



## Statement of the National Human Rights Commission of Thailand

No. 3/2563

### Concerning Amnesty International's report

#### **“They are always watching: Restrictions on freedom of expression online in Thailand”**

On 23 April 2020, Amnesty International publicized the report titled “They are always watching: Restrictions on freedom of expression online in Thailand”.

The National Human Rights Commission of Thailand (NHRCT) has examined the above report according to its mandate and responsibilities as provided for in Section 247 (4) of the Constitution of the Kingdom of Thailand B.E. 2560 (2017) and Section 26 (4) together with Section 44 of the Organic Act on the National Human Rights Commission B.E. 2560 (2017). It is of the view that the report, which mainly gives opinions obtained from interviews on incidents relating to the restriction on freedom of expression online taking place from 2014 to 2019 and puts forward recommendations to the government and parliament, does not fall under the aforementioned mandates and responsibilities of the NHRCT to provide explanation. However, the NHRCT has found that certain descriptions in the report are incorrect or unfair and, therefore, wishes to provide explanation and additional information on the following point:

**A claim that the Emergency Decree on Public Administration in Emergency Situation, initially enacted in 2005 and invoked from 26 March 2020 in response to the COVID-19 pandemic, gives authorities license to restrict freedom of expression and a number of other human rights for violating vaguely worded provisions in the law.**

The NHRCT would like to inform that the Emergency Decree on Public Administration in Emergency Situation B.E. 2548 (2005) has been in effect since 17 July 2005, while the declaration of an emergency situation all over the Kingdom of Thailand has been in effect since 26 March 2020. The restrictive measure on the freedom of expression as per Regulation no. 1 issued under Section 9 of the Emergency Decree on Public Administration in Emergency Situation B.E. 2548 (2005) aims to prohibit the dissemination of false or intentionally-distorted news or information relating to the Coronavirus disease (COVID-19) situation which may cause fear or misunderstanding among the public. Such measure is in line with WHO's Interim guidance on risk communication and community engagement

readiness and response to coronavirus disease (COVID-19), which states that proactively communicating correct information during the pandemic is important for the prevention of confusion, rumours and misunderstandings that may negatively impact the disease control and lead to further spread. Given the rapid spread of the Coronavirus disease, a prohibition on the dissemination of false news regarding the disease under the Emergency Decree is considered necessary as enforcement of regular laws such as Communicable Diseases Act B.E. 2558 (2015) may not be adequate to manage information in a timely manner. As the measure restricting the freedom of expression has as its objective the protection of public health, it thus complies with article 4 and article 12 of International Covenant on Civil and Political Rights (ICCPR) to which Thailand is party.

**National Human Rights Commission of Thailand**

**2 June 2020**