prison and Ms. Panusaya was detained at the Central Women’s Correctional Institution in Bangkok. The court repeatedly denied them bail and the three were eventually released on October 30.<sup>95</sup>

On November 3, human rights defenders Messrs. Anon Nampa, Ekkachai Hongkangwan, and Somyot Pruksakasemsuk were released from the Bangkok Remand Prison after being detained and denied bail for several weeks on charges relating to pro-democracy protests.<sup>96</sup> Messrs. Anon and Somyot had been arrested on October 15 and 16, respectively.<sup>97</sup> They were charged for various offenses, including under Article 116 of the Criminal Code, in connection with their participation in a protest on September 19-20 in Bangkok. Mr. Ekkachai had been arrested on October 16 on charges of attempted violence against the Queen (Article 110 of the Criminal Code), in connection with his participation in a protest in Bangkok on October 14.

For the same offense under Article 110, police arrested another pro-democracy activist, Mr. Suranat Paenprasoet, on October 21. He was initially detained in solitary confinement at Bang Kwang Prison in Nonthaburi Province and then transferred to the Bangkok Remand Prison on October 31.<sup>98</sup> He was released on November 3.

Freedom of opinion and expression is guaranteed by Article 19 of the ICCPR. However, Thai authorities have frequently enforced various repressive laws and decrees that impose restrictions on the right to freedom of expression that are inconsistent with the permissible curbs (respect of the rights or reputations of others; protection of national security or of public order [ordre public], or of public health or morals) to this right under the ICCPR [See above, 5.1 and 5].

The Thai government’s abuse of Article 112 of the Criminal Code to target protest leaders who criticized the monarchy marked another severe repression of freedom of expression [See above, 5.1.a]. Numerous United Nations (UN) human rights monitoring mechanisms have publicly and repeatedly expressed their concern over the prosecutions under Article 112.<sup>99</sup>

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92 Thai Lawyers for Human Rights, “We cannot live like this, we cannot live in society like this”: “Pai Dao Din” yells from behind bars, November 20, 2020

93 Nation, *Pai Dao Din released on bail after appeal*, October 23, 2020

94 The Observatory, *Thailand: Release all pro-democracy activists, end crackdown on peaceful dissent and independent media*, October 23, 2020

95 Bangkok Post, *Court of Appeal denied bail for protest trio*, October 24, 2020; Bangkok Post, *Court again denies bail for 3 protest leaders*, October 26, 2020; Prachatai, *3 leading protest figures rearrested right after walking out of prison*, November 1, 2020

96 Prachatai, *4 pro-democracy protesters released from temporary detention*, November 1, 2020

97 The Observatory, *Thailand: Release all pro-democracy activists, end crackdown on peaceful dissent and independent media*, October 23, 2020.

98 Thai Lawyers for Human Rights, “Being here limit my capabilities” Voice of Tan Suranat from solitary confinement, October 28, 2020 [in Thai]

99 FIDH, *Lèse-Majesté must not be used to criminalize pro-democracy protest leaders and participants*, November 25, 2020

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They have also repeatedly called for the amendment of Article 112 to bring it into conformity with Thailand's international obligations.<sup>100</sup>

Finally, Article 21 of the ICCPR protects the right to freedom of peaceful assembly. Under the UN Human Rights Committee's General Comment No. 37, there is a presumption in favor of considering assemblies to be peaceful. Any restrictions on the right to peaceful assembly must pass the tests of legality, legitimacy, necessity, and proportionality. The Public Assembly Act and the Emergency Decree contain restrictions to this fundamental right that do not comply with international standards [See above, 5.1]. Since the beginning of the pro-democracy demonstrations, the Thai government has undertaken tenacious efforts to obstruct political gatherings and retaliated against those exercising their right to freedom of peaceful assemblies [See above, 5].



Riot police use water cannons to disperse pro-democracy protesters during a peaceful rally near Bangkok's Pathumwan intersection on October 16, 2020. © Vachira Vachira / NurPhoto via AFP

In addition, the violent dispersal of thousands of peaceful protesters, including some students who were children, by riot police and the use of water cannons that used harmful chemicals on the evenings of October 16 and November 17 in Bangkok, were an unnecessary and disproportionate response to peaceful protesters under Article 21 of the ICCPR and various other international standards.<sup>101</sup>

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<sup>100</sup> FIDH, *UN committee slams abuse of lèse-majesté law*, June 23, 2015; FIDH, *Government unwilling to address systematic human rights violations at UN-backed review*, September 22, 2020; FIDH, *UN body slams ongoing violations of civil and political rights*, March 31, 2017; FIDH, *UN expert calls for end to lèse-majesté prosecutions amid more arbitrary detentions*, October 10, 2017; FIDH, *36 and counting: Lèse-majesté imprisonment under Thailand's military junta*, February 26, 2016

<sup>101</sup> Article 15 of the Convention on the Rights of the Child, to which Thailand is a state party; paragraphs 85-87 of the UN Human Rights Committee's General Comment No. 37 on Article 21 of the ICCPR; paragraph 13 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials; and paragraphs 7.7.2 – 7.7.4 of the UN Human Rights Guidance on Less-Lethal Weapons in Law Enforcement. See also: FIDH, *Statement by International NGOs and Pro-Democracy Protests on November 17 and 25, 2020*, November 25, 2020

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**b. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)**

As women emerged as a significant force in the pro-democracy and gender equality movements, they have been frequently targeted by both state and non-state actors as a consequence of their work. [See below, 6.3]. As a state party to the CEDAW,<sup>102</sup> Thailand's failure to guarantee the rights of WHRDs is inconsistent with its obligation under Article 3 "to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men."

**c. Convention on the Rights of the Child (CRC)**

The Thai government took measures that violated fundamental human rights of children through prosecution and violent actions [See above, 5.1.e]. Children's rights to freedom of expression and peaceful assembly are enshrined in Articles 13 and 15 of the CRC, respectively.<sup>103</sup> In addition, under Article 37 of the CRC, the arrest, detention, or imprisonment of a child shall be treated as a measure of last resort and for the shortest period of time.

**d. UN Declaration on Human Rights Defenders**

The Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms ("UN Declaration on Human Rights Defenders") recognizes the important role of all human rights defenders and reaffirms the fundamental rights and obligations of states to protect them.<sup>104</sup> Article 1 of the Declaration on Human Rights Defenders reaffirms that "everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels." Human rights defenders, therefore, can be of any gender, of varying ages, and from all sorts of professional backgrounds. The Declaration on Human Rights Defenders recognizes that individuals or groups are entitled to carry out their peaceful human rights activism without fear of reprisal. Human rights defenders are guaranteed civil and political rights enshrined in the ICCPR, including freedoms of expression, opinion, peaceful assembly, and association, and states are responsible to take all necessary measures to protect those whose rights are violated because of their activities.

In the context of the current pro-democracy movement, not only did Thai authorities fail to ensure a safe and enabling environment for actions related to human rights, but they also engaged in direct attacks and acts of harassment against human rights defenders and protesters [See above, 5; see below, 6.3].

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<sup>102</sup> UN General Assembly, *Convention on the Elimination of All Forms of Discrimination Against Women*, December 18, 1979

<sup>103</sup> UN General Assembly, *Convention on the Rights of the Child*, November 20, 1989

<sup>104</sup> UN General Assembly, *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*; UN Doc. A/RES/53/144, March 8, 1999

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## 6. THAI WHRDS CHALLENGE THE *STATUS QUO*

WHRDs make vital contributions to the defense of human rights by providing a gender perspective in building a more diverse and equal society. The contexts in which Thai WHRDs are operating are those shared by women elsewhere in the world. Patriarchy defines the traditional notion of Thai women and puts them into a subordinated position. In addition, Thailand's patriarchal society is reinforced by the country's long history of the male-dominated monarchy, military, and the Buddhist monkhood. WHRDs who defy these powerful institutions are perceived as threats to the morals of Thai society. Thai WHRDs persevere in challenging power structures and the *status quo*. In doing so, they are at particular risk of abuses and challenges, which are often gender-based in nature.

The present report is focused on Thai WHRDs engaged in the protection and promotion of fundamental human rights and freedoms, including those working on women's rights and gender-related issues. However, references to WHRDs in this report include LGBTIQ individuals who are also affected by socially defined gender norms shaped by patriarchy and gender binary (a classification system consisting of two genders, male and female).

### Who are WHRDs?

WHRDs experience specific challenges that stem from social stereotypes of women's identity and roles, in addition to the same threats generally faced by other human rights defenders.<sup>105</sup>

As the UN Special Rapporteur on the Situation of Human Rights Defenders acknowledged, WHRDs "often face additional and different risks and obstacles that are gendered, intersectional, and shaped by entrenched gender stereotypes and deeply held ideas and norms about who women are and how women should be."<sup>106</sup>

Aside from gender, other aspects of women's identities, such as age, religion, ethnicity, class, race, sexual orientation, gender identity, and gender expression, also contribute to how WHRDs are perceived and treated. Moreover, the hostility against WHRDs can be generated not only from government or state actors, but also from the public, the media, their communities, and their families.<sup>107</sup>

### 6.1. Thai WHRDs at greater risk under the military

Despite having often received little attention, WHRDs have played a pivotal role in advancing human rights in Thailand. As the 2020 pro-democracy protests gathered momentum, WHRDs are more than ever in urgent need of recognition and protection.

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<sup>105</sup> WHRDs around the world fight for freedom, justice, and fairness. They are connected to many struggles, including, but certainly not limited to, fighting for the rights of women. They are engaged with virtually every form of human rights struggle, from access to food to the right to be free from arbitrary arrest. And they resist the systems of oppression - and those people who enact those systems - that for centuries have created a global crisis of gender inequality, patriarchy, and misogyny. Yet, the experiences of WHRDs often go unnoticed, partly because of the very systems of inequity we are challenging; see: Women Human Rights Defenders International Coalition, *Gendering Documentation: A Manual For and About Women Human Rights Defenders*, December 2015

<sup>106</sup> UN Human Rights Council, *The situation of women human rights defenders*, January 10, 2019; UN Doc. A/HRC/40/60, Para. 6

<sup>107</sup> UN Human Rights Council, *The situation of women human rights defenders*, January 10, 2019; UN Doc. A/HRC/40/60, Para. 6

Historically, Thai women have been actively involved in many political and social movements, most notably the student and labor movements.<sup>108</sup> WHRDs from rural areas have also been at the forefront of advocacy for land use, the environment, and natural resources. However, the 2014 coup deepened male supremacy in the Thai public life. Under NCPO rule, women were systematically excluded from public consultations and decision-making processes.<sup>109</sup> The all-male NCPO directly appointed members, most of whom were men, to the executive and legislative bodies. Only 4% (11 out of 250) of the members of the NCPO-appointed Parliament, the National Legislative Assembly, were women.<sup>110</sup>

WHRDs repeatedly came under attack under the NCPO's rule. Authorities frequently used repressive laws to intimidate or bring charges against women pro-democracy activists.<sup>111</sup> WHRDs, including rural WHRDs, were at heightened risk of attack, discrimination, and other violations of their human rights.<sup>112</sup> WHRDs were also targets of gender-specific attacks and harassment, including online.<sup>113</sup>

In its Concluding Observations after the review of Thailand's combined sixth and seventh periodic reports, the UN Committee on the Elimination of Discrimination against Women expressed its serious concern that WHRDs in Thailand had increasingly become targets of lawsuits, harassment, violence, and intimidation by authorities and business enterprises due to their work.<sup>114</sup> The Committee called on the Thai government to adopt and implement, without delay, effective measures for the protection of WHRDs to enable them to freely undertake their important work without fear or threat of lawsuits, harassment, violence, or intimidation.<sup>115</sup> It also urged Thai authorities to effectively investigate, prosecute, and adequately punish all cases of harassment, violence, and intimidation against WHRDs, and provide effective remedies to victims.

Despite the UN Committee's recommendations, little has been done by Thai authorities to address and implement them, and the Thai government has failed to take any action to improve the situation of WHRDs. Rural WHRDs continued to face violent attack, intimidation, and judicial harassment. Sexual harassment and threats against WHRDs also increased.<sup>116</sup>

## 6.2. New generation of WHRDs in Thailand

Young Thais and students were the face of the 2020 pro-democracy demonstrations. Female university and high school students, especially, were at the front and center of the wave of peaceful protests. Not only did these young women make up a significant part of participants, but they also played a key role in organizing and leading the demonstrations. In addition, some of these female students have been the most vocal about reforms of Thailand's monarchy, which they argue wields overwhelming and unchecked influence over Thai society and politics.<sup>117</sup> The calls broke Thailand's biggest political taboo, the discussion of which has been traditionally prevented by the enforcement of the country's draconian lèse-majesté law.

108 Friedrich Ebert Stiftung, *Political feminism and the women's movement in Thailand: actors, debates and strategies*, April 2017

109 The Observatory, *In Harm's Way: Women Human Rights Defenders in Thailand*, July 24, 2017

110 The Observatory, *In Harm's Way: Women Human Rights Defenders in Thailand*, July 24, 2017

111 The Observatory Urgent Appeal THA002/0715/OBS 055.7, *Thailand: Charges of sedition and violating the ban on political gatherings against Sirikan "June" Charoensiri, a human rights lawyer with TLHR*, October 28, 2016; Khaosod English, *Women recount lives disrupted 3 years by junta harassment*, June 8, 2017

112 The Observatory, *In Harm's Way: Women Human Rights Defenders in Thailand*, July 24, 2017

113 The Observatory, *In Harm's Way: Women Human Rights Defenders in Thailand*, July 24, 2017

114 The Observatory, *Thailand: In landmark review, UN calls for protection of women human rights defenders*, July 24, 2017

115 UN Committee on the Elimination of Discrimination against Women, *Concluding observations on the combined sixth and seventh periodic reports of Thailand*, July 24, 2017; UN Doc. CEDAW/C/THA/CO/6-7, Para. 31

116 Protection International, *2020 CEDAW Progress Report Card*, March 4, 2020; Prachatai, *NGO network calls for an end to sexual harassment among activists*, December 13, 2019

117 BBC, *The student daring to challenge Thailand's monarchy*, September 16, 2020; Japan Times, *'I had to do it': Student leader defies Thailand's royal taboo*, August 29, 2020

Along with the pro-democracy street protests, an unprecedented movement for gender equality also emerged. Women and LGBTIQ individuals have been increasingly outspoken about exclusionary cultural norms that undermine gender equality in Thailand. They have pressed for an inclusive, representative, and enduring democratic system that respects and promotes gender equality.

At these demonstrations, women took to stages to criticize gender stereotypes, unequal power relations, and other forms of injustice in Thai society that obstruct women and LGBTIQ individuals from enjoying their fundamental human rights.<sup>118</sup> Women's and LGBTIQ's rights groups also organized and led their own rallies to insist on their calls for gender equality and reaffirm the demands of the pro-democracy movement.<sup>119</sup> During the demonstrations, they also spoke out against sexual harassment and called for better representation of women and LGBTIQ people on protest stages.<sup>120</sup> Other campaigns concerning gender equality that were raised before large crowds included marriage equality, decriminalization of sex workers, the wage gap, and rape culture.<sup>121</sup>



A Thai LGBTIQ activist holds up a three-finger salute during a pro-democracy demonstration in Bangkok on November 7, 2020. © Anusak Laowilas / NurPhoto via AFP

Feminist's Liberation Front Thailand, a women's rights group that regularly participated in the pro-democracy protests, has ignited a national discussion about the recognition of female bodily autonomy and women's sexual and reproductive rights.<sup>122</sup> The group raised the issues of the law criminalizing abortion and the government's taxes on menstrual products. They also provided various kinds of support and services for those who faced gender discrimination and harassment as a result of defending human rights.<sup>123</sup> As the movement for gender equality

118 Prachatai, *Gender equality and democracy must go hand-in-hand, says activist group*, September 30, 2020

119 Prachatai, *LGBT activists call for democracy and gender equality*, July 29, 2020; Prachatai, *Sissy That Mob: LGBT youths front and center in Thailand's democracy movement*, September 15, 2020; Prachatai, *Thai LGBTQs and pro-democracy protesters march for equality*, November 12, 2020

120 Prachatai, *Thai LGBTQs and pro-democracy protesters march for equality*, November 12, 2020

121 Global Citizen, *How young women are leading Thailand's protests against patriarchy*, September 25, 2020

122 Prachatai, *Gender equality and democracy must go hand-in-hand, says activist group*, September 30, 2020

123 Prachatai, *Women for Freedom and Democracy renamed 'Feminist's Liberation Front' to be more inclusive, aiming*

grew, the group has also become a central platform for women to speak about various issues that affect them.

Female high school students are another significant force that has emerged as the pro-democracy protests swept across the country. Bad Students, a student movement, has taken the lead in calling for deep reform of the country's outdated educational system and rules, including gender-biased school uniforms and haircuts.<sup>124</sup> Student rights groups also organized a series of protests at the Ministry of Education and various high schools in Bangkok calling for an end to abuse and mistreatment by teachers and the protection of LGBTIQ students.<sup>125</sup> In these protests, female students appeared to make up the majority of the participants.<sup>126</sup>

### **6.3. Human rights violations and challenges faced by pro-democracy WHRDs**

Despite the empowering developments related to the pro-democracy protests, WHRDs continue to be targeted for their activism. Besides retaliation from state authorities as a result of their work, such as facing criminal charges, arrest, and detention, WHRDs also face gender-specific human rights violations and challenges.

In the context of the current pro-democracy movement in Thailand, WHRDs are subjected to the same types of human rights violations for exercising their freedoms of expression and assembly as male activists, such as judicial harassment and criminalization. However, they are also exposed to additional gender-based attacks and harassment perpetuated by state authorities and non-state actors. Their vulnerabilities increase especially when they challenge deeply held gender and other societal norms. These include norms related to sexuality, reproductive rights, social hierarchies, age, or clothing. Therefore, sub-groups of WHRDs, including those working on women's rights and gender equality, LGBTIQ individuals, and schoolgirls, encounter a set of specific obstacles.

Violations against WHRDs are reinforced by an entrenched culture of impunity for abuses in Thailand. This is the result of a flawed legal framework and an ineffective judicial system, intertwined with fear, shame, and silence. In such an environment, human rights violations have serious repercussions on the psychological well-being of WHRDs, especially younger individuals.

The following sub-sections illustrate the human rights violations, risks, and challenges that WHRDs faced in relation to their participation in the peaceful pro-democracy demonstrations that began in February 2020.

#### **6.3.1. Criminalization**

Since the start of the pro-democracy protests in February 2020, the Thai government has actively engaged in repeated attacks against WHRDs through the use of the legal system. Judicial harassment against WHRDs fits into a broader pattern of the Thai government's ongoing retaliation against the exercise of freedoms of expression and peaceful assembly. Authorities have used a range of repressive laws to bring charges against or intimidate women protest leaders, organizers, and participants – including at least eight children.

In 2020, the Observatory for the Protection of Human Rights Defenders documented the prosecution of 11 WHRDs, including one under the age of 18, in relation to their participation in pro-democracy protests [See below, Appendix II: Table of prosecutions of WHRDs]. Four of

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*for gender equality*, November 15, 2020

124 Human Rights Watch, *Thailand's 'Bad Students' are rising up for democracy and change*, July 10, 2020

125 Prachatai, *Student rights groups demand abolition of haircut regulation*, July 10 2020; Prachatai, *Student group marches to Education Ministry to call for LGBT rights*, July 30, 2020

126 Khaosod English, *Schoolgirls emerge as leaders of leaderless protests in Bangkok*, October 20, 2020

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them were arrested and detained, including Mses. Panusaya Sithijirawattanakul, **Suwanna Tallek**, Jutatip Sirikhan, and Patsaravalee Tanakitvibulpon.

All of the 11 WHRDs face criminal charges under various laws and decrees. Four of them have had a total of 10 or more cases brought against them. Ms. Panusaya has the highest number of cases at 17. Ms. Chonthicha Jangrew has been accused in 15 cases. Ms. Jutatip and Ms. Suwanna have been charged in 10 cases.



Thai Protest leader Panusaya Sithijirawattanakul, aka Rung, (L), faces off with a line of police during a pro-democracy rally in Bangkok on September 20, 2020. © Lillian Suwanrumpha / AFP

The most common charge brought against WHRDs has been the violation of the Emergency Decree. Ten of the 11 WHRDs have been accused of such offense, and four of them have been charged under the Severe State of Emergency as well. Authorities also brought criminal charges against six of them for sedition (Article 116 of the Thai Criminal Code) and against seven of them for lèse-majesté (Article 112) as a result of speeches they made during the protests or online posts.

Police also targeted student WHRDs under the age of 18 for their participation in pro-democracy protests. On September 9, police summoned a 17-year-old female high school student who gave a speech about the Thai education system at a protest on August 1 in Ratchaburi Province.<sup>127</sup> She was accused of violating the Emergency Decree and the Public Assembly Act and of using a sound amplifier in public without permission. It was the first time a high school student was summoned since the start of the student-led movement.

On November 20, police summoned Bad Students leader Ms. Benjamaporn Niwas, 16, to acknowledge the charge of violating the Emergency Decree. The charge stemmed from her participation in a demonstration on October 15 at Bangkok's Rachaprasong intersection where she also made speeches on the protest stage.<sup>128</sup>

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<sup>127</sup> Prachatai, *High school student summoned for Ratchaburi protest*, September 10, 2020

<sup>128</sup> Al Jazeera, *Thailand to charge school students for joining banned protest*, November 20, 2020

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### 6.3.2. Harassment, intimidation, and surveillance by state authorities

WHRDs have routinely been subjected to harassment, intimidation, and surveillance by authorities. This is largely part of the Thai government's hostility against the pro-democracy movement and those exercising their freedoms of expression and assembly. However, many of these instances of violations against WHRDs by state authorities have had gendered dimensions or consequences.

As the pro-democracy movement developed, there have been numerous reports of authorities' surveillance and harassment of protest participants of all genders, both while carrying out their work and in their private lives. At protest sites, police routinely monitored and interfered with protesters' activities.<sup>129</sup> Ms. Patsaravalee Tanakitvibulpon told the Observatory that police followed her every movement during a demonstration organized by her group, Mahanakorn for Democracy, on August 3. The rally saw for the first time open and direct criticism of the monarchy by protesters. Since then, Ms. Patsaravalee has on many occasions been subjected to overt surveillance by police, who "intentionally make themselves obvious" to her while taking photos and videos of her at protest venues.<sup>130</sup>



Thai protest leader Patsaravalee Tanakitvibulpon, aka Mind, during a pro-democracy protest near the Grand Palace in Bangkok, on November 8, 2020. © Anusak Laowilas / NurPhoto via AFP

Similarly, prominent protest leader Ms. Panusaya Sithijirawattanakul said that after she became a public figure, undercover police constantly followed her whenever she went outside. "I notice police waiting around, always checking if there are any summonses against me," she told the Observatory. This caused disturbances in her daily life, making her unable to go outside by herself "even for a short period of time, except in the university campus. Because somebody is following me at all times. And I never know what they are following me for - just to watch me, or to do something else? I never know."<sup>131</sup> Ms. Jutatip Sirikhan reported many

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<sup>129</sup> Thai Lawyers for Human Rights, *Before 14 October: Overview of harassment of individuals by state authorities following Free Youth's protest (Statistics of 18 July to 10 October 2020)*, November 10, 2020

<sup>130</sup> Interview with Ms. Patsaravalee Tanakitvibulpon, December 15, 2020

<sup>131</sup> Interview with Ms. Panusaya Sithijirawattanakul, December 6, 2020

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instances of undercover police following her to her dormitory and the faculty building before she was eventually arrested on September 1.<sup>132</sup>

Some WHRDs reported that they were contacted by police through telephone calls or text messages, and were persistently asked to provide personal details, their whereabouts, and information about protest activities. For example, Ms. Patsaravalee said police made relentless attempts to ask for her bank details, both in person, through telephone calls, and text messages.<sup>133</sup> Ms. Nantacha Chuchuai told the Observatory that police repeatedly called her to “beg” that she provide her full name.<sup>134</sup> Ms. Pakkajira Songsiripatra, who was responsible for notifying police of a planned protest in accordance with the Public Assembly Act, reported: “Police called me every couple of hours in one day to ask the same questions about the protest, even though I gave them all the information. It was frustrating.”<sup>135</sup> Ms. Chonnikarn Wangmee said she received personal text messages from police such as “I miss you” and “I’m single.”<sup>136</sup> She, Ms. Pakkajira, and Ms. Alisar Bindusa said police invited them out to talk over food and drinks.<sup>137</sup>

Thai authorities also visited residences and educational institutions of protest leaders and participants as a means of intimidating them or gathering information on their activities. In the period between July 18 and October 10, 2020, authorities visited residences and educational institutions of at least 145 individuals in relation to their participation in pro-democracy demonstrations.<sup>138</sup> The majority of the WHRDs interviewed by the Observatory said undercover police conducted unannounced visits to their residences. Many of them have seen multiple visits by authorities since the beginning of the current pro-democracy movement.

WHRDs reported that this type of harassment and intimidation was also extended to their family members as a way to discourage the WHRDs from carrying out their work or participating in protests. Often times in these unannounced visits, police approached their family members to ask for their personal information or about their work. In other cases, police threatened their family members, causing fear and insecurity for the WHRDs and their families. Police frequently visited Ms. Panusaya’s family home where her mother lives, including while she was detained in the Central Women’s Correctional Institution in Bangkok. At the beginning, police asked for information about Ms. Panusaya and her family without disclosing their identities. In these encounters, police also demanded that her family make her stop carrying out her pro-democracy activities.<sup>139</sup>

Ms. Alisar said the first time undercover police visited her house, they brought her photo to ask a family member about her. After that, police continued to visit her house: “They talked to my parents. They called my mom. [...] My family home is a tea shop, so they sometimes called me and said ‘I’m going to the shop’ or ‘I’m here at the shop’. It’s purely to say that they are watching me.” Moreover, authorities approached the village head to gather information about her. In response to the persistent harassment by the authorities, Ms. Alisar said: “I still don’t understand why I have to be so cautious. For example, the other day when I went to a protest, why did I have to take a detour in order to get there? Why do I have to change places to sleep? Why can’t I live a normal life? I have to watch out for my own safety all the time. [...] My parents told me not to come home. I have to be careful in answering phone calls. It’s my private life and this is a such a nuisance.”<sup>140</sup>

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132 Interview with Ms. Jutatip Sirikan, December 18, 2020

133 Interview with Ms. Patsaravalee Tanakitvibulpon, December 15, 2020

134 Interview with Ms. Nantacha Chuchuai, October 29, 2020

135 Interview with Ms. Pakkajira Songsiripatra, November 16, 2020

136 Interview with Ms. Chonnikarn Wangmee, November 9, 2020

137 Interview with Ms. Chonnikarn Wangmee, November 9, 2020; Interview with Ms. Alisar Bindusa, October 27, 2020

138 Thai Lawyers for Human Rights, *Before 14 October: Overview of harassment of individuals by state authorities following Free Youth’s protest (Statistics of 18 July to 10 October 2020)*, November 10, 2020

139 Interview with Ms. Panusaya Sithijirawattanakul, December 6, 2020

140 Interview with Ms. Alisar Bindusa, October 27, 2020

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Several WHRDs reported that this relentless persecution has led to conflicts between them and their families or triggered deep feelings of fear and guilt in WHRDs. Some young WHRDs have stopped participating in protests because of fear of further consequences. Ms. Kamonchanok Rueankham, 14, said that after she gave a speech criticizing the government at a pro-democracy protest in Phayao Province, police went to take photographs of her house at least three times. In one instance, they talked to her grandfather and threatened to send her to a juvenile detention center if she continued her activism. The incident led to a conflict with her family as they demanded that she stop any political activities. Ms. Kamonchanok felt extremely distressed from excessive worries and guilt for putting her family at risk: "I was in a terrible mental state. I saw no way out and I became suicidal, thinking I was the cause of it all. The worst thing I was worried about was for my family to be involved. I was not concerned about the police personally and I even told them to come directly to me if there were any problems. For a period of time, I was in constant panic whenever I left the house or went to school."<sup>141</sup> She had to temporarily stop participating in protests as a result.

Student WHRDs reported police went to their school or university to monitor their activities, asked for their identification from their teachers, or pressured people in the administration to take measures against them.<sup>142</sup> Ahead of planned pro-democracy protests in Bangkok and elsewhere on September 19, authorities sent letters to heads of universities, summoning students to a meeting where they were told to stop students demanding reform of the monarchy which could lead to violence.<sup>143</sup> They were also asked to draw up a list of students who could cause trouble.<sup>144</sup>

Ms. Itsara Wongthahan, a high school student, told the Observatory that her name appeared in the police's list, which was sent to her teachers to ask for information about her.<sup>145</sup> Ms. Pakkajira, a university student, reported police went to the faculty building at her university to look for her after a rally in Bangkok. Police also pressured university staff to force her to stop engaging in political activities: "They approached the university's president who then ordered teachers at my faculty to tell me to stop whatever I was doing. I was called to the teachers' office, which I first thought it was about my studies. But then they started scolding me and questioned me about who was behind the protests. [...] They used profane and abusive words to belittle what I was doing, such as 'What's the point of speaking up?' or 'This is such nonsense. You'd better spend your time on your studies.'"<sup>146</sup>

Other forms of harassment commonly faced by WHRDs who are responsible for liaising or interacting with police officers are conduct or remarks that are discriminatory against women or sexual in nature. Such conduct usually causes extreme discomfort for WHRDs and constitutes sexual harassment against them. Ms. Lanlana Suriyo, for example, received noticeably different treatment from police compared to male activists: "While police used direct and professional language with men, they tend to act in a threatening or patronizing manner toward me." In one instance, police asked for her place of residence and said to her: "I'll give you a visit when I have time." She reported being shamed by a male police officer who said to her: "I have my own daughter and I'll never ever let her do what you do." Police also made various comments revolving around her body, such as calling her "fat" or "pretty."<sup>147</sup>

Ms. Chonthicha Jangrew reported many instances of inappropriate behavior by police, such as staring at her body parts, touching, or making sexual comments about her appearance and way of dressing. For example, she was told that her breasts looked big and that she looked sexy in a short skirt. She said: "During negotiations, police sometimes would tease

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141 Interview with Ms. Kamonchanok Rueankham, November 23, 2020

142 Thai Lawyers for Human Rights, *Before 14 October: Overview of harassment of individuals by state authorities following Free Youth's protest (Statistics of 18 July to 10 October 2020)*, November 10, 2020

143 Reuters, *Exclusive: Thailand tells universities to stop students' calls for monarchy reform*, September 13, 2020

144 Reuters, *Exclusive: Thailand tells universities to stop students' calls for monarchy reform*, September 13, 2020

145 Interview with Ms. Itsara Wongthahan, November 16, 2020

146 Interview with Ms. Pakkajira Songsiripatra, November 16, 2020

147 Interview with Ms. Lanlana Suriyo, October 21, 2020

me. Though usually they didn't intend to cause any fear, it showed a lack of understanding about gender sensitivity and is just unprofessional."<sup>148</sup> Ms. Alisar told similar stories: "They would flatter me or sometimes just babble some nonsense. It's ill-mannered. It's because they have all the power, so they think they could tease anybody or do anything. Or they think it's one way of being friendly, but it's inappropriate. Thai authorities never received a proper training for this."<sup>149</sup>



Thai Protest leader Chonthicha Jangrew, aka Lookkate, speaks to media as pro-democracy protesters and student activists march to the Grand Palace in Bangkok on November 8, 2020. © Lauren DeCicca / Getty Images via AFP

On October 15, Ms. Panusaya was arrested and taken into police custody for organizing a demonstration on September 19 at Bangkok's Sanam Luang. She was initially detained at Thanyaburi Prison before being transferred to the Central Women's Correctional Institution in Bangkok on October 21.<sup>150</sup> Ms. Panusaya experienced sexual harassment when she was taken into custody. A male officer at Thanyaburi Prison made unwelcome "flirty" remarks: "He said to me 'You're very pretty' and 'I could not sleep after seeing your pictures.'" Though she felt extremely uncomfortable, she could not denounce the misconduct because of fear about how she would be treated in prison.<sup>151</sup>

### **6.3.3. Gender-based attacks and sexual harassment, including online, by non-state actors**

Attacks against WHRDs are often gender-based or inflicted in a gender-specific way, such as sexual assault and harassment. Other attacks may be violations inflicted regardless of their gender, yet they have gender-based consequences. This refers to different ramifications of human rights violations for WHRDs because of the social and cultural norms governing gender identity and roles.<sup>152</sup>

<sup>148</sup> Interview with Ms. Chonthicha Jangrew, November 4, 2020

<sup>149</sup> Interview with Ms. Alisar Bindusa, October 27, 2020

<sup>150</sup> Prachatai, *Over 20 protesters arrested following crackdown; protest leaders denied bail*, October 15, 2020

<sup>151</sup> Interview with Ms. Panusaya Sithijirawattanakul, December 6, 2020

<sup>152</sup> Women Human Rights Defenders International Coalition, *Global report on the situation of women human rights defenders*, January 2012

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During pro-democracy protests, women and LGBTIQ rights groups consistently raised awareness about the issue of sexual harassment against women activists.<sup>153</sup> Local news reported the sale of photographs and videos of women protesters on social media.<sup>154</sup>

Ms. Nantacha Chuchuai told the Observatory that male protesters took low angle photos of her and other women in strapless tops while they were campaigning for women's freedom to wear clothes of their choice during a pro-democracy rally.<sup>155</sup> Queer activist Sirisak Chaited regularly experienced unwanted touching from protest participants of all genders: "People would touch my breasts, asking if they were real or fake. Or they would stroke my hip area to check if it was real or fake and tell me I have nice hips. Or they would stroke my buttocks. [...] Sometimes, it came from the idea that we are friendly. But they are unaware that this type of conduct is a violation."<sup>156</sup>

WHRDs reported gender-specific attacks mostly taking the form of verbal abuse and harassment directly aimed at them simply because of their gender and gender expression. This often overlaps with WHRD's experience of online attacks and harassment. Many of these instances are sexual or personal in nature and often have harsh emotional or psychological effects on women. Ultimately, these violations aim to question and delegitimize the work and credibility of WHRDs. WHRDs interviewed highlighted the use of gender stereotypes and "appropriate behavior" by perpetrators to justify abuses committed against them. The stereotypical perception of women as being more reserved or composed underlies the way in which these attacks are articulated. According to such notion, women should not come out to protest on the streets or speak about controversial issues. WHRDs who challenge the *status quo* are stigmatized and labeled as "traitors", "disloyal", "nation haters", or "monarchy abolitionists." Other gendered labeling for WHRDs include "bad women", "immoral", "aggressive", or "prostitutes."

Ms. Lanlana Suriyo, a student of Thammasat University, was summoned by police and attacked online after some protesters tore apart pictures of the Thai King and Queen during a pro-democracy demonstration on October 17 at Thammasat University's campus in Lampang Province.<sup>157</sup> Ms. Lanlana was one of the organizers of the protest. She told the Observatory that a news channel reported the incident using her photo with a headline that included hate speech. On the internet, she received threats of physical and sexual assault by social media users who shamed her as being "brainwashed", "hired", "traitor", "trash", and "prostitute." She also received scores of hateful and sexist comments. After the incident, she was terrified for her personal safety and did not want to leave her house.<sup>158</sup>

Ms. Panusaya Sithijirawattanakul said she was attacked on social media for using offensive words to criticize a pro-military politician: "Because, as a woman, I am expected to act and speak properly." The response was in stark contrast to other male activists who expressed their opinion in a similar way.<sup>159</sup>

In addition, WHRDs' characters, physical appearance, and attires have also been repeatedly used to target them. Ms. Sirin Mungcharoen noted that this type of attack was the most common in her experience: "The typical attack I get is about how I look and name-calling, either saying I'm a prostitute or that I'm undesirable."<sup>160</sup> Ms. Sirin and Ms. Nantacha said that such hostility is generated from all sides, including people who share the same democratic ideology as them.<sup>161</sup>

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153 Prachatai, *Thai LGBTQs and pro-democracy protesters march for equality*, November 12, 2020

154 Khaosod English, *Voyeurs are selling photos of women at the protest online*, October 21, 2020

155 Interview with Ms. Nantacha Chuchuai, October 29, 2020

156 Interview with Sirisak Chaited, December 19, 2020

157 Manager Online, *"Thammasat" apologized for king's picture ripping incident, replacing new ones*, October 19, 2020 [in Thai]

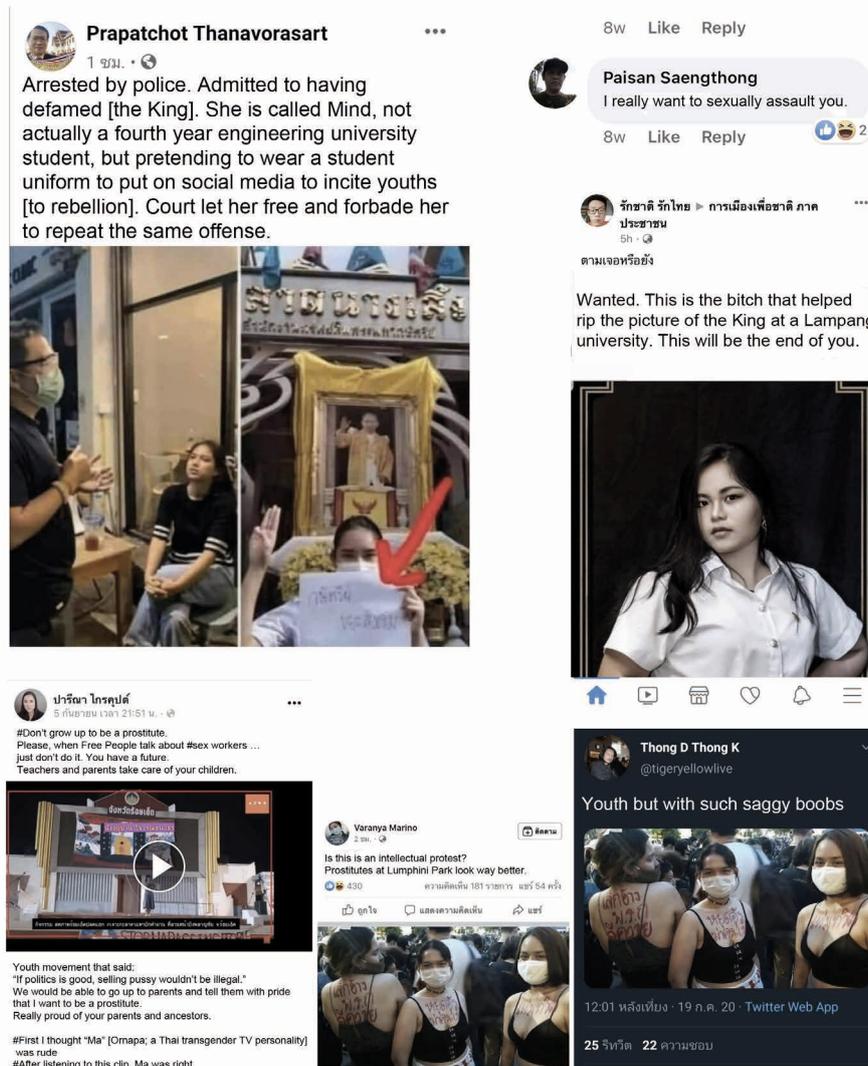
158 Interview with Ms. Lanlana Suriyo, October 21, 2020

159 Interview with Ms. Panusaya Sithijirawattanakul, December 6, 2020

160 Interview with Ms. Sirin Mungcharoen, October 22, 2020

161 Interview with Ms. Sirin Mungcharoen, October 22, 2020; Interview with Ms. Nantacha Chuchuai, October 29, 2020

Such attacks intensify when WHRDs challenge unequal power relations and traditional ideas of gender roles, sexuality, and identities. WHRDs who defend sexual and reproductive rights of women and those who fight for gender equality or LGBTIQ rights are generally considered “controversial.” Ms. Kornkanok Khumta argued that women are more vulnerable to misogynistic attacks when they discuss the issues of abortion or the rights of sex workers. As a result, they are targets of attacks aimed at preserving “good societal and cultural values.”<sup>162</sup>



Examples of online attacks against Thai WHRDs (posts translated from their original versions in Thai language).  
© The Observatory for the Protection of Human Rights Defenders

During a pro-democracy protest in Bangkok on November 28, Ms. Nalinrat Tuthubthim, 20, dressed in a high school uniform and held a placard alleging sexual assault when she was in high school.<sup>163</sup> Her action attracted considerable public attention and she was vigorously criticized by conservative politicians and netizens. A number of politicians, both male and female, attacked Ms. Nalinrat for damaging her school's reputation and Thailand's image. She was also threatened with legal actions for wearing a school uniform when she was no longer a student, and punishment if her allegations were proven to be false. On the internet, she was bombarded with abusive messages and pictures of her modelling outfits were widely shared to question her intentions or blame her for the alleged assault.<sup>164</sup>

162 Interview with Ms. Kornkanok Khumta, October 30, 2020

163 Reuters, *Thai woman alleges sex abuse in school then faces storm of criticism*, November 23, 2020

164 Khaosod English, *Gov't lawmakers attack student for speaking up about abuse*, November 23, 2020

Ms. Nantacha was targeted with abusive comments when she defended feminism at a pro-democracy rally by wearing a revealing tank top with the word "Femtwit" written on her chest.<sup>165</sup> As a result, she received a range of sexist slurs and hateful body-shaming comments, such as "sickening", "disgusting", "prostitute", "shameful", "unintellectual". She said: "I was called a 'lunatic' and threatened with physical assault by people from the same political side as me."<sup>166</sup> Similarly, Ms. Pimsiri Petchnamrob was threatened with physical assault when she defended feminist ideas on social media.<sup>167</sup>

LGBTIQ and gender non-conforming activists face another layer of attacks because of their sexual orientation, gender identity or expression as well as for defending rights related to gender and sexuality. Sirisak Chaited, who advocates for gender equality and the rights of sex workers, has regularly endured hateful and derogatory insults directly aimed not just at their work, but also at their gender identity and their appearance, all of which challenge normative views of sexuality and gender. According to Sirisak, the most common accusations they received were "immoral", "disgrace to the culture and tradition", and "threat to the nation." Sirisak added that attacks against their appearance are also common, including "alien", "freak", and "maniac."<sup>168</sup> Transgender activist Ms. Chitsanupong Nithiwana also reported similar experience of transphobic speeches online, questioning her sexuality.<sup>169</sup>

Apart from gender, young WHRDs also face prejudice due to their age. High school students Ms. Itsara Wongthahan and Ms. Kamonchanok Rueankham said they are often perceived as "too young or immature to understand or participate in politics."<sup>170</sup> As a result of her activities, Ms. Kamonchanok said she received online shaming comments, such as "it's not children's job" or "your future looks bleak."<sup>171</sup> Attacks against young WHRDs usually extend to their families, accusing them of "failing to take care of their children."

Ms. Benjamaporn Niwas received a backlash online for her campaign challenging Thailand's archaic school rules on mandatory haircuts on June 27.<sup>172</sup> Internet users criticized her for disobedience, calling her "wicked" and saying that "children should mind their own business." Others also made misogynistic and threatening comments about her, calling her "prostitute" or "porn actress."<sup>173</sup>

Gender-based attacks and harassment are also rampant online, including on social media, websites, blogs, and news articles. All WHRDs interviewed were frequently subjected to some form of online attacks, intimidation, harassment, and defamation. Apart from misogynistic and derogatory comments, online attacks against WHRDs include threats of sexual violence, sexual harassment, public shaming on social media, and doctored - sometimes with sexual elements - photographs. WHRDs are often unable to defend themselves from these acts. As a result, they feel threatened, exploited, humiliated, sexualized, or discriminated against.

As a public figure, Ms. Chonthicha Jangrew has been subjected to abuses and insults using violent, sexist, and misogynistic language on social media: "I'm under constant attacks on my personal life, gender, and appearance. I have been witch-hunted and sent rape threats."<sup>174</sup>

The images of Ms. Supitcha Chailom in her school uniform giving a speech at a demonstration in Chiang Mai Province were flooded with comments with sexual connotation and attacks

165 The word is a combination of "feminist" and "Twitter", coined by anti-feminist internet users to demean feminist ideas on Twitter.

166 Interview with Ms. Nantacha Chuchuai, October 29, 2020

167 Interview with Ms. Pimsiri Petchnamrob, October 15, 2020

168 Interview with Sirisak Chaited, December 19, 2020

169 Interview with Ms. Chitsanupong Nithiwana, December 14, 2020

170 Interview with Ms. Itsara Wongthahan, November 16, 2020; Interview with Ms. Kamonchanok Rueankham, November 23, 2020

171 Interview with Ms. Kamonchanok Rueankham, November, 23 2020

172 Deutsche Welle, *Thailand's school haircut controversy reflects authoritarian attitudes*, July 23, 2020

173 Interview with Ms. Benjamaporn Niwas, December 6, 2020

174 Interview with Ms. Chonthicha Jangrew, November 4, 2020

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against her appearance. The photo was shared further and received more hateful comments. After she publicly condemned the comments as sexual harassment and defended her rights as a woman, she was further attacked for being a "radical feminist" or "man hater." This had serious emotional and psychological effects on her: "I became so severely stressed and depressed that I needed to see a psychiatrist. I kept thinking and being obsessed about every single comment and that was very distressing."<sup>175</sup>

After Ms. Itsara spoke on stage about abortion and sex workers' rights at a rally in Roi Et Province, a member of Parliament from the ruling Phalang Pracharath Party (PPP) shared a picture of her on stage with a comment that read: "Don't be a prostitute when you grow up." She received abusive comments attacking her gender and age. Moreover, her Facebook account was tracked down and her identity was disclosed on a group of pornographic film actors' followers. After the incident Ms. Itsara said: "I felt humiliated and depressed for a while. The worst thing was that the people who posted it were supporters of democracy but did not see a problem with this."<sup>176</sup>

Ms. Sirin was a victim of online misinformation after her photos were photoshopped with fake quotes that did not belong to her. In another instance, some internet users edited a parody video of her.<sup>177</sup> Ms. Panusaya's photo of her speaking on a protest stage was photoshopped where her microphone was replaced with male genitalia.<sup>178</sup>

#### **6.3.4. Impunity and lack of accountability**

The prevailing culture of impunity leaves human rights violation against WHRDs unpunished. Thailand's ineffective judicial system and lack of legal mechanisms that address gender-specific abuses against women fail to ensure WHRDs' access to justice. Except for labor law provisions on sexual harassment in the workplace, there is no specific law that recognizes other offenses of sexual harassment against women, especially online. Article 397 of the Thai Criminal Code prescribes a range of actions that could be considered sexual harassment. Article 397 prescribes prison terms not exceeding one month or a fine not exceeding 10,000 Baht (US\$333), or both, for those who annoy, bully, or cause a person to be shamed or troubled in a public place, before the public, or in a sexual manner. However, a lack of definition leaves this provision open to broad interpretation.<sup>179</sup> The offense is also a misdemeanor, instead of a separate sexual offense.

Most WHRDs interviewed by the Observatory said they did not believe in filing complaints for criminal defamation. As a result, they could only resort to civil defamation lawsuits, or the Computer Crimes Act. However, these options do not cover verbal sexual abuses or online bullying. In addition, since victims bear the burden of proof in these cases, WHRDs lack resources to take any legal action against perpetrators. In many cases, WHRDs are already burdened with large numbers of lawsuits that divert the time, energy, and resources away from taking action against perpetrators.

#### **6.3.5. Challenges in their private lives**

WHRDs regularly face certain types of pressure from people in their personal relationships as a result of their activism. This disproportionately impacts students, since they are normally dependent on their families. As a young generation of Thais came out to criticize the establishment and demand reforms of the country's politics and the monarchy, generational divides became more obvious and fueled conflicts within families.<sup>180</sup> There have been numerous reports of backlash students received from their parents, including physical and

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<sup>175</sup> Interview with Ms. Supitcha Chailom, October 19, 2020

<sup>176</sup> Interview with Ms. Itsara Wongthahan, November 16, 2020

<sup>177</sup> Interview with Ms. Sirin Mungcharoen, October 22, 2020

<sup>178</sup> Interview with Ms. Panusaya Sithijirawattanakul, December 6, 2020

<sup>179</sup> TDRI, *Work together to stop harassment*, July 24, 2019

<sup>180</sup> Khaosod English, *A house divided: Ideological clashes split families as protests heat up*, August 22, 2020; Deutsche Welle, *Thailand protests reveal growing generational gap on political issues*, October 27, 2020

verbal assault such as threats of being disowned, withholding of allowances, being kicked out of the house, being sent to study abroad, and refusing to pay tuition fees.<sup>181</sup>

Some young WHRDs said their families failed to support them or attempted to dissuade them from engaging in political activities. For example, Ms. Jirathita Thammarak said her political activism soured relations within her pro-military family. When police went to her house to intimidate her family to stop her from participating in the pro-democracy movement, her family, instead, sided with them. Her family tried to dissuade her by accusing that “demonstrations are not safe”, “students want to abolish the monarchy”, and “students are manipulated by politicians.” Moreover, as a woman, she was heavily criticized by her family for being in the frontline of the movement. She was told “women shouldn’t do the risky man’s jobs.” As she continued to be engaged in organizing protests, she was called “nation hater” and “traitor.” She told the Observatory that she felt extremely disheartened by the stigmatization: “All I’m doing is to call for structural changes for everyone equally. It was already difficult enough to be attacked by society. To also get that from your own family is truly devastating.”<sup>182</sup> Similarly, Ms. Netnapha Amnatsongserm’s family warned her not to talk about the monarchy because it is “a risky thing to do as a woman.”<sup>183</sup>

Though her family agreed with her about educational reform, Ms. Supitcha Chailom said her family was strongly against her speaking up about demands for monarchy reform: “They threatened me that I could be summoned by police and belittled me that what I was doing wouldn’t change anything. At one point I felt so upset that I didn’t go home. I wanted to wait until they calmed down a bit. They so strenuously objected to what I did that I was scared there could be violence.”<sup>184</sup>

Many student WHRDs also faced obstruction and pressure from their educational institutions.<sup>185</sup> Ms. Panusaya and Ms. Chonnikarn Wangmee reported that their universities cooperated with the authorities by allowing them to monitor students’ political activities on the campus.<sup>186</sup>

### 6.3.6. Non-recognition and objectification

One fundamental issue faced by WHRDs is that they, their views, and their contributions are often ignored or excluded, including within the organizations of which they are a part.<sup>187</sup> Despite the prominence of women and LGBTIQ individuals, many WHRDs interviewed said they experienced exclusionary attitudes and treatment within their own movements. Often times they feel that women activists are still not equally representative in leadership or frontline positions. For example, Ms. Nantacha Chuchuai said that it was common for women, including her, to be offered traditional supporting roles, such as secretary, note taker, and treasurer. She told the Observatory: “While it is true that women increasingly play important roles in the current movement, getting people to listen to us is still a struggle. In my personal experience, especially when I raised any problem concerning gender equality, or when I suggested a topic about feminism, I was easily opposed. Men, on the other hand, are always listened to when they talk.”<sup>188</sup> Ms. Kornkanok Khumta expressed concerns about the difficulties women faced in participating in strategizing or decision-making processes and obtaining representation on protest stages: “In meetings, women are

181 Prachatai, *Assault, withholding of allowance, and kicking out of the house, what students face for engaging in politics*, September 24, 2020 [in Thai]; Prachatai, *Family can be cruel: the price students have to pay for protesting*, October 31, 2020

182 Interview with Ms. Jirathita Thammarak, October 27, 2020

183 Interview with Ms. Netnapha Amnatsongserm, October 21, 2020

184 Interview with Ms. Supitcha Chailom, October 19, 2020

185 Thai Lawyers for Human Rights, *11<sup>th</sup> grade student speaking on “Bad Student” rally called by teachers, mom contacted in an attempt to make her promise not to give another speech*, September 10, 2020 [in Thai]

186 Interview with Ms. Chonnikarn Wangmee, November 9, 2020; Interview with Ms. Panusaya Sithijirawattanakul, December 6, 2020

187 Human Rights Council, *The situation of women human rights defenders*, January 10, 2019; UN Doc. A/HRC/40/60, Para. 36

188 Interview with Ms. Nantacha Chuchuai, October 29, 2020

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sometimes sat way in the back of the room. There's no opportunity for them to take part in the planning. Women have to prove themselves to many people in order to get in the inner circle." Referring to the attacks against women who gained publicity, Ms. Kornkanok said: "It made a lot of women feel that they should remain tamed and not make themselves so noticeable."<sup>189</sup>

Ms. Chonthicha Jangrew told the Observatory about the difficulties WHRDs face in obtaining prominent positions: "For women to be accepted as protest leaders, they have to prove themselves. It's a different starting point for women. Then, we are portrayed in a certain light, as someone with eternal strength." She added: "From my personal experience, especially at the beginning, there were a lot of expectations from people, including for me not to wear shorts or revealing clothes."<sup>190</sup> Ms. Patsaravalee Tanakitvibulpon made similar comments: "Women certainly gained more space, but true equality still has to be fought for. Society is still restricted by old traditional ideas, such as women being the weaker sex. For women protest leaders, they can be seen as attention or fame seekers."<sup>191</sup>

WHRDs who work on gender equality and women's sexual and reproductive rights find it more challenging to gain representation in the pro-democracy movement, which they believe is inextricably tied with broader goals of achieving democracy and equality for all. Ms. Chumaporn Taengkliang, who has been present at protest stages calling for gender equality and justice, explained about the development of the feminist movement in Thailand and her organization Feminist's Liberation Front Thailand: "In the new workings of social movements, we cannot advocate for isolated issues anymore. Because if we don't achieve justice in society as a whole, we still risk injustice at some point. So, it is the new dimension of women's movement to engage in the pro-democracy camp. But this is far from easy. We campaigned vigorously in pro-democracy demonstrations, trying to occupy more space, negotiating with people with decision-making power, and taking every other action so that we are heard and seen."<sup>192</sup> On this issue, Ms. Kornkanok added: "Even people within the democracy movement don't agree or understand why women's issues are related to democracy. Or they think gender justice is not a priority."<sup>193</sup> Ms. Chumaporn and Ms. Kornkanok also raised the issues of sexual harassment against women protesters and gender-insensitive or sexual jokes made during pro-democracy demonstrations.

Ms. Chitsanupong Nithiwana, who works on online advocacy for LGBTIQ rights, also found that content related to gender received less attention from people than topics about democracy: "People are not interested when they don't feel related to the issue. But gender equality should be everybody's concern."<sup>194</sup>

Another aspect of the non-recognition of WHRDs is the objectification of women. WHRDs who have gained public attention feel they are not respected for themselves and for what they stand. The attention they receive, instead, is attached to their names and physical features. For example, Ms. Supitcha Chailom said that after she became publicly known "some people who support me idolized how I look, instead of focusing on my political message."<sup>195</sup> She and Ms. Pakkajira Songsiripatra also reported being stalked in person by a male admirer who followed them to their school and university.<sup>196</sup> Similarly, Ms. Yanisa Varaksapong received unwelcome compliments from internet users saying she had "pretty smiles" or calling her "a national treasure."<sup>197</sup>

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<sup>189</sup> Interview with Ms. Kornkanok Khumta, October 30, 2020

<sup>190</sup> Interview with Ms. Chonthicha Jangrew, November 4, 2020

<sup>191</sup> Interview with Ms. Patsaravalee Tanakitvibulpon, December 15, 2020

<sup>192</sup> Interview with Ms. Chumaporn Taengkliang, November 13, 2020

<sup>193</sup> Interview with Ms. Kornkanok Khumta, October 30, 2020

<sup>194</sup> Interview with Ms. Chitsanupong Nithiwana, December 14, 2020

<sup>195</sup> Interview with Ms. Supitcha Chailom, October 19, 2020

<sup>196</sup> Interview with Ms. Supitcha Chailom, October 19, 2020; Interview with Ms. Pakkajira Songsiripatra, November 16, 2020

<sup>197</sup> Interview with Ms. Yanisa Varaksapong, November 18, 2020

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This type of deep-rooted challenge faced by WHRDs can result in chronic stress, burnout, or issues around self-esteem. Some WHRDs interviewed, including Ms. Chonthicha, Ms. Alisar Bindusa, and Ms. Sirin Mungcharoen, expressed their concern about the lack of awareness about, and support for, general well-being of women activists. As Ms. Chonthicha explained: "Mental health is not given priority at all within the human rights community. This is made worse by the preconception of activists having to be tough and carrying people's hope on their shoulders. With mental health issues, people are treated on a case-by-case basis, rather than as part of the welfare system. There is still no remedial mechanism or support from the government available at the policy level. So, everything is a personal cost."<sup>198</sup>

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<sup>198</sup> Interview with Ms. Chonthicha Jangrew, November 4, 2020

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## 7. QUIET INTERNATIONAL RESPONSE TO CRACKDOWN ON RIGHTS DEFENDERS AND PROTESTERS

Despite attracting global attention, the international community has remained largely quiet about the escalated crackdown on human rights defenders and pro-democracy demonstrators in Thailand. Criticism of the repression came almost exclusively from UN human rights monitoring mechanisms.

On October 16, UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association Mr. Clément Voule expressed his concern over the crackdown on pro-democracy protesters following the declaration of the Severe State of Emergency in Bangkok. He urged the Thai government “to allow protesters to exercise their rights and seek dialogue, not suppress them.”<sup>199</sup> On the same day, Spokesperson for the UN Secretary-General Mr. Stéphane Dujarric stated that the Office of the UN High Commissioner for Human Rights (OHCHR) had been “closely” monitoring the protests in Thailand and that people should be allowed to exercise “the right to demonstrate freely and peacefully.”<sup>200</sup>



Mr. Clément Voule's tweet, October 16, 2020

On October 18, UN Special Rapporteur on the Situation of Human Rights Defenders Ms. Mary Lawlor expressed concerns over “arrests and detentions and the use of draconian criminal charges against human rights defenders exercising their rights to assemble peacefully and to express their views.”<sup>201</sup>

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199 Clément Voule Twitter account @cvoule, October 16, 2020; <https://twitter.com/cvoule/status/1317046732413407232?s=20>

200 Thai PBS World, *Crackdown draws concerns, condemnation*, October 17, 2020

201 Mary Lawlor Twitter account @MarryLawlorhrds, October 18, 2020; <https://twitter.com/MarryLawlorhrds/status/1317718943495344128?s=20>



Ms. Mary Lawlor's tweet, October 18, 2020

In a joint statement issued on October 22, Mr. Voule, Ms. Lawlor, and UN Special Rapporteur on the Promotion and Protection of Freedom of Opinion and Expression Ms. Irene Khan called the imposition of the Severe State of Emergency in Bangkok one of the "draconian measures aimed at stifling peaceful demonstrations and criminalizing dissenting voices."<sup>202</sup> The three urged the Thai government "to allow students, human rights defenders and others to protest in a peaceful manner," and for the Thai people to "be allowed to freely speak their mind and share their political views, both online and offline, without prosecution." The experts criticized the authorities' use of water cannon as "unnecessary force" to disperse peaceful protesters and raised serious concerns over criminal charges brought against individuals participating in peaceful protests. They called on the Thai authorities to immediately and unconditionally release any individuals detained for the sole exercise of their fundamental freedoms.

On October 28, during a Senior Officials' Meeting with their Thai counterparts, European Union (EU) officials reiterated the "critical importance" of the fundamental freedoms of assembly, expression, and the media. In light of the pro-democracy protests, the EU stressed that detained protesters needed to be granted due process and treated in accordance with the international law and standards governing the treatment of detainees.<sup>203</sup>

On November 18, Mr. Dujarric expressed concern about the human rights situation in Thailand and described the repeated use of less lethal weapons against peaceful protesters as "disturbing." He urged the Thai government to refrain from the use of force and to ensure the "full protection of all people in Thailand" for exercising their right to freedom of peaceful assembly.<sup>204</sup>

On December 18, spokesperson for the UN High Commissioner for Human Rights Ms. Ravina Shamdasani stated that the UN was "deeply troubled" that Article 112 of the Thai Criminal Code (lèse-majesté) had been used against at least 35 protesters, including a 16-year-old student. She urged the Thai government to "amend the lèse-majesté law" and bring it into line with Article 19 of the ICCPR on the right to freedom of expression.<sup>205</sup> In addition, Ms. Shamdasani said the UN raised serious concerns about other criminal charges filed against peaceful protesters, including charges of sedition and offenses under the Computer Crimes Act. She called on the Thai government to stop the repeated use of serious criminal charges against individuals for exercising their rights to freedom of expression and freedom of peaceful assembly.<sup>206</sup>

202 UN OHCHR, UN experts urged Thai government to allow peaceful protests and release unconditionally those arbitrarily detained, October 2, 2020

203 European Union External Action, *EU-Thailand: The European Union and Thailand hold their 15<sup>th</sup> Senior Officials' Meeting*, October 28, 2020

204 UN, *Daily press briefing by the Office of the Spokesperson for the Secretary-General*, November 18, 2020

205 UN OHCHR, *Press briefing notes on Thailand*, December 18, 2020

206 UN OHCHR, *Press briefing notes on Thailand*, December 18, 2020

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## 8. RECOMMENDATIONS

In light of the situation described in this report, the Observatory for the Protection of Human Rights Defenders makes the following recommendations aimed at strengthening the protection of human rights defenders, including pro-democracy WHRDs, in Thailand:

### **To the government of Thailand**

#### *General recommendations*

1. End all legal proceedings against pro-democracy activists and participants in the pro-democracy protests by withdrawing the charges against them under various repressive laws.
2. Refrain from arresting, detaining, and prosecuting pro-democracy activists and participants in the pro-democracy protests for the legitimate exercise of their rights to freedom of opinion and expression and freedom of peaceful assembly.
3. Put an end to all acts of harassment, including at the judicial level, against all pro-democracy activists and participants in the pro-democracy protests, and ensure that they are able to exercise their legitimate rights to freedom of opinion and expression and freedom of peaceful assembly without any hindrance or fear of reprisals.
4. Amend Articles 112 and 116 of the Criminal Code, the Computer Crimes Act, and the Public Assembly Act to bring them into line with international standards, including Thailand's international human rights obligations under the ICCPR.
5. Lift all restrictions that are inconsistent with Thailand's international human rights obligations with regard to the rights to freedom of opinion and expression and freedom of peaceful assembly.
6. Guarantee in all circumstances the physical integrity and psychological well-being of pro-democracy activists and participants in the protests and stop all attacks against them.
7. Guarantee and facilitate in all circumstances the exercise of the rights to freedom of opinion and expression and freedom of peaceful assembly in accordance with Thailand's obligations under international human rights instruments and other relevant international standards, including the ICCPR, the CRC, the CEDAW, and the UN Declaration on Human Rights Defenders.
8. Respect and protect the rights of children to freedom of opinion and expression and freedom of peaceful assembly.
9. Fully comply with recommendations made by relevant UN human rights monitoring mechanisms, including Treaty Bodies, Special Procedures, and the Universal Periodic Review (UPR).
10. Refrain from using disproportionate and unnecessary force against peaceful protesters and ensure that authorities' use of force strictly complies with international standards, including the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the UN Human Rights Guidance on Less-Lethal Weapons in Law Enforcement.
11. Take concrete steps to carry out thorough, prompt, effective, and impartial investigations into all allegations of threats, harassment, attacks, and other human rights violations against pro-democracy protesters and ensure that those whose rights have been violated enjoy the right to an effective remedy, as guaranteed by Article 2(3) of the ICCPR.
12. Extend official invitations and arrange country visits for all relevant UN Special Procedures, including: the Special Rapporteur on the Situation of Human Rights Defenders; the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and Association; the Special Rapporteur on the Promotion and Protection of Freedom of Opinion and Expression; and the UN Working Group on Arbitrary Detention.

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*Recommendations on WHRDs*

1. Acknowledge that WHRDs play a key role in advancing human rights and adopt necessary measures to address the root cause of gender-based attacks and harassment against WHRDs, including discrimination and repression.
2. Ensure a safe and enabling environment for WHRDs to exercise their rights, considering their specific and diverse needs, including of those working on women's rights and gender equality, LGBTIQ individuals, and children.
3. Refrain from engaging in direct attacks and acts of harassment and intimidation against WHRDs.
4. Protect WHRDs from gender-specific attacks, harassment, and intimidation, perpetrated by both state and non-state actors, including online.
5. Conduct thorough, prompt, effective, and impartial investigations into attacks, harassment, intimidation, and gender-specific violations, in order to identify all those responsible regardless of their status, hold them accountable, and ensure that those whose rights have been violated enjoy the right to an effective remedy.
6. Ensure that state officials are adequately trained in non-discriminatory and gender-sensitive treatment of WHRDs.

**To the United Nations, in particular the Human Rights Council and its Special Procedures**

1. Call on the Thai government to end all human rights violations and all forms of harassment, intimidation, and attacks against pro-democracy activists and participants in the protests carried out by state actors and to ensure the rights to freedom of opinion and expression and freedom of peaceful assembly.
2. Grant particular attention to the situation of WHRDs, including those under the age of 18, who are part of the pro-democracy movement; raise individual cases with the Thai government; and monitor the implementation of the recommendations addressed to Thailand.
3. Request an invitation to carry out an official visit to Thailand.

**To the European Union, its member states, and other states that have adopted specific guidelines on human rights defenders**

1. Systematically and publicly condemn human rights violations and all forms of harassment, intimidation, and attacks against human rights defenders, including pro-democracy activists, and participants in the pro-democracy protests.
2. Grant particular attention to the situation of WHRDs, including those under the age of 18, who are part of the pro-democracy movement, in accordance with the UN Declaration on Human Rights Defenders and the EU and states' respective guidelines on human rights defenders.
3. Advocate for a safe and enabling environment for WHRDs to carry out their work; meaningfully and regularly engage with WHRDs; and provide support and visibility to their activities.
4. Raise the concerns set out in this report with the Thai authorities on the basis of their respective guidelines on human rights defenders, in particular through advocacy on individual cases and public statements.
5. Monitor the implementation of recommendations addressed to the Thai authorities.

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## 9. APPENDIX I: CHRONOLOGY OF EVENTS RELATED TO THE 2020 PRO-DEMOCRACY PROTESTS

- **February 21:** The Constitutional Court dissolves the Future Forward Party (FFP), the second largest opposition party, and bans 16 party executives from politics for 10 years.
- **February 22:** The Student Union of Thailand calls a demonstration at Bangkok's Thammasat University to protest against the dissolution of the FFP. Hundreds of students and FFP supporters join the rally, which marks the beginning of a wave of peaceful flash mobs at various universities and high schools across the country.
- **March 26:** Thai government imposes a state of emergency in an effort to stop the spread of the novel coronavirus pandemic (COVID-19), which includes a ban on public gatherings.
- **June 4:** Mr. Wanchalerm Satsaksit, a Thai activist who has been living in exile in Cambodia since 2014, is abducted by armed men in front of his apartment in Phnom Penh.
- **June 5:** The Student Union of Thailand organizes a protest in central Bangkok, calling for justice for Thai activist Mr. Wanchalerm Satsaksit and other victims of enforced disappearance. The event sparks more rallies for the missing activist nationwide.
- **July 18:** The student group Free Youth organizes a peaceful demonstration at Bangkok's Democracy Monument in Bangkok. Three demands are put forward by the protesters: 1) the dissolution of Parliament; 2) an end to the harassment of government critics who exercise their fundamental right to freedom of expression; and 3) the drafting of a new constitution.
- **August 3:** Students from Bangkok's Mahanakorn and Kasetsart universities organize a demonstration at Bangkok's Democracy Monument. Human rights lawyer Mr. Anon Nampa makes calls for greater oversight of royal budget and the power of King Maha Vajiralongkorn to be curbed in accordance with a democratic, constitutional monarchy.
- **August 10:** The United Front of Thammasat and Demonstration stages a demonstration at Thammasat University's Rangsit Campus, Pathumthani Province. At the rally, Ms. Panusaya Sitijirawattanakul reads out 10 comprehensive demands for reform of the monarchy with the aim to make the institution more transparent and accountable.
- **September 19:** Over 50,000 people peacefully gather at Bangkok's Sanam Luang field near the royal palace in the largest street demonstration in Thailand since the 2014 coup.
- **September 20:** Protesters install a symbolic plaque at Bangkok's Sanam Luang field. The texts on the plaque says that the country belongs to the people and not to the monarch.
- **September 21:** Thousands of protesters attempt to march to the Privy Council office building in Bangkok to present the 10 demands for monarchy reform, but are later stopped by the police. Ms. Panusaya Sitijirawattanakul, representing the protesters, submits a letter containing their demands to the police.

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- **September 24:** Thai Parliament votes to delay until November consideration of constitutional amendments.
  - **October 8:** The pro-democracy groups Free Youth and Free People rename themselves Khana Ratsadon [People's Party], a reincarnation of the political movement that overthrew the absolute monarchy in Thailand in 1932. They make three new demands: 1) the resignation of Prime Minister Prayuth Chan-ocha and his cabinet; 2) the drafting of a new constitution, and 3) the reform of the monarchy.
  - **October 13:** Riot police arrest 21 activists, including a 17-year-old boy, who gather around Bangkok's Democracy Monument in anticipation of a planned mass protest on October 14.
  - **October 14:** Tens of thousands of protesters march from Bangkok's Democracy Monument to the Government House to camp overnight to demand Prime Minister Prayuth Chan-ocha's resignation. Tension rises significantly when a royal motorcade with Queen Suthida and Prince Dipangkorn unexpectedly drives past a group of demonstrators, some of whom respond by holding up their arms in a three-finger salute.
  - **October 15:** The Thai government imposes a Severe State of Emergency in Bangkok, citing the incident involving the royal motorcade the previous day. The order includes a ban on public gatherings of more than four people as well as news that could harm national security. Thousands rally to defy the new decree and hold a protest at Bangkok's Rachaprasong intersection.
  - **October 16:** Thousands of people defy the Emergency Decree by gathering at Bangkok's Pathumwan intersection. Police use water cannons and spray water laced with chemical irritants to forcibly disperse the peaceful rally.
  - **October 22:** The Thai government revokes the Severe State of Emergency.
  - **November 17:** Thousands of protesters gather outside Parliament in Bangkok to pressure lawmakers who are discussing constitutional amendments. Riot police fire water cannons and teargas at protesters. Protesters and monarchy supporters briefly clash near the demonstration site. At least 55 people are injured.
  - **November 18:** Parliament rejects a draft constitutional amendment proposed by the civil society organization iLaw. Parliament votes in favor of two drafts, one by the government and another by opposition parties.
  - **November 19:** Prime Minister Prayuth Chan-ocha indicates that Article 112 of the Criminal Code will be among "all laws and articles" enforced against pro-democracy protesters.

## 10. APPENDIX II: TABLE OF PROSECUTIONS OF WHRDS

Information from January 1, 2020, to January 12, 2021

Name	Number of cases	Laws under which charges were brought	Arrest/detention (date, number of days)	Demonstrations		
				Date	Location (if known)	Province
1. Ms. Panusaya Sithijirawattanakul	17	<ul style="list-style-type: none"> <li>- Article 112 of the Criminal Code (lèse-majesté)</li> <li>- Article 116 of the Criminal Code (sedition)</li> <li>- Emergency Decree</li> <li>- 1961 Ancient Monuments, Antiques, Objects of Art, and National Museum Act</li> </ul>	October 15/ 16 days	June 5	Pathumwan intersection	Bangkok
				June 17	In front of the Thai Army's 11 <sup>th</sup> Infantry Regiment and 1 <sup>st</sup> Infantry Regiment King's Guard	Bangkok
				June 24	Pathumwan intersection	Bangkok
				August 10	Thammasat University, Rangsit campus	Pathumthani
				August 21		Ayutthaya
				September 10		Nonthaburi
				September 19	Thammasat University, Tha Prachan campus, and Sanam Luang	Bangkok
				September 20	Sanam Luang	Bangkok
				September 28	In front of the Thai Army's 4 <sup>th</sup> Cavalry Division King's Guard	Bangkok
				October 14	Democracy Monument	Bangkok
				November 8	Democracy Monument	Bangkok
				November 27	Lat Phrao intersection	Bangkok
				December 2	Lat Phrao intersection	Bangkok

<b>2. Ms. Chonthicha Jangrew</b>	15	<ul style="list-style-type: none"> <li>- Emergency Decree</li> <li>- Severe State of Emergency</li> <li>- Public Assembly Act</li> <li>- Article 112 of the Criminal Code (lèse-majesté)</li> </ul>	-	June 24	Democracy Monument	Bangkok
				August 3	Democracy Monument	Bangkok
				August 16	Democracy Monument	Bangkok
				August 22	October 14 Memorial	Bangkok
				September 24	In front of Parliament	Bangkok
				October 13	Democracy Monument	Bangkok
				October 14	Democracy Monument	Bangkok
				October 15	Rachaprasong intersection	Bangkok
				October 18	Victory Monument	Bangkok
				October 19	In front of Bangkok Remand Prison	Bangkok
				October 20		Pathumthani
				October 21	Democracy Monument and Government House	Bangkok
				October 30	In front of Prachachuen police station	Bangkok
November 17	In front of Parliament	Bangkok				
<b>3. Ms. Jutatip Sirikhan</b>	10	<ul style="list-style-type: none"> <li>- Article 112 of the Criminal Code (lèse-majesté)</li> <li>- Article 116 of the Criminal Code (sedition)</li> <li>- Emergency Decree</li> </ul>	September 1/ Released on the same day	June 5	Pathumwan intersection	Bangkok
				June 9	In front of the Ministry of Defense and at Democracy Monument	Bangkok
				July 18	Democracy Monument	Bangkok
				October 15	Rachaprasong intersection	Bangkok
				October 16	Pathumwan Intersection	Bangkok
				September 4	In front of Bangkok Remand Prison	Bangkok
				September 24	In front of Parliament	Bangkok
				October 13	In front of the Thai Police Headquarters	Bangkok
				October 14	Democracy Monument	Bangkok

<b>4. Ms. Suwanna Tallek</b>	10	<ul style="list-style-type: none"> <li>- Article 116 of the Criminal Code (sedition)</li> <li>- Emergency Decree</li> <li>- Severe State of Emergency</li> <li>1961 Ancient Monuments, Antiques, Objects of Art, and National Museum Act</li> </ul>	August 19/ 2 days	July 18	Democracy Monument	Bangkok
				July 20	In front of the Thai Army Headquarters	Bangkok
				August 3	Democracy Monument	Bangkok
				August 7	In front of Bang Khen District police station	Bangkok
				September 19	Thammasat University, Tha Prachan campus, and Sanam Luang	Bangkok
				September 20	Sanam Luang	Bangkok
				October 15	Rachaprasong intersection	Bangkok
				October 16	Pathumwan intersection	Bangkok
				October 20		Pathumthani
				October 21	Democracy Monument and Government House	
<b>5. Ms. Patsaravalee Tanakitvibulpon</b>	8	<ul style="list-style-type: none"> <li>- Article 112 of the Criminal Code (lèse-majesté)</li> <li>- Article 116 of the Criminal Code (sedition)</li> <li>- Emergency Decree</li> <li>- Public Assembly Act</li> </ul>	October 21/ 2 days	August 3	Democracy Monument	Bangkok
				August 7	In front of Bang Khen District police station	Bangkok
				September 24	In front of Parliament	Bangkok
				October 14	Democracy Monument	Bangkok
				October 15	Rachaprasong intersection	Bangkok
				October 21	Democracy Monument and Government House	Bangkok
				October 26	In front of the German Embassy	Bangkok
				October 29	Silom Road	Bangkok
<b>6. Ms. Lanlana Suriyo</b>	3	<ul style="list-style-type: none"> <li>- Article 112 of the Criminal Code (lèse-majesté)</li> <li>- Article 360 of the Criminal Code (Causing depreciation of value of public property)</li> <li>- Emergency Decree</li> </ul>	-	July 18	Democracy Monument	Bangkok
				October 17	Thammasat University, Lampang campus	Lampang

<b>7. Ms. Jirathita Thammarak</b>	2	- Article 112 of the Criminal Code (lèse-majesté) - Article 116 of the Criminal Code (sedition) Emergency Decree	-	July 18	Democracy Monument	Bangkok
				December 2	Lat Phrao intersection	Bangkok
<b>8. Ms. Pimsiri Petchnamrob</b>	2	- Article 112 of the Criminal Code (lèse-majesté) - Emergency Decree	-	July 18	Democracy Monument	Bangkok
				November 29	In front of the Thai Army's 11 <sup>th</sup> Infantry Regiment King's Guard	Bangkok
<b>9. Ms. Sirin Mungcharoen</b>	2	- Emergency Decree - Severe State of Emergency	-	July 18	Democracy Monument	Bangkok
				October 17	Samyan intersection	Bangkok
<b>10. Ms. Netnapha Amnatsongserm</b>	2	- Article 116 of the Criminal Code (sedition) - Emergency Decree	-	July 18	Democracy Monument	Bangkok
<b>11. Ms. Benjamaporn Niwas</b>	1	- Severe State of Emergency	-	October 15	Rachaprasong intersection	Bangkok

### **Establishing the facts**

#### Investigative and trial observation missions

Through activities ranging from sending trial observers to organising international investigative missions, FIDH has developed rigorous and impartial procedures to establish facts and responsibility. Experts sent to the field give their time to FIDH on a voluntary basis.

FIDH has conducted more than 1,500 missions in over 100 countries in the past 25 years. These activities reinforce FIDH's alert and advocacy campaigns.

### **Supporting civil society**

#### Training and exchanges

FIDH organises numerous activities in partnership with its member organisations, in the countries in which they are based. The core aim is to strengthen the influence and capacity of human rights activists to boost changes at the local level.

### **Mobilising the international community**

#### Permanent lobbying before intergovernmental bodies

FIDH supports its member organisations and local partners in their efforts before intergovernmental organisations. FIDH alerts international bodies to violations of human rights and refers individual cases to them.

FIDH also takes part in the development of international legal instruments.

### **Informing and reporting**

#### Mobilising public opinion

FIDH informs and mobilises public opinion. Press releases, press conferences, open letters to authorities, mission reports, urgent appeals, petitions, campaigns, website... FIDH makes full use of all means of communication to raise awareness of human rights violations.

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**Created in 1985, the World Organisation Against Torture (OMCT) works for, with and through an international coalition of over 200 non-governmental organisations - the SOS-Torture Network - fighting torture, summary executions, enforced disappearances, arbitrary detentions, and all other cruel, inhuman and degrading treatment or punishment in the world and fighting for the protection of human rights defenders.**

### **Assisting and supporting victims**

OMCT supports victims of torture to obtain justice and reparation, including rehabilitation. This support takes the form of legal, medical and social emergency assistance, submitting complaints to regional and international human rights mechanisms and urgent interventions. OMCT pays particular attention to certain categories of victims, such as women and children.

### **Preventing torture and fighting against impunity**

Together with its local partners, OMCT advocates for the effective implementation, on the ground, of international standards against torture. OMCT is also working for the optimal use of international human rights mechanisms, in particular the United Nations Committee Against Torture, so that it can become more effective.

### **Protecting human rights defenders**

Often those who defend human rights and fight against torture are threatened. That is why OMCT places their protection at the heart of its mission, through alerts, activities of prevention, advocacy and awareness-raising as well as direct support.

### **Accompanying and strengthening organisations in the field**

OMCT provides its members with the tools and services that enable them to carry out their work and strengthen their capacity and effectiveness in the fight against torture. OMCT presence in Tunisia is part of its commitment to supporting civil society in the process of transition to the rule of law and respect for the absolute prohibition of torture.

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## Activities of the Observatory

The Observatory is an action programme based on the belief that strengthened co-operation and solidarity among human rights defenders and their organisations will contribute to break the isolation they are faced with. It is also based on the absolute necessity to establish a systematic response from NGOs and the international community to the repression of which defenders are victims.

With this aim, the Observatory seeks to establish:

- A mechanism of systematic alert of the international community on cases of harassment and repression of defenders of human rights and fundamental freedoms, particularly when they require urgent intervention;
- The observation of judicial proceedings, and whenever necessary, direct legal assistance;
- International missions of investigation and solidarity;
- A personalised assistance as concrete as possible, including material support, with the aim of ensuring the security of the defenders victims of serious violations;
- The preparation, publication and world-wide dissemination of reports on violations of the rights and freedoms of individuals or organisations working for human rights around the world;
- Sustained action with the United Nations and more particularly the Special Rapporteur on Human Rights Defenders, and when necessary with geographic and thematic Special Rapporteurs and Working Groups;
- Sustained lobbying with various regional and international intergovernmental institutions, especially the Organisation of American States (OAS), the African Union (AU), the European Union (EU), the Organisation for Security and Co-operation in Europe (OSCE), the Council of Europe, the International Organisation of the Francophonie (OIF), the Commonwealth, the League of Arab States, the Association of Southeast Asian Nations (ASEAN) and the International Labour Organisation (ILO).

The Observatory's activities are based on consultation and co-operation with national, regional, and international non-governmental organisations.

With efficiency as its primary objective, the Observatory has adopted flexible criteria to examine the admissibility of cases that are communicated to it, based on the "operational definition" of human rights defenders adopted by FIDH and OMCT: "Each person victim or at risk of being the victim of reprisals, harassment or violations, due to his or her commitment, exercised individually or in association with others, in conformity with international instruments of protection of human rights, to the promotion and realisation of the rights recognised by the Universal Declaration of Human Rights and guaranteed by the different international instruments".

**To ensure its activities of alert and mobilisation, the Observatory has established a system of communication devoted to defenders in danger. This system, called Emergency Line, can be reached through:**

E-mail: [Appeals@fidh-omct.org](mailto:Appeals@fidh-omct.org)

FIDH Tel: + 33 1 43 55 25 18 Fax: + 33 1 43 55 18 80

OMCT Tel: + 41 22 809 49 39 Fax: + 41 22 809 49 29