TLHR UPR Pre-session Script

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Good morning, ladies and gentlemen. My name is Akarachai. I'm the Assistant Director and Advocacy Lead at Thai Lawyers for Human Rights. Our organization was founded in 2014, 2 days after the military coup, to provide legal representation to democracy defenders who are arrested, charged, prosecuted, detained, for exercising their right to freedom of expression or peaceful assembly.

Today, I wish to speak about the criminalization of free expression and political participation in Thailand.

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There are 2 issues I want to highlight in my speech. First, political prosecution. Second, and most important, Article 112 or lèse-majesté.

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The first thing I want everyone to know is that, back in 2020, Thailand was swept by a youth-led pro-democracy movement. And when I say youth, I'm referring to children under the age of 18, middle schoolers, high schoolers, university students. They took to the street to peacefully call for democratic reforms, monarchy reforms, and constitutional reforms.

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In response, since 2020, the Government has charged or prosecuted approximately 2,000 people, including almost 300 children under the age of 18, under various repressive laws.

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In the Third UPR Cycle, Thailand supported at least 15 recommendations on freedoms of expression and peaceful assembly. Most recently, it passed an amnesty bill for the politically prosecuted, but that law is underinclusive and excludes people charged with lèse-majesté.

At the same time, today, there are still almost 600 ongoing criminal cases stemming from peaceful expressions or public assemblies.

Our recommendations are:

- One → Thailand should drop all charges against individuals, especially children, prosecuted for exercising their fundamental freedoms

- Two → Prohibit the arrest and detention of children, and the bringing of criminal proceedings against them, for conduct protected by the Convention on the Rights of the Child.

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Next, the most important issue I want to highlight is: lèse-majesté or Article 112 of the Criminal Code.

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For those who don't know, it is a crime to "defame, insult, or threaten" the Thai king.

- The punishment is extremely disproportionate → 3-15 years per count of lèse-majesté. That's equivalent to manslaughter under Thai law.

- The conviction rate is extremely high, at around 90%, which tells you that people cannot turn to the judiciary to protect their fundamental rights.

- The scope of the law is also extremely broad. People have been charged or prosecuted for:

    - Conducting peaceful public opinion polls about the monarchy

    - Quoting UN expert's opinion about the law

    - Questioning why the Thai Parliament allocated hundreds of millions of dollars to the Thai monarchy, especially at the peak of the COVID-19 pandemic

    - A child was convicted for wearing a crop-top to attend a peaceful public assembly

Since 2020, almost 300 people, including 20 children, have been charged/prosecuted under this law.

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I want to draw your attention to 2 cases in particular.

First, Mr. Arnon Nampa, a human rights lawyer. Courts of first instance have imposed sentences totaling more than 31 years against him across 14 lèse-majesté cases. Not one of those judgments is final. He has nonetheless been held in prison for more than 1,000 days while his appeals are pending.

Second, Mr. Mongkhon Thirakot, a pro-democracy activist, has been sentenced to more than 50 years in prison for sharing clips about the Thai monarchy on Facebook, including clips from a BBC documentary and from John Oliver's Last Week Tonight show.

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On top of the negative impact the law has on people's fundamental rights, it also has a significant negative impact on Thailand's democracy.

In May 2023, Thailand had a general election and the progressive party that proposed to amend Article 112 won the most number of seats.

One year after the election, in 2024, the Constitutional Court dissolved the winning party, simply for proposing to amend Article 112.

But that's not the end of the story. The 44 MPs who sponsored the bill to amend Article 112 were then investigated for "serious ethical violations" and, if found guilty by the Supreme Court, would be banned from politics for life.

In other words, people who peacefully called for reforms of Article 112 on the street or online got prosecuted and put in prison.

A political party that proposed to amend the law got dissolved.

And the lawmakers who sponsored the bill to amend the law risk being banned from politics for life.

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Given that it's getting increasingly difficult and dangerous to try to reform the law in the country, we believe UPR recommendations on this law are extremely crucial.

We urge you to recommend Thailand to:

1) Amend Article 112 to bring it into line with art. 19 of ICCPR
2) Drop all charges under Article 112 and unconditionally release all persons detained under the law
3) Extend the scope of the recently passed amnesty bill to include those charged under Article 112, especially children under the age of 18

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Ladies and gentlemen, Article 112 has been the elephant in the room for far too long. Everyone knows what the law is doing to Thai people and to Thai democracy. I am here

today to ask you to use this coming UPR to address the elephant in the room by naming Article 112 in your recommendation.

Thank you.