

Thailand

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Thailand

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Part 1: Overview of Thailand

A. Country Background

Thailand Facts	
Geographical size	513,000 sq km
Population	65,729 million
Ethnic breakdown	Main ethnic groups: Tai (94.6%) Malay (4.5%)
Official language	Thai
Literacy rate (aged 15 and above)	96.4%
Life expectancy	74.4
GDP	US\$395.282 billion (per capita est US\$13,323)
Government	Constitutional monarchy and parliamentary democracy until 2014 coup d'état by military junta. The country is now run by the National Council for Peace and Order.
Political and social situation	The military-run National Council for Peace and Order promulgated an Interim Constitution and formed a National Legislative Assembly, installing military personnel in some key roles; political opposition is strictly controlled.

Thailand is a mainland Southeast Asian country which borders Myanmar in the west, Laos and Cambodia in the east, and Malaysia in the south. At the end of 2015, the population was 65,729,098 with an approximately 51:49 female to male ratio. Of this number, 799,013 do not have Thai nationality.¹ Whilst it is unclear who is included in this 'without Thai nationality' category, the Ministry of Interior reports 487,483 stateless persons in Thailand.² The majority of the population hails from the Tai ethnic group

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1 Central Census Office's announcement on the number of citizens throughout the country, according to the Census Registration, as of 31 December 2015.

2 'The Ministry of Interior determines to solve statelessness' Royal Thai Government, 2016, available at <http://www.thaigov.go.th/index.php/th/news-ministry/2012-08-15-09-42-33/item/102956-id-102956>, accessed on 31 July 2016.

and is Buddhist (94.6%), but in the southern areas of Yala, Pattani, and Narathiwat provinces and some districts of Song Khla province, 85% of the 3.4 million population is Malay Muslim. In addition, Thailand is home to more than 50 other ethnic minorities,³ many of whom form a major part of the stateless population mentioned earlier.

Thailand is categorized fairly highly (93 out of 188 countries) in the United Nations Development Programme (UNDP)'s Human Development Index 2015.⁴ As such, Thai life expectancy at birth stands at 74.4 years, with an average of 11.3 infant mortalities per 1,000 live births, and 26 maternal mortalities per 100,000 live births. Moreover, the literacy rate among adults (aged 15 and older) stands at an impressive 96.4% with no significant difference between the two genders (although a discrepancy is discernible between rural and urban populations).

In terms of economic development, Thailand stands firmly in the upper middle-income level although its GDP decreased slightly in the past two years (from US\$419.889 billion in 2013 to US\$395.282 in 2015) despite a sustained rise since 2001.⁵ In mid 2016, the National Economic and Social Development Board (NESDB) predicted a GDP growth rate of 3.5%.⁶ Furthermore, the number of people living below the poverty line has decreased significantly since the 1980s, from 42.33% of the total population in 2000, to 16.37% in 2010, down to 10.84% in 2013.⁷

Political and social situation

Thailand has been under military rule since a coup d'état on 22 May 2014. By no means a new phenomenon, dictatorial military control in Thailand has been the norm since the revolution of 1932 which transformed the country from an absolute monarchy to a western style constitutional monarchy. Since then, there have been at least 18 coups and attempted coups. Starting in the 1980s, the democratization process led eventually to the Black May uprising of 1992 which instigated more reform promulgating in the 1997 Constitution (by far, Thailand's most democratic constitution), but another military coup in September 2006 abrogated it, dissolved parliament, and introduced a new constitution. Prolonged political conflicts then led to frequent changes of government, culminating in the May 2014 coup.

After the 2014 coup, the military junta renamed itself the National Council for Peace and Order (NCPO) and revoked the 2007 Constitution, disposed of the Cabinet, and dissolved Parliament and the Senate Houses. In July 2014, the NCPO promulgated an

3 Excluding the Chinese ethnic group which has long been integrated into Thai society.

4 'Human Development Report' UNDP, available at <http://hdr.undp.org/en/composite/HDI>. Unless stated otherwise, information in this section comes from this report.

5 'Thailand' The World Bank, available at <http://data.worldbank.org/country/thailand?view=chart>, accessed on 30 October 2016.

6 See http://www.nesdb.go.th/nesdb_th/ewt_dl_link.php?nid=5165, accessed on 30 October 2016.

7 Office of the Permanent Secretary, Ministry of Social Development and Human Security, Poverty, Income and Household Expenses, Bangkok, 2015, p 1.

interim constitution and formed a National Legislative Assembly (NLA) to replace the two Houses. In the following month, the NLA appointed coup leader, General Prayut Chan-o-cha, as Prime Minister, and installed more military personnel as members of some key Ministries, including the Ministries of Defence, Justice, Interior, and Education.⁸

To restrict political rights, the NCPO suspended all elections, including the election of local administration offices. Prior to 2014, Thailand had decentralized administration, holding elections for representatives at the sub-district, district, municipal, and provincial levels throughout its 76 provinces, further comprised of 878 districts/municipalities and 7,255 sub-districts. While provincial governors were appointed by the Ministry of the Interior, as a special administration region, Bangkok held regular elections for its governor, but following the coup, the NCPO suspended all elections until further notice. If a representative's term ended during this period, the NCPO had the power to propose names to a Selection Committee comprised of high level provincial officials from the Ministry of the Interior.⁹ Indeed, two thirds of local administration officers must be government officials or high level retired government officials.¹⁰ Further, in cases where local councils were dissolved as per the order or proposal of the provincial governor, the Selection Committee of high level Ministry of Interior officers, must select new council members.¹¹

B. International Human Rights Commitments and Obligations

Among Southeast Asian countries, Thailand is doing relatively well in terms of human rights commitments, ratifying most of the key international human rights treaties (see Table 1 below).

8 As of November 2016, there have been at least four Cabinet reshuffles. Some ministries are now headed by civilians.

9 Order of the Head of the National Council for Peace and Order, No 85/2557, on The Process to Temporarily Acquire the Members or the Administrators of Local Administrations, 10 July 2014, para 5.

10 Order of the Head of the National Council for Peace and Order, No 85/2557, on The Process to Temporarily Acquire the Members or the Administrators of Local Administrations, 10 July 2014, para 2.

11 Order of the Head of the National Council for Peace and Order, No 22/2559, on The Process to Temporarily Acquire the Members of Local Representative Councils in Case of Dissolved Local Councils, 4 May 2016, para 2.

Table 1: Ratification Status of International Instruments – Thailand¹²

Treaty	Signature Date	Ratification Date, Accession (a), Succession (d) Date
Convention against Torture and Other Cruel Inhuman or Degrading Punishment (CAT)		2 Oct 2007 (a)
Optional Protocol of the Convention against Torture		
International Covenant on Civil and Political Rights (ICCPR)		29 Oct 1996 (a)
Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty		
Convention for the Protection of All Persons from Enforced Disappearance (CED)	9 Jan 2012	
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)		9 Aug 1985 (a)
International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)		28 Jan 2003 (a)
International Covenant on Economic, Social and Cultural Rights (ICESCR)		5 Sep 1999 (a)
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW)		
Convention on the Rights of the Child (CRC)		27 Mar 1992 (a)
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict		27 Feb 2006 (a)
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography		11 Jan 2006 (a)
Convention on the Rights of Persons with Disabilities (CRPD)	30 Mar 2007	29 Jul 2008

However, Thailand has not ratified the ICRMW, the Second Optional Protocol to the ICCPR (which aims to abolish the death penalty), and the Optional Protocols on individual complaints as regards the ICCPR, the ICESCR and the CAT. Additionally,

¹² United Nations Human Rights, Office of the High Commissioner, available at http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx, accessed on 22 October 2016.

it only accepts the individual complaints mechanisms of some international human rights laws, namely the Optional Protocol of the CRC (25 September 2002) and the CEDAW (14 June 2000).

During the Universal Periodic Review (UPR) process in 2016, Thailand pledged to become a party to the CED, the Optional Protocol to the ICCPR, the Optional Protocol to the CAT, the A/HRC/33/16 29 Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, and the ILO Work in Fishing Convention, 2007 (No 188). It has also agreed to study the possibility of becoming a party to the ICRMW.

It should be noted, however, that Thailand has not promised to ratify other key ILO conventions espoused by civil society, but which were not raised by other States during the UPR process, namely, the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No 98). Although the Ministry of Labour has looked at these issues since at least 2003, it has yet to submit a proposal to the Cabinet for approval. Another key ILO convention civil society campaigns for (as yet unsuccessfully) is the Domestic Workers Convention, 2011 (No 189). Similarly, Thailand has not ratified the Convention on the Status of Refugees, 1951, despite being host to large numbers of refugees from Myanmar for several decades. Since Thailand has a dualist legal system, it claims any decision to ratify an international law requires a thorough review of existing laws to avoid contradiction between international commitments and domestic laws.

As part of Thailand's pledges when running for candidature to the Human Rights Council for the term 2010-2013, and its pledges to the 2011 UPR, it withdrew interpretative declarations to Arts 6(5) and 9(3) of the ICCPR on the abolition of the death penalty for persons below 18 years of age, and the obligation to promptly charge arrested or detained persons before a judge or another authorized officer of the law. To this end, Thailand abolished the death penalty for persons below 18 years of age, and in cases of life imprisonment, also reduced such sentences to 50 years. In addition, Art 9(3) of the Criminal Procedure Code was amended to oblige inquiry officials to bring arrested persons before the court within 48 hours.

Furthermore, in 2012, Thailand also withdrew its reservation to Art 16 of the CEDAW, which guarantees the rights of women in all matters relating to marriage and family relations. Similarly, the Criminal Code Amendment Act (No19) of 2007 was introduced to expand the definition of rape to include marital rape. In addition, the Name Act (2005 Amendment) now permits married women to retain their family name, and the Female Title Act, BE 2551 (2008) similarly permits married or divorced women to freely choose how they'd like to be addressed, as Miss or Mrs.

For the term 2015-2017, Thailand made other voluntary pledges to become parties to the Optional Protocols of the CRPD and the CAT, as well as to withdraw an interpretative declaration to Art 18 of the CRPD on the liberty of movement and the nationality of persons with disabilities. It also pledged to study the possibility of abolishing the death penalty. However, it should be noted that Thailand still maintains its interpretative declaration of Arts 1, 4 and 5 of the CAT allowing it to define torture in line with its current Penal Code.

Although invariably late in submitting periodic reports to the relevant treaty bodies, Thailand has been making progress in recent years, especially during its campaign for a seat in the Human Rights Council (see Table 2).

Table 2: Submission of Thailand’s Periodic Reports to Human Rights Treaty Bodies

Year of Submission	Treaties	Noted	Major Concerns/ Recommendations Raised
2009	1st OP-CRC-AC report	1 year delayed; reviewed in 2012	Participation of children in village defence militias
	1st OP-CRC-SC report	1 year delayed; reviewed in 2012	Protection of child victims
2011	1st ICERD report	7 years delayed; reviewed in 2012	Citizenship and statelessness; exploitation of refugee and migrant workers
	Combined 3rd and 4th CRC reports	2 years delayed; reviewed in 2012	
2012	Combined 1st and 2nd ICESCR reports	10 years delayed; reviewed in 2015	Rights to access natural resources, especially under impact from NCPO Orders Nos 64/2557 and 66/2557 of 2014 on forest conservation; labour rights especially for migrant workers; trafficking; situation in Deep South region
	1st CRPD report	2 years delayed; reviewed in 2016	Discriminatory laws; protection of women and children with disabilities

Year of Submission	Treaties	Noted	Major Concerns/ Recommendations Raised
2013	Initial CAT report	5 years delayed; reviewed in 2014	Lack of legal definition of torture to cover all the elements according to CAT; alleged widespread use of torture and ill-treatment; situation in Deep South region; use of special laws, including the 1914 Martial Law Act, the 2005 Emergency Decree, and the 2008 Internal Security Act; enforced disappearances; impunity; people in detention (including detained migrants)
2015	2nd ICCPR report	6 years delayed; to be reviewed in 2017	From the first review in 2005: extrajudicial killings (war on drugs, situation in Deep South region); harassment of media and human rights defenders; excessive use of force by government officials; citizenship of ethnic minorities
	Combined 6th and 7th CEDAW reports	5 years delayed; to be reviewed in 2017	Low number of women in key decision-making positions and in parliament; situation of Muslim women in the Deep South region; citizenship of ethnic minority women; women's access to health information and services

C. Human Rights Implications of National Laws

Recently, a number of laws have been amended or drafted to promote the protection of human rights. Broadly speaking, much progress has been made in the economic and social rights of specific groups, at the expense of civil and political rights. However, without a working constitution (since the 2014 coup), Thailand's legal protection of human rights remains somewhat undetermined.

As mentioned in the previous section, a number of laws were enacted to enforce international human rights standards and to comply with the ratification and review process of treaty bodies. Examples of newly enacted laws include the Persons with

Disabilities Empowerment Act (2007), the Prevention and Suppression of Human Trafficking Act (2008), the Female Title Act (2008), and the Domestic Violence Victim Protection Act (2007). Likewise, significant amendments to existing laws include:

- Civil Registration Act No 2 (2008): allows all persons born in Thailand to be registered irrespective of the origin or status of their parents;
- Name Act (2005): grants married women the right to choose a family name; and
- Amendments to several articles of the Civil Code: improves criminal justice practices.

Among these new laws, two deserve further discussion. The first is the Gender Equality Act, a recent landmark law adopted in March 2015 which defines “unfair gender discrimination” as discrimination on grounds of sex by birth (female/male) or on grounds of the apparent sex of a person which may differ from her/his own sex by birth. While welcomed by LGBT communities as providing the first legal protection to this group, the Act has significant loopholes. For example, it allows discrimination on the basis of national security and the exercise of religious principles (Art 17). It should also be noted that this law does not criminalize discrimination or provide direct protection of a person from discriminatory violence. It merely establishes two commissions to act as monitoring bodies: a Gender Equality Promotion Commission, and a Gender-Based Discrimination Adjudication Commission. The latter may receive complaints from alleged victims of discrimination and order remedies and compensation if deemed appropriate or it may submit a law for constitutional review by the Constitutional Court if it views a law as potentially discriminatory.

Another crucial law in the field of human rights is the Public Assembly Act (2015). After years of heated debates, the Public Assembly Act was finally passed by the NCPO’s National Legislative Assembly. Thailand’s first ever law dealing specifically with public gatherings, the Act requires individuals to seek prior notification and permission when organizing public assembly activities or demonstrations. In addition, some areas, including a number of government offices, are barred from being used for such purposes. Thus, concerns have been raised over its potential to violate freedom of assembly rights; the rights exercised by most marginalized groups in the normal course of campaigning. As will be shown, together with several NCPO orders, it is this Act that has been utilised most to control political activities.

Despite significant developments in terms of international human rights commitments, Thailand has regressed significantly in terms of constitutional and legal guarantees of human rights. Following the May 2014 coup d’état, the military abolished the 2007 Constitution and introduced an interim one to replace it. As such, NCPO orders became de facto laws with lasting effect since the latest draft (put to referendum in August

2016) provided that any order and statement of the NCPO was legally legitimate and would remain in force until other laws are passed to revoke it.

Similarly, the junta also declared martial law throughout the country, violating a number of civil and political rights by allowing military officers full authority to monitor and control individual communications and media, search and occupy private properties, and prohibit public association. Worse still, any violation of martial law by civilians had to be brought before the military court, whose competency and impartiality remain in question. Further, the military court judges' rulings are final; there can be no appeal. As such, together with the NCPO's orders, martial law allows the military government free rein to repress any demands for democracy or dissenting voices over its policies.

After almost a year in power, the NCPO lifted martial law on 1 April 2015, but replaced it with NCPO Order No 3/2015, issued under Art 44 of the Interim Constitution which again awarded the junta similar sweeping powers. For example, Sec 44 permits the head of the NCPO absolute power to act or stop any act, whether that act has legislative, administrative or judicial basis, as the NCPO deems necessary to proceed with the country's reform process, or to prevent and suppress any act that may undermine national security or the stability of the nation, the monarchy, or national economics. Section 44 also grants impunity to the NCPO to prevent any legal accountability of those actions and orders.

Since its implementation in lieu of martial law, Sec 44 has been used to exercise the NCPO's power in ranges of issues from the shuffling of government officials, to the recruitment of local administrative councils, to fishing, the prevention of deforestation, human trafficking, to land confiscation for Special Economic Zones. In addition, civilians remain subject to the military court for violations of NCPO orders.

Part 2: Outstanding Human Rights Issues

Given the political situation in Thailand where dictatorial military rule has been in effect for more than two years with no clear prospect of transitioning to democracy, civil and political rights encapsulate some of the many outstanding human rights issues in the country. For the purpose of this chapter, this section will highlight three major inter-related issues of concern if no significant democratic change is forthcoming. However, this does not mean other human rights issues, especially those raised by the treaty bodies in Table 2, are not equally significant, but only that they illustrate a particularly worrying trend.

A. Suppression of Political Voices

When the military junta came to power following the coup d'état, it claimed legitimacy by positioning itself as a 'good' ruler which would bring 'happiness' back to a land that

had suffered greatly from ongoing violent political conflicts between anti-ex-Prime Minister Thaksin Shinawatra groups and his supporters in the past decade. As such, the NCPO argued for the need to suppress dissenting voices to ensure a smooth reform process, thereby flushing out corrupt politicians. However, after more than two years in power, the NCPO continues to utilise a number of repressive laws and measures to restrict freedom of expression and association, thus, curtailing any demand for democracy. This violation of basic rights to political participation severely impacts the exercise of other rights. For example, two days before it staged the coup, the military junta introduced martial law, restricting the exercise of basic political rights such as the right to public assemblies of more than five people while vesting absolute authority in the military. Similarly, together with Order No 37/2557 (2014), it used martial law again to make any crime under Arts 107-112 of the Penal Code (including the notorious Art 112 on *lèse majesté*), any wrong-doing harming internal security (Arts 113-118), or any acts against the orders of the NCPO, subject to the jurisdiction of military courts. Those who do not show up as summoned will be charged with disobeying NCPO orders and will be prosecuted in military court. Even when martial law was replaced by Order No 3/2558, the absolute power of the NCPO remained unchallenged.

Thus, the NCPO effectively controls any political opposition through legal and extra-legal measures. As reported by iLaw (an NGO monitoring political rights after the coup), at least 988 people were summoned or were visited by soldiers (as of August 2016), including those called for informal meetings. Most had to sign a memorandum stating they would not engage in political activities while some were arbitrarily detained without charge for a few days.¹³ iLaw's latest report of arrests and intimidation after two years of military rule shows that a total of 527 people have been arrested on political grounds. Of these, 225 were arrested for peaceful association.¹⁴ Symbolic resistance to the junta—the most viable method of opposition allowing participants to disperse quickly and safely—is also strictly controlled with some participants being arrested after the event. Indeed, one university student was arrested for merely eating a sandwich alone while reading the book, 1984 by George Orwell in public¹⁵ while other students were detained for raising a three fingered salute in front of a movie theatre screening *The Hunger Games: Mockingjay*,¹⁶ to cite some further examples.

Freedom of expression and demands for democracy are not the only rights curtailed by the military. It also seems to perceive any political discussion and debate to be a threat

13 'The development of summon and visits under martial law' iLaw, available at <http://freedom.ilaw.or.th/Getthereport2015>; 'Report of political charge after 2014 coup' iLaw, available at <http://ilaw.or.th/node/3119>, both accessed on 25 October 2015. Updated information may be found on iLaw's homepage, available at <http://freedom.ilaw.or.th/#>.

14 iLaw 2016, 24 Months Under NCPO: When the Military is Above Justice, 2016, Bangkok: iLaw at p 13.

15 'Protesting Thai reader of Orwell's 1984 dragged off by police in Bangkok' South China Morning Post, 23 June 2014.

16 'Three students arrested during Hunger Games premier' Khaosod English, 20 November 2014, available at <http://www.khaosodenglish.com/politics/2014/11/20/1416476484/>, accessed on 10 November 2016.

to stability and national security. Thus, monitoring, intimidation, and control is applied to any activity questioning the legitimacy of the junta, including public seminars on rights and liberties and the impact of State policies. As such, ILaw has reported finding at least 130 public seminars and activities which were either cancelled or suffered from military intervention. Of this number, at least 20 were unrelated to political issues, neither did they oppose the NCPO, while 76 were public seminars.¹⁷

Freedom of expression related to *lèse majesté* or crimes defaming or insulting the monarchy (commonly called Art 112 (of the Criminal Code) cases), are particularly disturbing as *lèse majesté* is commonly used to suppress political opponents of the State. Since the coup, at least 68 new *lèse majesté* cases have been brought to court.¹⁸ Such defendants are usually denied bail and, in most cases, face harsh sentences. The use of *lèse majesté* is also heightened by the so-called ‘witch hunts’ of ultra-royalist groups. Fearing comments on the monarchy could damage the respected institution, some royalists have taken to monitoring comments on social media, either filing police charges against ‘inappropriate’ remarks, or even violently attacking individuals perpetrating such alleged crimes.¹⁹

Defamation on other grounds is another tool used by the military to suppress its critics. For example, in August 2014, the 41st Task Force military unit in Yala province filed defamation suits against the Cross Cultural Foundation and its partners for allegedly damaging the army’s reputation by publishing a report on torture cases in the Deep South area of the country.

B. Right to Fair Trial and Criminal Justice

To curb resistance to its rule, the NCPO does not respect the criminal justice rights of political defendants and detainees. As such, *lèse majesté* cases, violations of the ban on public gatherings of more than five people, failures to report to NCPO summonses, and firearm cases are now tried in military court.²⁰ As previously mentioned, military courts clearly cannot guarantee criminal justice, being neither impartial nor always composed of competent judges. For example, among the three judges presiding on a military court tribunal, only one is required to have legal knowledge. In some cases, especially those involving *lèse majesté*, the court also proceeds behind closed doors because of alleged issues of national security. In addition, because no system exists to

17 iLaw 2016, 24 Months Under NCPO: When the Military is Above Justice, 2016, Bangkok: iLaw at p 39.

18 ‘The report of political charges after the coup’ iLaw, available at <https://freedom.ilaw.or.th/politically-charged>, accessed on 31 October 2016.

19 See Panu Wongcha-um’s report on Channel Newsasia, ‘Witch-hunts’ against *lèse majesté* offenders rise in Thailand after king’s death’ available at <http://www.channelnewsasia.com/news/asiapacific/witch-hunts-against-lese-majeste-offenders-rise-in-thailand/3222364.html>, accessed on 4 November 2016.

20 NCPO Order Nos 37/2557 and 38/2557.

facilitate fast trials, they usually take a while to complete. Furthermore, there is no right to appeal in military court. Finally, the Thai Lawyer for Human Rights has reported alleged cases of torture during detention under martial law with at least two individuals being detained longer than 7 days without charge as allowed by law.²¹

After martial law was lifted, the NCPO used its power under Sec 44 to issue Order No 3/2015 authorizing military officers to arbitrarily detain individuals and censor a variety of media, whilst criminalizing public political meetings of more than five people and unapproved peaceful assemblies. The situation worsened in September 2015 when the NCPO opened a temporary military detention facility in Bangkok for civilian detainees; since then, two detainees, facing *lèse majesté* charges, have died in detention.

On top of arbitrary arrest and detention, the military junta has continued to informally visit and intimidate those who question its authority for so-called ‘attitude adjustment,’ the term used to refer to situations where individuals agree not to engage in further political activities after meeting or being detained by the authorities.

C. Self-Determination and Rights to Manage Natural Resources

The NCPO’s absolute power also severely impacts areas beyond civil and political rights. In particular, its policies or measures impact the livelihood rights of local communities without also allowing room for political participation or space to voice public concerns. As such, the National Legislative Assembly has been very active in passing new laws; in only two years, it has considered and passed more than 180 new laws, mostly without public consultation, some of which have resulted in major violations of human rights.

Most affected in terms of natural resource management are the forest communities. While the extension of protected forest areas into already inhabited farmland and its consequent enforced eviction of forest dwellers is not new in Thailand, the NCPO’s swift and excessive use of its power to implement the new Forest Master Plan to “put things in order” has led to some grave abuses of human rights. The control and confiscation of forest land was facilitated by Order Nos 64/2557 and 66/2557 (2014). Order No 64 gives absolute authority to the Internal Security Operations Command (ISOC), a security organization under the lead of the military, to lead, control, and engage in the suppression of deforestation activities. While the latter order states that operations authorised under Order No 64 must not cause problems to former inhabitants of

21 Thai Lawyer for Human Rights, In the Name of (In)Justice Under the NCPO, 2016, Thai Lawyer for Human Rights: Bangkok, p 35. See more details in Amnesty International’s recent report ‘Make him speak by tomorrow:’ torture and other ill-treatment in Thailand’ available at <https://www.amnesty.org/en/documents/asa39/4747/2016/en/>.

forests, actual implementation still seems to give precedence to State rights over the land. Land Watch, an NGO working on land right issues, documents at least 681 cases where Orders No 64 and 66 were enforced by threatening and evicting communities, destroying agricultural products in the forest, and/or arresting and legally charging forest dwellers; all this within one year of the coup.²²

Moreover, the NCPO also issues policies and orders potentially impacting natural resources and environmental rights without attempting to procedurally guarantee those rights. A salient example can be seen in the use of an NCPO order to accelerate land confiscation in order to facilitate declaration of a Special Economic Zone. Thus, the NCPO used Order No 17/2558 (2015) to override at least six land-related laws claiming State rights over public land, forest reserve areas, and land reform areas, turning them into Special Economic Zones. It later issued two more orders, Nos 3/2559 and 4/2559 (2016), using the authority conferred under Sec 44 of the Interim Constitution, to cancel the use of town zoning laws in Special Economic Zones, and as regards some businesses, including power plants and waste management plants. In effect, environmental and livelihoods rights that used to be protected through town zoning (a process that involved public deliberation and hearings) are now consistently violated.

In the past few decades, these policies led to much contention and negotiation between affected communities and State authorities, but following the NCPO's swift exercise of power which allowed for only limited public participation, much potential now exists for increased violations of basic livelihood and national resource rights.

Part 3: Conclusion

Through its use of legal and extra-legal means and its mobilization of public support for the sake of public order and peace, the National Council for Peace and Order has forced Thailand to take a giant step backwards as regards human rights and democracy. Although this chapter has only been able to skim the surface of human rights issues in Thailand, the military's authoritarian use of power means many more must also be affected. In other words, the future prospect of human rights in a country where democracy used to be cherished and civil society was vibrant now appears bleak. This chapter has also shown how different human rights are inter-related and how democracy provides a fertile soil for the exercise of such rights. With no clear path towards democracy, human rights in Thailand will depend largely on when the people reclaim democracy, thereby affirming the principles that such rights espouse.

²² For a summary of the report, see https://tlhr2014.wordpress.com/2015/09/22/landwatch_report/, accessed on 30 August 2015.