



**Joint Submission**

**39th Session of the  
Universal Periodic Review Working Group**

**United Nations Human Rights Council**

**THAILAND**

**Introduction**

1. The Asian Network for Free Elections (ANFREL) is an international NGO headquartered in Bangkok that unites 27 member organisations across 17 countries in promoting democratic elections throughout Asia. Since its formation in 1997, ANFREL has to date observed 69 elections across Asia. ANFREL is a signatory to the Declaration of Principles for International Election Observation, and previously deployed observation missions to the 2001, 2005, 2007, and 2011 Thai general elections.
2. ANFREL was the sole international election observer group accredited by the Election Commission of Thailand (ECT) for the 2019 general election. The mission was comprised of 34 observers, including two electoral analysts deployed for 45 days, a first team of eight observers deployed for 14 days, and a second team of 24 observers deployed for ten days. Late accreditation by the ECT prevented a larger election observation effort from taking place. ANFREL's observers conducted hundreds of interviews with a diversity of electoral stakeholders and visited 27 advance voting centers as well as 492 polling stations on Election Day. This submission draws from the findings of the mission's interim report<sup>1</sup> and final report<sup>2</sup>.
3. ASEAN Parliamentarians for Human Rights (APHR) is a regional network of current and former parliamentarians who use their unique positions to advance human rights and democracy in Southeast Asia. APHR seeks to help create a region where people can express themselves without fear, live free from all forms of discrimination and violence, and where development takes place with human rights at the forefront. APHR's members use their mandate to advocate for human rights inside and outside of parliaments, regionally and globally. They work closely with civil society, conduct fact-finding missions, and publish recommendations and opinions on the most important issues affecting the region. APHR was born out of the recognition that human rights issues in Southeast Asia are

interconnected, and from the desire of progressive legislators to work together across borders to promote and protect human rights.

4. In 2020, APhR conducted a region-wide research, *Parliamentarians at risk: Reprisals against opposition MPs in Southeast Asia*<sup>3</sup>. The findings are based on extensive desk research, surveys with APhR members, and 60 semi-structured interviews with current and former lawmakers, human rights defenders, journalists, UN staff, and other experts. The report is part of APhR's efforts to document human rights violations faced by lawmakers in the region, to ensure that MPs can exercise their mandates without fear of reprisals. Aside from this report, APhR organized a fact-finding mission including four lawmakers from the Philippines, Malaysia, and Timor Leste<sup>4</sup> to Thailand in August 2019 to examine the democratic and human rights situation after the March election, which led to an outcome document that made recommendations to the Thai government that included amendments to the 2017 Constitution and ending judicial harassment against MPs and rights defenders.
5. There has been very limited progress on implementing the recommendations made during Thailand's second UPR in May 2016 in relation to the rights to freedom of expression, association and peaceful assembly<sup>5</sup>, enhancing women's political participation<sup>6</sup>, and adopting amendments to the draft Constitution<sup>7</sup>. This joint submission focuses on developments related to elections, democratic space, and civil and political rights of the people and lawmakers in Thailand since the country's second UPR conducted in May 2016 and makes recommendations to Thailand's government to make progress on human rights and democracy.

#### **Part I: The 2019 Thai general election did not meet international democratic standards**

1. The 2017 Constitution was drafted in the absence of any input from the public and adopted in a climate where the exercise of fundamental civic and political rights was severely curtailed. Despite Thailand supporting recommendations to encourage public debate on the draft constitution<sup>8</sup> during the previous UPR cycle, critics of the draft were harassed, detained, and charged with sedition ahead of the referendum<sup>9</sup>. At the time, ANFREL expressed concern about "the one-sided way of dissemination of information on the draft constitution<sup>10</sup>". The people's right to an informed choice was denied to them, and transparency of the constitutional referendum was insufficient as election monitors and agents of political parties were banned from observing the voting process.
2. Thailand's legal framework under the 2017 Constitution fails to safeguard free and fair elections. While Section 25 recognizes "the rights and liberties of the Thai people", in many ways, the text is a step back from the 1997 and 2007 charters. For instance, it permits limits to be imposed on the rights to freedom of expression, assembly, and association to "maintain public order or good morals" or "protect the health of the people" without properly defining these terms, thereby providing an opportunity for those provisions to be misused. This runs contrary to the aforementioned recommendations calling for Thailand

to remove undue restrictions on the enjoyment of the fundamental freedoms of expression, association and peaceful assembly.

3. The current Constitution also creates a quasi-democratic state that disproportionately limits the power of elected members of Parliament and instead institutionalizes the military's unchecked power. Among its many problematic provisions, the Constitution gives the junta-appointed Senate decisive power in the selection of Thailand's Prime Minister, thus seriously undermining the right enshrined in Article 25 of the ICCPR for Thai citizens to freely choose their leaders. The Constitution also immunizes the military junta from being held to account for human rights abuses it committed and recognizes all remaining announcements, orders and acts of the National Council for Peace and Order (NCPO) as constitutional and lawful unless repealed or replaced by the Parliament.
4. Election laws prepared by the junta-appointed Constitutional Drafting Committee and adopted by the junta-appointed National Legislative Assembly allow for tighter control of the political arena by the authorities. For instance, the Act on the Election Commission expanded the powers of the election management body by making it easier to disqualify election candidates or suspend electoral processes. The Act on Political Parties simultaneously imposes additional requirements on political parties' registration and expands the grounds for the dissolution of a party, including disproportionate punishments in the event of a breach of law by an individual party member. The two institutions responsible for dissolving political parties, the ECT and the Constitutional Court, were also appointed by the military junta.
5. While Articles 2 and 25(b) of the ICCPR provide that the right to suffrage must be non-discriminatory, equal, and universal, Section 96 of the Constitution continues to explicitly disenfranchise Buddhist monks and novices, in open violation of Thailand's international commitments.
6. There is no provision allowing independent candidates to run, as all candidates must be members of, and endorsed by, a political party. This goes against General Comment No. 25 of the UN Human Rights Committee stating that "the right of persons to stand for election should not be limited unreasonably by requiring candidates to be members of parties or of specific parties".
7. Section 44 of the 2014 interim Constitution, granting full and unchecked powers in all matters to the leader of the NCPO, and the orders issued under it, still applied throughout the 2019 election campaign, thereby placing undue restrictions on freedom of expression and freedom of press. For instance, NCPO Announcement No. 97/2014 banned any "criticism of the work of the NCPO" and prohibited media from reporting on a number of sensitive issues, while Announcement No. 103/2014 outlawed the dissemination of information "intentionally distorted to cause public misunderstanding that affects national security or public order".
8. Announcement No. 41/2016 gave authority to the junta-appointed National Broadcasting and Telecommunications Commission (NBTC) to close down any media that failed to

cooperate with the junta or presented information deemed as a threat to national security. In the lead up to the general election, the Voice TV channel, already suspended in 2014 and 2017, was once again banned from broadcasting for 15 days by the NBTC. Peace TV, a news channel frequently critical of the government, was suspended twice by the NBTC in February and May 2018, for broadcasting “provocative” content. Freedom of the press is essential in a democratic society, yet many media outlets in Thailand continue to resort to self-censorship for fear of retaliation.

9. Legal provisions such as the Computer Crimes Act and Sections 112 (lèse-majesté), 116 (sedition), and 326 to 333 (defamation) of the Criminal Code have been used as tools to intimidate and suppress critical views against the authorities, in violation of the right to freedom of expression stated in Article 19(2) of the ICCPR. In 2017, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression reiterated that “the lèse-majesté provision of the Thai Criminal Code [was] incompatible with international human rights law<sup>11</sup>”. In addition, the Cyber Security Act was passed in February 2019 despite widespread public criticism over its far-reaching powers to oversee individuals’ online activities. Many opposition candidates running in the 2019 general election chose to shut down their social media pages rather than expose themselves to legal harassment. Furthermore, the International Commission of Jurists considers Thailand’s anti-SLAPP (strategic litigation against public participation) legislation to be “inadequate<sup>12</sup>”.
10. The leader of the now-dissolved Future Forward Party (FWP) Thanathorn Juangroongruangkit, along with two other senior party members, Jaruwan Sarankate and Klaikong Vaidhyakarn, were charged under Section 14(2) of the Computer Crime Act after an NCPO member filed an allegation against them for transmitting false information or information that damages the country’s stability in relation with the Facebook Live Broadcast on 29 June 2018. The prosecutors later dropped the charges in October 2019. FWP Secretary-General Piyabutr Saengkanokkul also faced similar charges under Section 14(2) of the Computer Crimes Act and contempt of court under Section 198 of the Criminal Code for reading out a statement on the Constitutional Court’s decision on the dissolution of the Thai Raksa Chart Party. From the main opposition party the Pheu Thai, Pichai Nariiphaphan, Watana Muangsook and other key members have also been charged with sedition and computer crimes while Police General Seripisut Temiyavet, leader of the Seri Ruam Thai Party, has also seen computer crime complaints filed against him.
11. The drawing of the new electoral map presented in November 2018 was not accompanied by the prescribed public consultations, and many of the new districts were reported to have bizarre shapes inconsistent with the models said to be used by the ECT. The fact that the NCPO also used its Section 44 powers to delay the announcement of the new constituencies further prompted critics to speculate that the junta intervened in the drawing of electoral boundaries.
12. The regulations and announcements of the ECT related to the 2019 general election were not made readily accessible on their website, nor disseminated widely to the media and

public. The ECT also has no public docket of complaints or a case-tracking system with which one can follow the progress of election disputes being investigated. Political parties, analysts, and observers alike were reduced to depend on partial information released by the ECT during press briefings. The lack of transparency and cooperation between the ECT and other electoral stakeholders severely limited the outflow of information among the public at large.

13. Prior to the 2019 general election, the Thai Raksa Chart (TRC) party nominated the King's sister, Princess Ubolratana Mahidol, as its candidate for Prime Minister. The ECT then disqualified the Princess as a PM nominee and filed a request with the Constitutional Court to dissolve the party based on vaguely defined "customary law". The Court ruled in favour of the ECT's case on 7 March 2019, thereby immediately dissolving the party, banning its 14 executives from setting up political parties, running in elections, or becoming political party executives for 10 years. Due to the dissolution, all TRC candidates were also disqualified from running in the election well into the campaign period and less than three weeks before Election Day.
14. ANFREL found the campaign environment for the 2019 elections to be heavily tilted to benefit the incumbent military junta and the candidates that it supported. While the campaign provided opportunities for public discussions that were impossible for the five previous years due to a ban on political activities, many candidates continued to censor themselves because of the restrictive legal framework detailed above. Vote-buying remains widespread in Thailand, and the abuse of government resources during the campaign ran broad and deep. For instance, one welfare scheme with a name reminiscent of the main junta-affiliated political party included a cash handout of 5.66 billion baht (181 million USD) to 11.3 million recipients just days before the elections.
15. The polling process on Election Day was smooth and peaceful, but ANFREL regrets that overly restrictive regulations regarding the validity of ballot marks contributed to over 2.1 million invalid ballots. Empowering voters does not seem to be a priority for the current election commission, as voter education efforts conducted in recent years have been minimal. In the more recent local elections of 2020 and 2021, Thai voters even had to exert their franchise with ballot papers that did not have the names or logos of the contesting candidates and political parties written on them, but only numbers instead, thus resulting in widespread confusion and errors during ballot casting.
16. While vote counting at the polling station level was overall conducted diligently and transparently, the tabulation and consolidation of ballots by election officials were deeply flawed and inaccessible to election observers, party agents, and media. This led to an announcement on election night of preliminary results that were wildly inaccurate and riddled with obvious statistical aberrations. This heavily damaged the credibility of the ECT in the eyes of the population, and subsequent announcements failed to fully correct the initial discrepancies. Between 24 and 28 March 2019, the data released by the ECT shows inexplicable increases of 8.73% in turnout and 34,014 registered voters on the voter lists. Despite repeated requests, the ECT never released comprehensive election results,

nor answered pressing questions from ANFREL, civil society organizations, and media, leaving them with no choice but to consider the official results of the 2019 general election not credible.

17. In the wake of the election, the ECT decided unilaterally to change the formula used to allocate party-list seats. The change was such that 11 minor political parties, representing collectively only 1.5 percent of all votes cast, were awarded seats that would otherwise have gone mostly to opposition parties, most notably the Future Forward Party (FWP), which obtained seven fewer seats than it would have under the previous formula. This very technical tinkering with the election rules was egregious as it went contrary to all of the ECT's announcements prior to Election Day, and illustrates the uphill battle faced by opposition parties at every stage of the electoral process.
18. In light of the evidence presented above, the ANFREL international election observation mission to the 2019 general election concluded that it was "a missed opportunity for democracy", as Thai authorities willfully ignored international standards for free and fair elections and the recommendations made by the international community and UN treaty bodies. Every step of the electoral process took place under a legal framework drafted by the junta, supervised by institutions appointed by the junta, and on a playing field skewed in favor of the junta or its affiliates, resulting in a democratic exercise that was neither genuine nor credible.
19. Finally, despite supporting a recommendation to "take measures to enhance women's participation in public and political decision-making<sup>13</sup>", Thailand has achieved no progress on the matter since its last UPR. There are no quotas or incentives to boost the representation of women in Parliament, and in May 2019, following the general election and a re-run in Chiang Mai province, only 16.2% of MPs (81 out of 500) were women.

## **Part II: Harassment against political opponents and their impacts on democracy**

20. Following the elections, the Thai authorities have used a range of tactics to silence the political opposition, especially against the now-defunct FWP, which was formed in March 2018. The party campaigned for institutional reforms and surprisingly won the third largest number of seats in the lower house of Parliament during Thailand's 24 March 2019 general election.
21. The rights to freedom of expression, association, and peaceful assembly are protected under the Universal Declaration of Human Rights and ICCPR, which Thailand is a state party. For lawmakers, the enjoyment of these human rights are crucial in fulfilling their responsibilities, which include being able to join or form a political party, and participate or hold peaceful public discussions to share ideas. In particular, MPs should be free to express themselves in order for them to speak on behalf of the people who elected them. MPs must also be able to seek, receive and impart information and ideas without fear of reprisal. However, MPs in Thailand have been facing politically-motivated judicial cases, threats and harassment solely for the peaceful exercise of their rights to freedom of

expression, association, and peaceful assembly, a clear violation of Thailand's human rights obligations and of recommendations made to Thailand in the previous UPR cycle.

22. Targeting public figures such as MPs not only creates a climate of fear within society, but the litany of trumped-up charges and aggressive rhetoric, sends a clear message that anybody could face similar treatment. Such a strategy aims to have the knock-on effect of silencing all forms of dissent.

*(i) Judicial harassment and other forms of intimidation*

23. In Thailand, parliamentary privilege is protected under Sections 124 and 125 of the Constitution, whereby words, fact or opinions expressed in statements or in casting votes during a sitting of the House of Representatives or the Senate are absolutely privileged.<sup>14</sup> During a session, no MP shall be “arrested, detained or summoned by a warrant for inquiry” as a suspect in a criminal case unless permission is obtained from the House from which they are a member, or if they have been arrested in flagrante delicto, meaning they have been caught in the act of the offence. If criminal charges are brought against an MP or Senator, the “the trial shall not hinder such member from attending the sitting of the House.”
24. Since the establishment of FWP, its members have faced at least 27 judicial cases,<sup>15</sup> one of which led to the party's dissolution. While some cases were filed before the 2019 election, most were brought after the vote, and include accusations of sedition, lèse majesté, importing false information to a computer system, contempt of Court, libel, and infringement of the Public Assembly Act.<sup>16</sup>
25. Many of the cases against FWP members were initiated by members of the military, individuals or organizations that have strong connections with the ruling coalition, as well as groups that support the monarchy.<sup>17</sup> A number of these cases are still pending investigation or have yet to be processed by the relevant authority.
26. For example, on 16 December 2019, several FWP executive members, including Thanathorn Juangroongruangkit, Pannika Wanich, and Piyabutr Saengkanokkul, who were MPs at the time, as well as MP Pita Limjaroenrat, were charged after they held a peaceful political rally in downtown Bangkok to protest against the threats of the dissolution of the party. According to news reports, around 10,000 people attended the rally, which was at the time, the largest public gathering since the 2014 military coup d'état. The charges include the criminal offences of organizing a public assembly and using loudspeakers without permission under provisions that excessively restrict the right to peaceful assembly.<sup>18</sup>
27. As a result of two legal cases that involved the Election Commission and the Constitutional Court, 12 FWP MPs were arbitrarily stripped of their parliamentary status. On 23 May 2019, upon a request from the Election Commission for a ruling, the Constitutional Court suspended FWP leader Thanathorn Juangroongruangkit from carrying out his duties as an

MP for allegedly holding shares in a media company when he applied to run for office.<sup>19</sup> He was fully disqualified as an MP in November 2019 after being found guilty by the Constitutional Court.<sup>20</sup>

28. The case against Juangroongruangkit did not end there, however. Following the Constitutional Court decision, the Election Commission filed criminal charges against him in March 2020 for applying to be a member of the House of Representatives candidate knowing he was not qualified.<sup>21</sup> If found guilty he faces up to 10 years in prison, a fine of up to 200,000 baht (US\$6,300), and a 20-year ban from politics.<sup>22</sup>
29. The second case that led to the removal of their MP status, started after Juangroongruangkit stated in a speech at the Foreign Correspondents' Club of Thailand in Bangkok on 15 May 2019 that he had loaned a significant amount of money to the party.<sup>23</sup> Following the event, a complaint was lodged with the Election Commission, which on 11 December 2019, issued a public statement stating that FWP had violated Article 72 of the Organic Political Party Act, which prohibits political parties and their executives from accepting cash, assets or other benefits which they know or should have known to be illegitimate. The Election Commission therefore recommended to the Constitutional Court to disband the FWP.<sup>24</sup> On 21 February 2020 the Constitutional Court found the party guilty of accepting a loan from its founder. In its decision the Court dissolved the FWP, stripped another 11 of the party's executive members of their MP status, and banned all 16 executive members from politics for 10 years, which includes a ban from running as an electoral candidate, as well as registering a new party or joining a political party.<sup>25</sup>
30. Since the party's dissolution, most of its former members have now joined the new Move Forward Party, some of whom continue to face legal cases for being critical of the government. For example, MP Rome Rangsiman is currently facing a defamation suit filed by Col. Pinyo Boonsongsantikul of the Five Provinces Bordering Forest Preservation Project in March 2020 after he accused Deputy Prime Minister Prawit Wongsuwan, who is also the Chair of the Project, of using the association to establish connections with the country's wealthiest.<sup>26</sup>
31. The judicial harassment faced by FWP depicts a systematic attempt at eradicating an increasingly popular party that directly challenged the political establishment of Thailand and the role of the military in politics. The UN Special Rapporteurs on the promotion and protection of the right to freedom of opinion and expression and on the rights to freedom of peaceful assembly and of association have expressed concern that these cases "*appear to be related to their views on the influence of the military in domestic politics.*"<sup>27</sup>
32. APHR found that those who face judicial harassment are often victims of other intimidation tactics. Female opposition MPs are also the victims of misogynistic campaigns that aim to discredit them as a woman and a politician. Pannika Wanich, former MP and Spokesperson of the FWP, shared her frustrations about reporters choosing to focus on the brand of her dress, rather than her work in parliament. She has also been called a "*pretty face*" by the Thai Prime Minister in Parliament, in an attempt to reduce her to her looks.<sup>28</sup>

33. FWP members also told APHR about surveillance they experienced either by the authorities or by unknown individuals. Former MP Kunthida Rungruengkiat, who handled FWP's policies in the country's Deep South, said she was surveilled whenever she visited the area.<sup>29</sup> She said: *“The hotel where I was staying was called and [the caller] asked for my room number. Also, the police officers who were following us would send us photos to show us they were following us.”*<sup>30</sup>
34. Surveillance also happens even when an individual is no longer an MP. Much of the monitoring takes place outside of Bangkok, and the authorities often ask questions to those who attended their events, including students and supporters.<sup>31</sup>
35. In February 2020, former FWP MP Wiroj Lakkhanaadisorn presented in parliament about a government-backed information operation, including how the Thai military was mobilized to post harsh comments using fake social media accounts from 2017 to 2019 to discredit government opponents, human rights activists and critics. The Thai Prime Minister has since denied such allegations, despite Lakkhanaadisorn making public military documents to back up the claim.<sup>32</sup> Former MP Pannika Wanich told APHR that her Twitter account and those of other FWP leaders are *“followed very closely”* by information operation and fake accounts, who post harsh and false comments.<sup>33</sup> On 8 October 2020, Twitter suspended 926 accounts found to have amplified pro-military and pro-government content, as well as engaged in activity that targeted prominent political opposition figures.<sup>34</sup> More recently, on 3 March 2021, Facebook removed 77 accounts, 72 pages, 18 groups and 18 Instagram accounts that had links to the Thai Military’s Internal Security Operations Command.<sup>35</sup>
36. By filing politically-motivated cases, stripping parliamentarians of their seats, threatening or surveilling them, organizing online campaigns of disinformation or sexist vilification, authorities are trying to silence critical voices. These reprisals not only violate the fundamental freedoms of MPs, but aim to silence political opponents and undermine the very concept of democracy.

(ii) *Impacts on MPs and democracy*

37. The targeting of the FWP party has sent the message that the issues it campaigned on are sensitive. MP Rome Rangsiman explained: *“When it comes to the financial budget, we know that there are some areas that we can't touch, because if we do we will have a problem, and if we have a problem then we can't stand for the people.”*<sup>36</sup>
38. Thanathorn Juangroongruangkit also explained how the filing of lawsuits against his party members had a more insidious intention: *“They’re also aimed at leveraging politically against what we do. We’ve got some unofficial offers, backdoor, that they want to use these cases to make us compromise, to make us not stand firm on what we believe, what we are fighting.”*<sup>37</sup>
39. Further, MP Rome Rangsiman,<sup>38</sup> said he started taking increased precautions, including by traveling with his team as much as possible, after rumors emerged online that he faced

potential threats from powerful people within the Thai establishment for shedding light on alleged business dealings between the Deputy Prime Minister's foundation and private companies<sup>39</sup> and raising concerns in parliament about the disappearance of Thai activist Wanchalerm Satasaksit in Cambodia.<sup>40</sup>

40. MPs also told APHR that these harassment tactics are used to drain their resources and distract them from their primary responsibilities as lawmakers. Former MP Juangroongruangkit said that all the legal cases filed against the party and its members were a tactic by the authorities “*to distract us, to make us lose focus.*” He recounted how they have spent “*a lot*” of time, money and energy to deal with the cases, which could have otherwise been used more constructively.<sup>41</sup>
41. Lawmakers who lost their MP status as a consequence of the dissolution explained that losing their position meant they lost access to a salary, and the prospects of a career as a direct result. Among those, former MP Klaikong Vadyakarn said he became immediately unemployed after the party was dissolved,<sup>42</sup> while former MP Chamnan Chanruang said the MPs lost their salary.<sup>43</sup>
42. Former FWP lawmakers also spoke about how misogynistic attacks were aimed at ruining female MPs' reputation,<sup>44</sup> the psychological impact faced due to patronizing comments in relation to one's age and gender,<sup>45</sup> and the stress caused to family and friends as a result of the legal cases.<sup>46</sup>
43. Because of their status as parliamentarians, the threats and attacks that they face have wider repercussions on society as a whole. When lawmakers are attacked, it weakens parliament's representativity, and by extension its ability to exercise checks and balances on the executive, and uphold fundamental freedoms.
44. The dissolution of the FWP disenfranchised the more than six million people who voted for the party in the 2019 general election.<sup>47</sup> Although Move Forward MPs remain in parliament, the removal of 12 MPs, especially senior party members, from parliament means that the movement lost a significant chunk of the mandate it won legitimately in the 2019 election. This resulted in the removal of a number of diverse voices from Thailand's parliament, but also gave a clear majority to the ruling coalition, which had up until then ruled with only a very small margin.
45. The UN Special Rapporteurs on the promotion and protection of the right to freedom of opinion and expression and the rights to freedom of peaceful assembly and of association also said that the attacks against the FWP could: “[I]ntimidate and deter other individuals, including members of other political parties, civil society and human rights defenders, and others, from speaking on the role of the military and the monarchy in Thai politics and other issues of public interest.”<sup>48</sup>
46. These reprisals faced by opposition MPs are not isolated, but have gone hand-in-hand with a broader crackdown by the Thai authorities on peaceful protesters, human rights

defenders, journalists, and other critics of the government, revealing a systematic attempt at attaining unchecked power and undermining democracy.

## **Recommendations for action by the state under review**

ANFREL and APHR call on the Government of Thailand to:

1. Initiate reforms, in consultation with the public, of all laws and NCPO orders that restrict the rights to freedom of expression, association, and peaceful assembly, including the Computer Crimes Act, the Public Assembly Act, the Criminal Code, and the Referendum Act, with a view to bringing them in line with international human rights law and standards;
2. Adopt adequate legislation to prevent the use of SLAPPs and other forms of statutory measure abuse by state authorities, individuals, or companies to silence critics, activists, and dissidents;
3. Amend the 2017 Constitution to ensure that all government representatives are democratically elected, that the separation of powers is guaranteed, and that civilian oversight of the military is restored within a properly functioning system of checks and balances;
4. Guarantee the right to universal suffrage for all citizens of voting age by lifting the restrictions on voting rights contained in Section 96 of the Constitution;
5. Take measures to increase the representation of women, youth, and minorities in elective positions and decision-making bodies;
6. Ensure the independence and accountability of the Election Commission of Thailand (ECT), starting with a more inclusive and transparent appointment process for its members;
7. Remove any provisions meting out disproportionate penalties against political parties, such as dissolution, for the wrongdoings of individual members;
8. Reverse politically-motivated sentences and bans of those political parties and candidates denied the right to run for election;
9. Immediately end all forms of politically-motivated harassment of opposition lawmakers, human rights defenders, media and peaceful protesters including the use of criminal charges, threats, surveillance, disinformation, or other forms of harassment, and ensure MPs are able to fulfill their mandate effectively without fear of reprisal;
10. Ensure that parliamentary immunity and the right to freedom of expression for all parliamentarians are effectively upheld;
11. Refrain from conducting “*disinformation*” campaigns and develop a comprehensive plan to curb such disinformation through collaboration with media outlets, civil society, social media platforms, national human rights institutions, and other stakeholders.

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<sup>1</sup> ANFREL 2019 Thai General Election Mission Interim Report, available at: <https://anfrel.org/wp-content/uploads/2019/03/ANFREL-Thailand-Interim-Report-English-2.0-1.pdf>

<sup>2</sup> ANFREL 2019 Thai General Election Mission Final Report, available at: <https://anfrel.org/wp-content/uploads/2019/06/Thai-Report-2nd-edition.pdf>

<sup>3</sup> APHR, Parliamentarians At Risk: Reprisals against opposition MPs in Southeast Asia, September 2020, available at: <http://aseanmp.org/wp-content/uploads/2020/12/APHR-Parliamentarians-at-Risk-1.pdf>

- <sup>4</sup> APHR, Recommendations to the Government of Thailand: Democracy and Fundamental Freedoms, August 2019, available at: <http://aseanmp.org/wp-content/uploads/2020/12/English-APHR-Thailand-Recommendations.pdf>
- <sup>5</sup> A/HRC/33/16, recommendations 158.130-158.138, 158.141-158.142, 159.13-159.15, 159.18-159.19, 159.50-159.63, available at: <https://undocs.org/A/HRC/33/16>
- <sup>6</sup> A/HRC/33/16, recommendations 158.143, available at: <https://undocs.org/A/HRC/33/16>
- <sup>7</sup> A/HRC/33/16, recommendations 158.26-158.29, available at: <https://undocs.org/A/HRC/33/16>
- <sup>8</sup> A/HRC/33/16, recommendations 158.29 and 158.138, available at: <https://undocs.org/A/HRC/33/16>
- <sup>9</sup> Human Rights Watch, Thailand: Army Detains Referendum Critics, available at: <https://www.hrw.org/news/2016/07/29/thailand-army-detains-referendum-critics>
- <sup>10</sup> ANFREL, 2016 Thailand Constitutional Referendum Brief Assessment Report, available at <https://anfrel.org/wp-content/uploads/2019/05/Thailand-Referendum-2016-Report-FIN-2.pdf>
- <sup>11</sup> OHCHR, Thailand: UN rights expert concerned by the continued use of lèse-majesté prosecutions, available at <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21149&LangID=E>
- <sup>12</sup> ICJ, Thailand: ICJ submits recommendations to strengthen Thailand’s Anti-SLAPP Law, available at <https://www.icj.org/thailand-icj-submits-recommendations-to-strengthen-thailands-anti-slapp-law/>
- <sup>13</sup> A/HRC/33/16, recommendation 158.143, available at: <https://undocs.org/A/HRC/33/16>
- <sup>14</sup> Constitution of the Kingdom of Thailand, Articles 124 and 125, available at: [http://www.constitutionalcourt.or.th/occ\\_en/download/article\\_20170410173022.pdf](http://www.constitutionalcourt.or.th/occ_en/download/article_20170410173022.pdf)
- <sup>15</sup> Information obtained by APHR from the FWP party. Please note that this figure may not consist of all legal cases and there may be other cases that APHR may not be aware of.
- <sup>16</sup> Information provided by the FWP to APHR; Thai Lawyers for Human Rights (TLHR), As if the NCPO Never Left: Six Years After the Coup and the Persistence of Human Rights Violations, 22 May 2020, available at: <https://www.tlhr2014.com/?p=17808&lang=en>; HRW, Thailand: End Crackdown on Future Forward Party, 17 December 2019, available at: <https://www.hrw.org/news/2019/12/17/thailand-end-crackdown-future-forward-party>
- <sup>17</sup> Information provided by the FWP to APHR. For example, those who have filed cases against members of FWP include: Sontiya Sawasdee (former candidate of Action Coalition for Thailand, which is part of the government coalition), Col. Burin Thongprapai; Army Captain Songklod Chuenchupol; and the Nation Broadcasting Corporation who is known for publishing anti-democracy content.
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