



Statement of the National Human Rights Commission of Thailand (NHRCT):

Expressing concerns over the upcoming call for political demonstration to be held on 19 September 2020

With regard to a series of demonstrations since 18 July 2020 followed by political demands made by groups of students and individuals and the latest call for a political demonstration on 19 September 2020 at Thammasat University, Tha Phra Chan Campus by a group called “the United Front of Thammasat and Demonstration”, the National Human Rights Commission of Thailand (NHRCT) would like to make the following statement.

Having continuously observed the ongoing political demonstrations made by various groups, the NHRCT has grave concern regarding a possibility of serious breaches of law and human rights violations. The NHRCT, therefore, calls upon all parties to acknowledge and comply with human rights principles and internationally recognized practices regarding the exercise of freedoms of assembly and expression and the management of peaceful assembly as follows:

1. Peaceful and unarmed assembly and expression of opinions are fundamental rights and freedoms guaranteed by the Constitution of the Kingdom of Thailand B.E. 2560 (2017) and the International Covenant on Civil and Political Rights to which Thailand is a party. The state authorities should refrain from making interference and provide appropriate facilitation. However, the exercise of freedoms of assembly and expression must be peaceful and with respect the rights and freedom of others. As the rights to freedom of assembly and of expression are not absolute, they may be subject to restriction as prescribed by law for the purpose of maintaining national security, public safety, public order, public health or morals or protecting the rights and freedoms of others in accordance with Articles 34 and 44 of the Constitution of the Kingdom of Thailand B.E. 2560 (2017), and in compliance with Articles 19 and 21 of the International Covenant on Civil and Political Rights.

2. In order to comply with the human rights principles mentioned above, the NHRCT recommends as follows:

2.1 The government, relevant state agencies and officials;

(1) should establish clear policies and measures in maintaining public order and facilitate the public exercise of freedoms of peaceful assembly such as the arrangement of places and basic services, traffic management and ensure the safety of demonstrators. Any restriction to the exercise of the rights to freedoms of peaceful assembly and expression of opinion, which are fundamentals for democratic society, should be strictly made only in unavoidable circumstances under relevant legal framework. Any conditions that might be conducive to violence must not be created;

(2) should avoid a use of force in maintaining order during a demonstration. In an unavoidable circumstance that requires use of force, the measures must be consistent with principles of necessity and proportionality. In addition, the implementing officers are required to give a clear and prior warning to the demonstrators explaining the reasons to apply such measures;

(3) should apply the “10 Principles for the Proper Management of Assemblies” proposed by the United Nations Special Rapporteur as appropriate. For example, the State must respect and care for all the rights of those who participate in the demonstration; the restriction of any peaceful assembly must comply with the international human rights standards; and the collection of personal information in connection with the demonstration must not interfere with the right to privacy or other rights that the law does not permit.

2.2 The demonstration organizers and participants;

(1) should be aware that the rights to freedom of assembly and expression of opinion are not absolute and should exercise such rights with cautions. The demonstrator should as well establish measures to keep the demonstration peaceful and to prevent any violence from happening and must not creating conditions that might instigate violence. They should also show respect to the rights and freedoms of others.

(2) the demonstration organizer and the demonstrator have shared duties to ensure a peaceful and unarmed assembly by adhering to the principles of human rights and non-violence. They must also avoid making a speech or incitement that may lead to violence, hatred or threats to people with different views.

2.3 The media and people of all sectors;

(1) The mass media should report news based on accuracy, balance and fairness. In reporting, they should not induce hatred or violence.

(2) People of all sectors should follow the situations with conscious and open-minded by exposing different political points of view, and with respect the rights to freedoms of opinions and expressions of all parties.

The NHRCT sincerely hopes that all concerning parties will fully aware and strictly respect human rights, while attempting to find a mutually agreed solution or establish process to reach the solution in a non-violence and democratic way for the benefits of our country and people.

The National Human Rights Commission of Thailand

17 September 2020