ASIA PACIFIC CENTRE - RESPONSIBILITY TO PROTECT

ATROCITY CRIMES RISK ASSESSMENT SERIES

THAILAND

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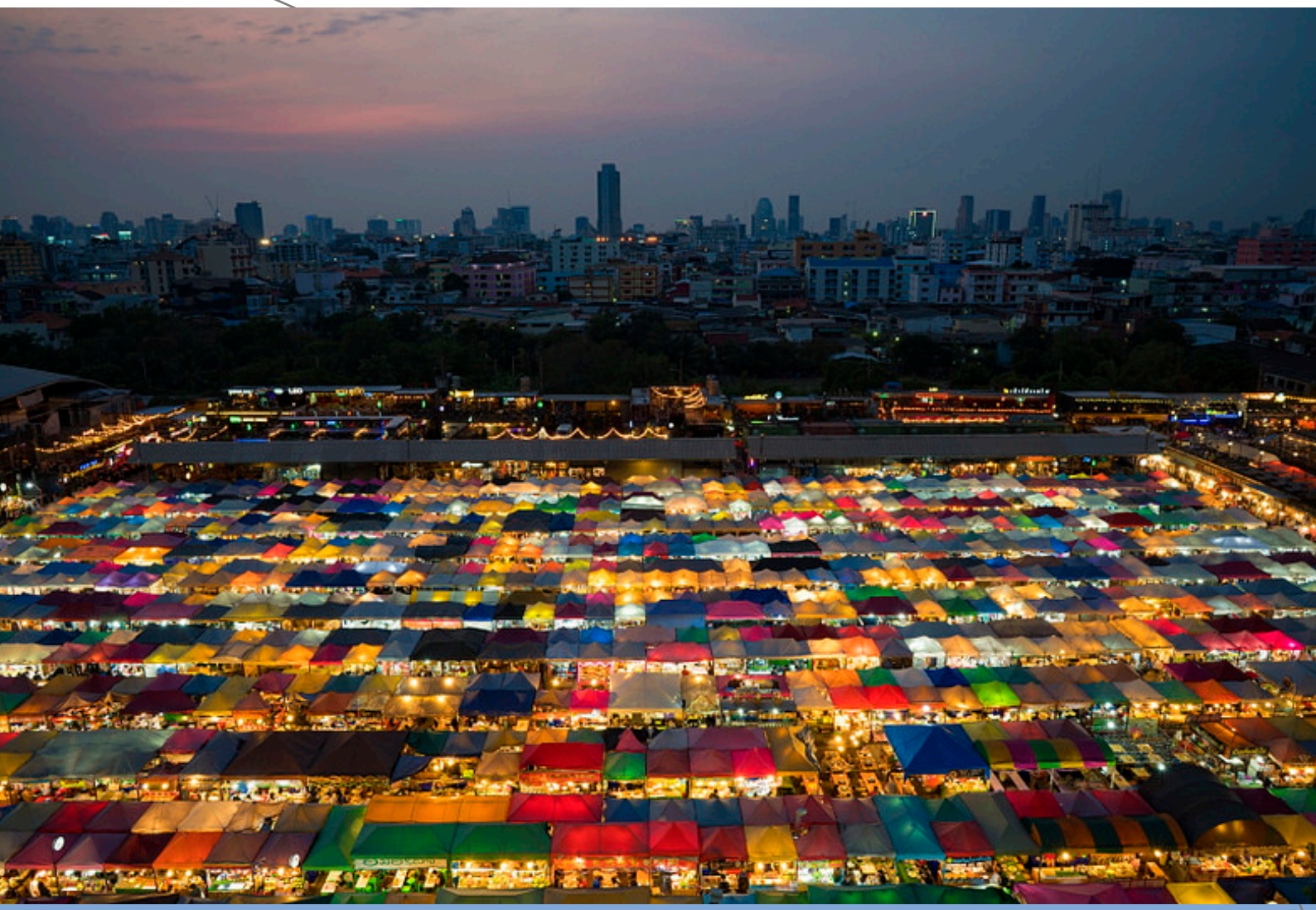

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INTRODUCTION

In 2014, the United Nations Special Advisers on the Prevention of Genocide and the Responsibility to Protect launched the *Framework of Analysis for Atrocity Crimes: A Tool for Prevention*. It aims to assist with assessing the risks of genocide, ethnic cleansing, war crimes, and crimes against humanity.[2] The Framework of Analysis serves as a tool to identify the relevant indicators of risks faced by countries which could help in the prevention of atrocity crimes around the world.

This risk assessment report on Thailand examines the risk factors and indicators deemed relevant to the current situation in the country. By analysing the risk factors within their appropriate political, historical, and cultural contexts, it is possible to more fully identify the relative potency of these risk factors in Thailand.

SUMMARY OVERVIEW OF ASSESSMENT

At the time of writing, this report finds that the current risk of atrocity crimes occurring in Thailand is low to moderate. Despite its economic and human development progress, factors such as political repression, corruption, limited freedom of expression, suppression of civil dissent, a tumultuous political environment, ongoing ethnic tensions, discrimination against protected groups, and lack of accountability mechanisms may potentially contribute to increasing the risk of atrocities in the country.

Thailand has a record of human rights violations against protected groups such as asylum seekers, refugees, and ethnic minorities. The ongoing armed insurgency in the south needs to be monitored especially for risk factors related to war crimes and crimes against humanity caused by both insurgent groups and Thai security forces. Notwithstanding the peaceful transfer of power following the May 2023 elections, there are continuing constraints in pursuing democratic reforms in the country even as the military maintains strong influence in Thai politics. While some mitigating factors exist in Thailand that could help overcome the relevant risks for atrocities, the new government must work towards enhancing these mitigating factors and give priority to addressing the legitimate grievances of marginalised and protected populations, as well as effectively deliver on the democratic aspirations of the population in general.

FRAMEWORK OF ANALYSIS

The Framework of Analysis comprises 14 Risk Factors of atrocity crimes, with each Risk Factor accompanied by a set of more specific Indicators which are used to determine the degree of risk present. In combination, these risk factors and their associated indicators guide the collection and assessment of information pertaining to atrocity crimes in order to identify their current presence or the risk of them materialising.

The risk factors are divided into two different groups: Common Risk Factors, which are the conditions that increase the probability of atrocity crimes occurring; and Specific Risk Factors, which are divided into the risks associated with genocide, crimes against humanity, and war crimes (ethnic cleansing is incorporated into the other atrocity crimes). The more Risk Factors and Indicators that are present, the greater the risk that atrocity crimes may be committed. However, not all Risk Factors must be present to represent a significant risk. The Risk Factors and Indicators are not ranked by importance and should be considered in a broader context, taking account for a society's politics, history, and culture.

COMMON RISK FACTORS		
Risk Factor	1	Situations of armed conflict or other forms of instability
Risk Factor	2	Record of serious violations of international human rights and humanitarian
Risk Factor	3	Weakness of State structures
Risk Factor	4	Motives or incentives
Risk Factor	5	Capacity to commit atrocity crimes
Risk Factor	6	Absence of mitigating factors
Risk Factor	7	Enabling circumstances or preparatory action
Risk Factor	8	Triggering factors
SPECIFIC RISK FACTORS		
Genocide		
Risk Factor	9	Inter group tensions or patterns of discrimination against protected groups
Risk Factor	10	Signs of an intent to destroy in whole or in part a protected group
Crimes Against Humanity		
Risk Factor	11	Signs of a widespread or systematic attack against any civilian population
Risk Factor	12	Signs of a plan or policy to attack any civilian population
War Crimes		
Risk Factor	13	Serious threats to those protected under international humanitarian law
Risk Factor	14	Serious thrests to humanitarian or peackeeping operations
Risk Factor	14	Serious threats to humanitarian or peacekeeping operations

Each of these Risk Factors are accompanied by 6-18 more specific Indicators, which can be used to more precisely identify and analyse the risks of atrocity crimes. These Indicators and further information on the full UN Framework of Analysis for Atrocity Crimes can be found by visiting the UN website at www.un.org.

COMMON RISK FACTORS

Risk Factor 1: Situations of armed conflict or other forms of instability

"Situations that place a State under stress and generate an environment conducive to atrocity crimes."

Most atrocity crimes take place within the context of armed conflicts. However, other forms of instability, such as a humanitarian crisis or political, economic and/or social crises can also produce an environment in which the risks of atrocity crimes is heightened. In Thailand, a number of indicators under **Risk Factor 1** exist that could potentially elevate the risk of atrocity crimes occurring. The main points of concern are identity-based conflicts, internal conflicts in neighbouring Myanmar, coup d'états, vulnerability to natural disasters, economic decline, and social instability.

Armed conflict

Indicator 1.1 refers to "international or non-international armed conflict". The ongoing armed rebellion in Thailand's southern regions (Yala, Pattani, Narathiwat, and parts of Songkhla) between Thai government security forces and insurgent groups remains a major concern for many peace and human rights advocates within and outside the country. The conflict began as a separatist insurgency in 1948 in response to the annexation of predominantly Malay Muslim lands by the Kingdom of Siam in 1901.[3] The severity of the violence in the area has fluctuated over time but gained significant momentum in 2004, which led to the declaration of a state of emergency (see **Risk Factor 2** for more information). It is estimated that more than 7,300 people have died in the conflict since 2004.[4]

Apart from it being an identity-based conflict, the discourse of the struggle is now linked to radical Islamist ideology.[5] This discursive shift has also been accompanied by a radical change in the tactics and methods of violence employed by the insurgents.[6] Whilst orthodox guerrilla-type warfare characterised the early stages of the conflict, new forms of violence of a more 'terrorist' nature have become prominent, with the widespread use of IEDs and the targeting of civilians carried out by a variety of independent and distinctive insurgent groups.[7] Such attacks are still widely used by insurgent groups as their main form of resistance in 2023.[8] Government security forces also significantly contribute to the conflict through the incitement and reciprocation of violence with insurgent groups. Further, official Thai security forces are renowned for using torture, without repercussions, against suspected insurgents and sympathisers (see **Risk Factor 2** for more information).

While the southern Thailand armed conflict does not constitute a national 'security crisis' as stipulated by **Indicator 1.2** due to its isolation to the southern provinces, the threat to life and persistent use of violence warrants its classification as a security issue. Further, the conflict could be considered a 'humanitarian crisis' as referred to under **Indicator 1.3** due to the threat it poses to the Malay Muslim community and civilian population in the affected southern provinces in general.

Neighbouring Conflict

Indicator 1.3 refers to "Humanitarian crisis or emergency, including those caused by natural disasters or epidemics". This indicator is clearly applicable to the humanitarian issues caused by the influx of refugees coming from Myanmar. Myanmar fell into State-wide conflict following a military coup d'état in 2021.[9] Whilst this neighbouring conflict has not caused a 'security crisis' for Thailand as would be required for **Indicator 1.2**, it has prompted a serious influx of vulnerable refugees that continues through 2023.[10] The conditions and mistreatment these refugees face are a significant humanitarian issue. For further information, see **Risk Factor 2** and **Risk Factor 8** for more information.

Political Instability

Thailand has a long history of military intervention since the overthrow of absolute monarchy in 1932.

The most recent coup was in May 2014, when a military junta known as the National Council for Peace and Order (NCPO) declared martial law and seized control of government agencies and media organisations.[11] Prior to this, Thailand had experienced 12 successful and seven unsuccessful coups since the first one in 1932.[12] The military coup in 2014 and its junta leader, General Prayuth Chan-ocha, were officially endorsed by the monarch, King Bhumibol Adulyadej, just three months after the coup.[13] The monarch's approval was a mere formality in the process of General Prayuth Chan-ocha's appointment as Prime Minister.[14]

In 2016, the NCPO drafted a new constitution essentially designed to protect military interest in Thai politics.[15] The constitution included provisions that reserved appointed seats in the Senate for military officials and created mechanisms that could favour a military-backed government.[16] This brought about serious criticism from democratic forces in the country, including large civil protests and political opposition.[17] This constitution also enabled the junta to influence the outcome of the general elections in 2019 and 2023.

This political turmoil highlights the presence of **Indicator 1.4** "political instability caused by abrupt or irregular regime change or transfer of power". Thailand clearly exhibits a history of political instability caused by continuous coups d'états. This continues to be a relevant issue as political systems and peoples remain under the direct control of the military junta that took control in 2014.

After multiple delays, Thailand held its first general election in 2019 since the coup.[18] The election ended with a complicated series of negotiations and shuffling as political parties attempted to navigate the political landscape set by the 2017 Constitution.[19] Ultimately, through a coalition of parties, General Prayuth Chan-o-cha, the former junta leader, was able to secure enough support in the parliament to be elected Prime Minister yet again.[20]

In 2023, Thailand held its second general election. The opposition party led by Pita Limjaroenrat of Move Forward, won most of the seats in the election.[21] At first this appeared to be a major step towards transferring power away from the junta. However, once again, due to the pro-military weighting of seats in the Senate, Move Forward was unable to secure the necessary support in the Senate to take the prime ministerial seat.[22] Not only was Pita denied the necessary support in the Senate to finish his election win, but he was further subjected to arbitrary enquiries into his financial affairs in an attempt to contest the legitimacy of his candidacy.[23]

In a similar fashion to 2019, a coalition government ultimately gained power after significant political manoeuvring.[24] A longer-established political party, Pheu Thai, was able to form a coalition with pro-military actors and take over the government.[25] A real-estate tycoon, Srettha Thavisin, was ultimately appointed as Prime Minister.[26] Upon Pheu Thai's success, their previously appointed leader and former Prime Minister Thaksin Shinawatra returned to Thailand after years of exile.[27] Shinawatra fled Thailand after he was ousted in the 2006 coup in Thailand to escape conviction for corruption-related charges.[28] Upon his return in 2023, he was charged with abuse of power, corruption, and several other outstanding criminal offences and ordered to serve eight years in jail by the Supreme Court.[29] He was moved to a premium hospital room reportedly for medical reasons.[30] Further, Thaksin's prison sentence was subsequently reduced via royal pardon to one year.[31] He will likely remain under hospital arrest for the remainder of his sentence.[32] This raises numerous concerns about accountability and justice in light of Pheu Thai's return to power and Thaksin's previous track record of serious human rights abuses, particularly in the southern provinces.[33]

These considerations highlight the presence of **Indicator 1.4** and **1.6**, (political instability and tensions caused by abrupt regime change and autocratic control), as well as **Indicator 1.5** (political instability caused by disputes over power). Under the current constitution, there are major constraints in upholding norms related to democratic processes.

Economic instability

In 2023, the new Prime Minister, Srettha Thavisin, publicly declared that Thailand's economy was in distress and in need of invigoration.[34] Warranting consideration of **Indicator 1.8** "Economic instability caused by severe crisis in the national economy". Thavisin cites a declining rate of growth as a clear sign of economic decline and introduced a series of economic interventions.[35] Indeed, Thailand's economy has significantly suffered in the last five years.[36] After stagnating in 2018, economic growth dropped from 4.2% to 2.1% in 2019, and then further to -6.1% in 2020.[37] However, the economy has been growing annually since the economic crisis caused by COVID-19 in 2020.[38] Further, projections from the World Bank indicate that growth rates will rise from 2.5% in 2023 to 3.2% as tourism picks up and export is re-invigorated.[39]

A key consideration regarding Thailand's economic situation is the serious economic inequality in the country. According to the World Bank, 6.8% of Thai people live in poverty,[40] most of which (79%) live in rural areas and agricultural households.[41] Further, In December 2018, Credit Suisse reported in its Global Wealth Report and Databook that Thailand has the largest wealth gap in the world.[42] Credit Suisse reported that the richest 1% in Thailand controls 66.9% of the country's wealth.[43] Economic and political inequalities in the country have been described as "mutually reinforcing" and have long been a point of contention in political discussions.[44] Highlighting a deep asymmetry that highlights the presence of **Indicator 1.9** 'economic instability caused by acute poverty, mass unemployment or deep horizontal inequalities.'

While Thailand's economic situation has not reached 'economic crisis' level referred to by **Indicator 1.8**, it remains a concern that needs to be monitored given the steep economic inequalities in Thailand.

Social instability

Thailand has witnessed a consistent stream of protests in recent years, reflecting a growing desire for political reform, greater democratic representation, economic reform, and human rights. Many of these protests have been led by youth-led movements, expressing discontent with the established political order, calling for constitutional changes[45], and demanding increased government transparency. [46]The demonstrations often highlight concerns about freedom of speech, human rights, and social justice. Issues such as economic inequality and perceived government overreach have also fuelled public dissatisfaction, leading to large-scale protests in urban centres.[47] The Thai government's response to these demonstrations has varied, at times involving negotiations and, on occasion, implementing measures to restrict protest activities (see **Risk Factor 2** for more information). Some protesters have even been killed. In 2010, there were 99 people killed by military personnel during a crackdown on a protest organised by the United Front for Democracy Against Dictatorship.[48] Protests also marked the 2023 general elections even after the formation of a coalition government.[49] These protests demonstrate a prevailing issue of civil dissatisfaction and social instability. Clearly, **Indicator 1.10** "social instability caused by resistance to or mass protests against State authority or policies" is present in Thailand especially in the context of political contestation.

Risk Factor 2: Record of serious violations of international human rights and humanitarian law

"Past or current serious violations of international human rights and humanitarian law, particularly if assuming an early pattern of conduct, and including those amounting to atrocity crimes, that have not been prevented, punished or adequately addressed and, as a result, create a risk of further violations."

Risk Factor 2 is highly relevant to Thailand as numerous indicators are found to be present. Thailand has a pervasive history of serious human rights restrictions and international law violations. These restrictions are facilitated by the failure to ratify key UN conventions. Key considerations include torture and enforced disappearances, the use of lèse-majesté and emergency decrees, and the presence of vulnerable refugees, asylum seekers, and stateless populations.

Torture and enforced disappearances

International agencies and NGOs have repeatedly called upon Thailand to take action against acts of torture and enforced disappearances perpetrated and sanctioned by Thai authorities. From 1980 to August 2022, the UN Working Group on Enforced or Involuntary Disappearances recorded 92 cases of alleged enforced disappearance in Thailand.[50] In 2022, the United Nations High Commissioner for Human Rights reported that Thailand had 76 outstanding cases of enforced disappearances.[51] Protection International (PI) has found 62 cases of community-based rights defenders and lawyers being targeted victims of enforced disappearance due to their work since 2003.[52] Reports further incriminate Thai security for the use of torture. A local activist group, Duay Jai, documented 54 cases of torture against suspected insurgents in the southern provinces in 2016.[53] Duay Jai documented nearly 150 cases of torture in the southern provinces between 2011 and 2021.[54] These statistics show a clear penchant for the targeted use of enforced disappearance.

These reports qualify the presence of **Indicator 2.1** as it refers to "past or present serious restrictions to or violations of international human rights and humanitarian law, particularly if assuming an early pattern of conduct and if targeting protected groups, populations or individuals".

Further, a judicial precedent has been set for failure to investigate, indict, and prosecute Thai security forces for torture or enforced disappearance.[55] For example, a group of soldiers who tortured two people during an interrogation in 2020 were not indicted even after confessing. One of the victims of this crime died in hospital while the other was found severely injured.[56] This risk assessment outlines further cases in more detail in following sections, as such crimes have been used as a suppressive tool against protected populations and activists.

Despite being a signatory to the *UN Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment (UNCAT)* and of the *UN Convention for the Protection of All Persons from Enforced Disappearance*, the Thailand did not meaningfully ratify these conventions until 2023.[57] After years of sequential rejections, the *Prevention and Suppression of Torture and Enforced Disappearance Act* was finally passed in August 2022.[58] However, in February 2023, enforcement of Articles 22 to 25 of this Act was postponed until 1 October 2023.[59] These articles include accountability measures, such as requiring law enforcement officers to wear recording devices during arrest and detainment, and the requirement for officers to record reasons for arrest.[60] Their postponement undermined the Act in effectively preventing and upholding anti-torture and enforced disappearance measures. This underscores the continuing impunity and serious violations of human rights as referred to under **Indicator 2.3**. At the time of writing, there has been no further postponement of enforcement of the Act, but there are also no reliable reports on the efficacy of enforcement so far. Violations of the Act are already evident in the continued forceful return of refugees from Myanmar.[61] The Act should prevent those whose personal safety would be compromised from being forced to return. However, as will be discussed below, Thai authorities continue to force the return of refugees back into Myanmar.[62]

Lèse-majesté laws

Thailand has a long history of curtailing people's rights to freedom of expression and media freedom based on existing laws and policies (**Indicator 2.1**). This pattern has persisted in 2023 especially in using lèse-majesté laws. These laws stipulate that, under the country's criminal code Section 112, any form of action that is perceived to slander or intend to insult the monarchy is a chargeable offence.[63] Enforcement of this law has been used to target pro-democracy protesters and other activists who speak out against the monarchy or the military junta[64]. For example, a pro-democracy activist was sentenced to a year in jail in August 2023 for wearing a crop top in mockery of the King.[65] A human rights lawyer, Arnon Nampa, was sentenced in September 2023 to four years in prison for royal insults after making a public speech advocating for Thai monarchy reforms.[66] Amnesty International reports that between 2020 and 2022, 17 children were charged under lèse-majesté for exercising their right to protest.[67] By the end of 2023, more than 230 had been charged under lèse-majesté.[68] This continued political persecution using lèse-majesté highlights the presence of **Indicator 2.1.**

Emergency decrees and human rights suppression

Thailand has demonstrated a proclivity for using emergency decrees to suppress civil dissent and freedom of assembly. This includes emergency decrees in the Southern Provinces since 2005 and in suppressing protests between 2020 and 2022.

The Prime Minister of Thailand enacted the Emergency Decree of Government Administration in States of Emergencies (the emergency decree) on July 15th, 2005, and declared a state of emergency just four days later.[69] These decrees enable the Prime Minister to proclaim special conditions that override all other authorities overall, or part of, the country.[70] The conditions of this emergency decree essentially enable security forces to commit human rights violations with impunity during service and mandates a media suppression order that doubly assures this impunity.[71]

This emergency decree creates conditions that violate human rights (**Indicator 2.1**), enables denial of allegations of violations, and exemplifies a policy of impunity for serious violations (**Indicator 2.3**), and demonstrates continued support for groups accused of involvement in serious violations (**Indicator 2.5**). At the time of writing, the most recent extension of the emergency decree came in September 2023 for another three months. This was the 73rd extension of the decree.[72]

The Emergency Decree on Public Administration in Emergency Situation B.E. 2548 was implemented by the Thai government to combat the COVID-19 outbreak on 26 March 2020.[73] It was used in conjunction with lèse-majesté laws by Thai authorities to justify numerous arrests of activists and protestors.[74] Approximately 1,469 people have been prosecuted under this decree,[75] most of whom were targeted for taking part in protests.[76] The decree was officially lifted in October 2022, but prosecution of those arrested under this decree continues as the charges have not been dropped.[77] The human rights abuses carried out in the name of this emergency decree led the International Federation for Human Rights (FIDH) and 23 other groups issuing an official letter to diplomatic actors in Thailand calling for the lifting the decree.[78]

Treatment of Refugees and Asylum Seekers

Treatment of refugees and asylum seekers in Thailand highlights the presence of numerous indicators under **Risk Factor 2**. Over 90,000 refugees have sheltered in Thailand since the 1980s.[79] Whilst a significant number of Burmese refugees in Thailand are taken in and confined to camps along the Myanmar-Thailand border indefinitely, there is also a pervasive history of push backs.[80] Since the 1980s, Thailand has intermittently pushed back Burmese refugees, which continued into 2023.[81] The situation was made worse in 2021 following the Myanmar military coup, as over 90,000 refugees have flooded across the border.[82] Even under the threat of frequent airstrikes in Karenni State, Thai authorities have been accused

on numerous occasions of pushing asylum seekers back into Myanmar.[83] Refugees that manage to make it into Thailand without being refouled face consistent mistreatment. Their access to state institutions such as healthcare and education, which are universal human rights, is limited if not non-existent.[84] Further, there are reports that refugees who have been approved for resettlement in third countries, such as the United States, were not allowed to leave by Thai authorities.[85] Some claim that they have been restricted in refugee camps for over a year.[86] Thailand's refoulment of asylum seekers and mistreatment of refugees constitutes the presence of **Indicator 2.1** as it refers to 'past or present serious restrictions to or violations of international human rights and humanitarian law'.

Similar treatment extends to other groups of asylum seekers. Uyghur asylum seekers fleeing persecution in China were imprisoned and/or repatriated to China.[87] In 2015, Thailand forcibly returned Uyghur men and boys to China who were never accounted for again.[88] Thailand defended its policy against critics by citing cases where some women and girls who were allowed to be sent to Turkey.[89] In 2022, there was further concern of Uyghur asylum seekers being returned to China, however Thailand denied this.[90] In 2023, there were two known deaths of detained Uyghur asylum seekers in Thailand.[91] A 49-year-old man died in February of pneumonia, and another 40-year-old man died in April from liver failure.[92] These deaths follow numerous reports of mistreatment and extremely poor conditions in detention centres.[93] Thailand's treatment of Uyghur refugees demonstrates restrictions on universal human rights to asylum and protection from arbitrary detention.

Meanwhile, Thailand has allegedly exploited some of the refugees to mitigate its migrant labour shortage. The country's fishing industry is renowned for forcing refugees and migrants into slave labour with the use of violent force and subjecting these refugees to inhumane conditions.[94] There are several accounts of refugees and migrants being tricked or forced into work on fishing vessels and coerced with the use of force and threats of violence to continue working.[95]

Statelessness and forced displacement

There are a range of ethnic groups living in the highland regions of Thailand. These groups are subjected to a series of challenges (as will be discussed in the **Risk Factor 9** section), but particularly relevant to **Risk Factor 2** is the continued statelessness that subjects these groups to further vulnerabilities to other issues such as displacement and human trafficking.

Highland ethnic minority groups make up the greatest proportion of registered stateless people in Thailand.[96] This leaves them vulnerable to a variety of human rights abuses due to their stateless status and lack of access to citizenship rights. For example, Thai conservation personnel have allegedly burned villages and crops, and forcibly displaced people from their homes with impunity.[97] Without citizenship status, these highland and indigenous groups lack access to fair judicial process to protect their rights.

Those who speak out against abuse of stateless groups are also at risk of facing violent suppression. For example, Porlajee "Billy" Rakchongcharoen, an environmental and community rights defender, was forcibly disappeared in 2014.[98]

"Circumstances that negatively affect the capacity of a State to prevent or halt atrocity crimes".

Whilst weak state structures alone are not the cause of atrocity crimes, they indicate a state's ability to safeguard its population from such crimes. The stability of state structures and institutions plays a crucial role in managing the risks of atrocity crimes. Despite Thailand's economic success and modernisation, the country's high level of corruption, poor governance, weak rule of law, and enabling national legal and policy framework contribute to weaknesses in the state structure that fail to protect human rights based on international norms.

Lack of legislative and policy controls

Thailand has ratified numerous international agreements, such as the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, and the International Covenant on Economic, Social and Cultural Rights.[99] However, there are key conventions and agreements that Thailand has not signed and ratified, such as the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.[100] In 2000, Thailand signed the Rome Statute of the International Criminal Court but has yet to ratify the treaty.[101]

Although Thailand is party to a number of international conventions and treaties on human rights, it has also failed to adhere to international standards in protecting human rights at home. In a 2017 assessment of Thailand's adherence to the International Covenant on Civil and Political Rights, the UN Human Rights Council expressed worry about the constitutional and legal framework, stating that it permitted violations of several Covenant principles. The Council specifically highlighted concerns that Section 44 of the interim Constitution could restrict access to effective remedies and potentially grant immunity to the military government for serious human rights violations.[102]

National Human Rights Commission Thailand

The National Human Rights Commission of Thailand (NHRCT) is the premiere human rights body that has come under significant international criticism in recent years. In 2015, it was downgraded by the Global Alliance of National Human Rights Institutions (GANHRI) from 'A' to 'B' for its lack of compliance with the Paris Principles due to its lack of impartiality and reported corruption.[103] A key consideration in this downgrade was insufficient transparency in the selection process of commission members.[104] Internal NHRCT politics became particularly turbulent in 2019 when two prominent board members resigned and cited a restrictive and hostile environment that leaned toward pro-government bias.[105] After heeding recommendations from GANHRI, Thailand was upgraded from 'B' to 'A' status in March 2022.[106] Despite this upgrade, Transparency International ranked Thailand 101st out of 180 in their 2022 Corruption Perceptions Index,[107] with 88% of people surveyed thinking government corruption is a significant issue, and 24% of surveyed public servants admitting to having been paid a bribe in the previous 12 months.[108]

Rule of Law

In 2023, Thailand ranked 82nd out of 139 nations in the most recent Rule of Law Index Report issued by World Justice Project (WJP)[109]. This is a two-place downgrade from the 2022 report.[110] This follows a similar pattern of weakening rule of law since 2015, according to this index.[111] Of eight factors, Thailand's worst-performing categories were 'criminal justice' and 'regulatory enforcement'.[112]

"*Reasons, aims or drivers that justify the use of violence against protected groups, populations or individuals, including by actors outside of State borders.*"

Indicator 4.1 refers to "political motives, particularly those aimed at the attainment or consolidation of power". Until the elections of May 2023, the Prime Minister Prayuth's government has demonstrated effective use suppression to consolidate the military's hold on power specifically through the use of emergency decrees and lèse-majesté. A more in-depth analysis of the government's suppression of dissent was presented above under **Risk Factor 2**.

Elites

Since the end of absolute monarchy in 1932, Thailand has been ruled by various and interchanging elites[113] who use economic means to maintain their hold on power.[114] This allows them access to the highest positions of formal and informal power. Thailand's elites are entrenched in their political system and predominantly ally themselves with the military government for reciprocal favouritism.[115] This may be linked to **Indicator 4.2** as it refers to "economic interests, including those based on the safeguard and well-being of elites or identity groups, or control over the distribution of resources". The political and economic control these elites have in Thailand has previously led to significant political division in in the country.[116] This includes the political rural-urban divide, with many political elites coming from urban areas. After the 2006 coup, the rural-urban divide became even more pronounced as demonstrated by the intense political competition between the 'red' (supporters of Thaksin) and 'yellow' (anti-Thaksin) political groups.[117] With the return of Thaksin in the country and defeat of the pro-military political parties in the recent elections, such polarisation may resurface as the rural-urban inequalities worsen due to lack of economic growth.

Homogenisation

Continuing discriminatory and oppressive policies towards ethnic minority groups in Thailand may be indicative of policies aimed at ensuring the protection of the predominant Thai Buddhist state (**Indicator 4.4**). 'Thaification' refers to an assimilation policy from the 1930s designed by the dictator Plaek Phibunsongkhram.[118] Ethnic minorities and migrants were forced to assimilate into the idealised type of Thai society based on the central provinces' culture and Buddhism.[119] This policy can still be seen today in the suppression of minority cultures.

In the southern provinces of Thailand most affected by conflict, Muslim Malays make up approximately 80 percent of the population.[120] (Muslims constitute approximately 5% to 10 % of the total Thai population, of which ethnic Malays make up only 18%.[121]) Despite this being the majority in the southern provinces, Muslim Malays are not appropriately represented in government institutions including in the south.[122] Malay language is not used in official workplace languages or taught in schools.[123] This denial of Muslim Malay identity has only exacerbated communal tensions and continuing armed rebellion in the south.

This policy assimilation shows the presence of **Indicator 4.4** ("Other interests, including those aimed at rendering an area homogeneous in its identity") and **Indicator 4.7** ("ideologies based on the supremacy of a certain identity or on extremist versions of identity"). The Thai state's assimilation policies promoting Thaification, which is an idealisation of Thai Buddhist culture, may be indicative of a motivation to suppress the rights and liberties of ethnic minorities.

Land rights

Forcible confiscation of land rights under the pretext of environmental protection may serve as motivation for use of violence against vulnerable populations especially ethnic minorities and indigenous groups (**Indicator 4.4**). As previously discussed under **Risk Factor 2**, indigenous peoples and ethnic minorities in Thailand suffer egregious violations of international human rights laws perpetrated some corrupt Thai officials.

Risk Factor 4: Motives or Incentives

Further, land rights control motivations also fall under **Indicator 4.2** as they relate to the economic interests of mining companies and the Thai government. In 2022, a local Karen indigenous community filed a lawsuit against the expert committee that approved a faulty Environmental Impact Assessment (EIA) on the Omkoi coal mine project proposal. The local community claims that the EIA was fabricated to downplay the environmental impact that the mine would have on local communities and the environment. In a largely subsistence-based community, the projected impacts of this mine would be devastating to the surrounding indigenous peoples.[124] The Thai government approved the Omkoi coal mine project in 2011, but it was only made public to the community in 2019.[125] Further, some reports indicate that the local people were forced to sell the land for the project to the 99 Thuwanon Company (the organisation behind the mining project) back in 1987 under threat of land confiscation without compensation.[126]

Protestors and activists spreading information regarding the mining project risk criminal charges under Strategic Lawsuits Against Public Participation (SLAPP). SLAPP laws enable private actors to intimidate activists and reporters with the threat of continued lawsuits and fines.[127] SLAPP has been used against researchers, students, and human rights defenders spreading information about the mining project.[128] This is coupled with the threat presented to activists by the government itself of enforced disappearance and torture (refer to **Risk Factor 2**). These policies demonstrate that the Thai state may be complicit with stakeholders who will profit from the project and are sufficiently motivated to use suppression, violence, and displacement against ethnic minority groups to gain land access.

Risk Factor 5: Capacity to commit atrocity crimes

"Conditions that indicate the ability of relevant actors to commit atrocity crimes".

Atrocity crimes are characterised by large-scale violence that requires planning, substantial resources, and support. However, it is important to note that although capacity and resources do not necessarily lead to committing atrocity crimes, security forces such as the military and police may be utilised by the Thai state to perpetrate atrocity crimes. Armed rebellion against the state in Southern Thailand also motivates insurgent groups to mobilise and commit atrocities against civilians who are caught in the crossfire.

The Royal Thai Army

Thailand's has one of the largest standing armed forces in world. The Thai military is not immune from entrenched political influence of some actors who can utilise it to act with impunity. In 2023, Thailand ranked 24th out of 145 countries in military strength.[129] It has access to weapons, personnel, and ammunition, and the capacity to generate or acquire more with relative ease.[130] According to Global Firepower, Thailand had 585,850 total military personnel in 2023.[131] Due to the entrenchment of military personnel in Thailand's political systems, the deployment and transportation of military resources meets little political resistance. Until Prime Minister Prayut stepped down in 2023, the Thai military was given high priority in national budgets.[132] Despite making pledges in 2023 to slash military budgets and prioritise voluntary recruitment, the Defence Ministry was allocated 198 billion baht, an increase of 3.8 billion baht from the 2023 fiscal year,[133] which led opposition politicians from the Move Forward Party to ask whether the Pheu Thai party and the Defence Ministry intend to expand the number of military personnel.[134]

Thailand's military also adopted the 'Modernisation Play: Vision 2026', which seeks to upgrade land, sea, and air capabilities by 2026.[135] This plan could further open more access to resources, their deployment readiness, and military prioritisation, which constitute **Indicator 5.1** "availability of personnel and of arms and ammunition, or of the financial resources, public or private, for their procurement" and **Indicator 5.2** "capacity to transport and deploy personnel and to transport and distribute arms and ammunition". Further, the continued political entrenchment of military personnel in high levels of office constitutes **Indicator 5.7** 'as it refers to "financial, political or other support of influential or wealthy national actors".

Under Thailand's 1954 Military Service Act, male citizens are required to either volunteer for service in the armed forces or register for the annual conscription lottery once they turn 21.[136] Every April, thousands of young men are recruited through the conscription lottery.[137] In 2023, Maj-General Sirichan Ngathong, the Army's deputy spokesperson, announced that 445,706 people were to undergo mandatory conscription[138] (**Indicator 5.3** which refers to the capacity to recruit large numbers of personnel).

Insurgent Forces

Due to political fragmentation both between and within various insurgent groups in Thailand, it is difficult to gauge their relative size, strength, or capacity. In July 2013, the Royal Thai Navy (RTN) reported that insurgent groups have approximately 400 key commanders, 2,000 to 3,000 combat-ready fighters, and a further 30,000 non-combatant supporters.[139] However, these reports have not been substantiated by other sources, and they have been contradicted by some of the insurgent groups themselves. For example, the Patani United Liberation Organization (PULO) has claimed to have 20,000 members.[140] Given the protracted and deadly nature of conflict in the southern provinces, it is reasonable to conclude that at least some insurgent groups also have sufficient capacity to acquire arms, ammunition, and personnel (**Indicator 5.1).** Their ability to sustain armed rebellion against the state and instigate attacks against security personnel and other targets suggests sufficient capacity to mobilise personnel and arms (**Indicator 5.2)**.

Further, some insurgent groups have used recruitment strategies targeting the network of village-based elementary Koranic schools and private Islamic colleges.[141] This strategy was particularly successful for the BRN-Coordinate, one of the most prolifically violent groups in the region.[142] However, local violence fatigue has apparently stemmed the flow such recruitment in recent years.[143] Despite this, such groups maintain sufficient access to recruitment sources to sustain insurgent resistance. Without significant capacity to "encourage or recruit large numbers of supporters" (**Indicator 5.3)**, insurgent forces would have been completely overwhelmed by Thai security forces given their aforementioned size and resources.

Indicator 5.8 refers to "armed, financial, logistic, training or other support of external actors, including States, international or regional organizations, private companies, or others". Whilst some insurgent groups claim to be completely independent and self-funded, there are reports that claim insurgent groups have external support. Financial support from Saudi Arabia, the United Arab Emirates, and Pakistan have been used to fund the construction of local Muslim boarding schools, private colleges, and mosques. These institutions allegedly have connections with hard-line Wahhabis and Salafist teachings.[144] Further evidence of international support systems lay in PULO's lobbying presence in Saudi Arabia, Libya, Egypt, Iran, and Syria.[145]

"Absence of elements that, if present, could contribute to preventing or to lessening the impact of serious acts of violence against protected groups, populations or individuals."

The capacity of the State and international actors to prevent or halt atrocity crimes is significantly strengthened when various mitigating factors, such as a strong civil society, an independent media, and the presence of international organisations, are in place. Thailand exhibits numerous mitigating factors stipulated within the framework used for this risk assessment. Interest and focus of the international community and international media, membership and participation in international and regional organisations, and open and well-established political and economic relations with other countries all play a role in risk mitigation for atrocities. However, there is a significant absence of mitigating indicators such as empowerment processes, human rights cooperation, and free media.

Empowerment processes

Indicator 6.1 refers to a "limited or lack of empowerment processes, resources, allies or other elements that could contribute to the ability of protected groups, populations or individuals to protect themselves". As previously discussed, enforced disappearances that target human rights lawyers and activists have been reported in Thailand. Further, lèse-majesté laws are used to persecute human rights advocates and suppress civil dissent. Given that these enforced disappearances and draconic policies are connected to the government, there is a significant lack of access to empowerment or representative processes that would enable groups or individuals to protect themselves.

Media Suppression

Media suppression is a significant issue in Thailand and contributes to the cultivation of an environment may be conducive to the perpetration of atrocity crimes. Although press or media freedom in Thailand is constitutionally guaranteed, there are also restrictions and constraints. Conditions of State media suppression have only worsened in recent years. Since the appointment of General Prayuth Chan-ocha as head of government following the 2014 coup, freedom of the press has been in a continuous state of decline.[146] In 2023, Freedom House scored Thailand's 'freedom on the net' as 39/100 and labelled internet access in the State as 'not free'.[147] This extremely low ranking is primarily due to media censorship, intimidation practices and policies, lèse-majesté laws, and aggressive suppression (see **Risk Factor 2** for more information). For example, in 2019 an 'anti-fake news' centre was established to increase internet policing.[148] Authorities claimed that the centre was established to kerb increasing misinformation campaigns, but the centre mostly targets critical opinion posts on social media platforms.[149] Due to this systematic suppression of the media using draconic and violent means, self-censorship has become widespread in Thailand amongst reporters and social media users.[150] Reports are reluctant to touch on subjects such as the monarchy, the military junta, the trafficking of Rohingya refugees, asylum seeker refoulment, and government corruption.[151] Further, media outlets such as print outlets, free-to-air television stations, and radio stations are predominantly controlled by the state and owned by elite families with strong political ties.[152]

Thailand's 2023 'freedom on the net' score is technically higher than previous years. This is due to increasing access to independent devices such as smart phones, computers, and televisions that can access out-of-state media sources. However, lèse-majesté laws still prohibit defamation of the monarchy and are used liberally to supress critical comments about the junta and the Thai government.[153] Thai citizens and protected groups within Thailand cannot rely on a free and diverse media to act as a mitigating factor.

Cooperation with human rights mechanisms

As discussed in **Risk Factor 2**, continuing patterns of human rights violations and restrictions are present in Thailand. **Indicator 6.7** refers to "limited cooperation of the State with international and regional human rights mechanisms." Although Thailand formally recognises the importance of international and re-

gional human rights mechanisms, it still needs to ratify and enforce important UN agreements regarding torture and enforced disappearances.

Insurgency Negotiations

There are numerous contributing factors behind the continued failure of peace negotiations between Thai authorities and insurgent forces. However, the most prominent of these factors has been the lack of cooperation within and amongst insurgent groups and the lack of trust between Thai authorities and insurgent groups during negotiations. Negotiations and ceasefires have been unsuccessful due to violations on both sides. This highlights the presence of **Indicator 6.7,** which refers to "lack of incentives or willingness of parties to a conflict to engage in dialogue, make concessions and receive support from the international community". For example, in 2020, during a tentative ceasefire agreement due to the global pandemic, insurgent forces resumed their attacks after Thai security forces killed three rebels.[154] This ceasefire was a landmark progression in peace negotiations as it saw one of the most influential and violent insurgent groups, the BRN-Coordinate declared a unilateral ceasefire to try and mitigate the impact of COVID-19 on Malay Muslims.[155] Whilst BRN-Coordinate leaders condemned the attack and called for a renewal of the ceasefire, it failed to materialise due to weak leadership changes in the insurgent group and the tendency of soldiers on the ground retaliate against insurgent attacks.[156] Peace negotiations were also undermined by lack of effective control by rebel leaders over insurgent personnel.

Risk Factor 7: Enabling Circumstances or Preparatory Action

"Events or measures, whether gradual or sudden, which provide an environment conducive to the commission of atrocity crimes, or which suggest a trajectory towards their perpetration."

Atrocity crimes are not isolated or spontaneous events. Attaining the resources necessary to have the capacity to commit atrocity crimes (as discussed in **Risk Factor 5**) can be a lengthy process including the creation a propitious environment. The circumstances where actors are undertaking such activities are indicative of the likelihood of such crimes occurring. In Thailand, there are some examples of enabling circumstances for atrocity crimes to happen.

Emergency laws

Indicator 7.1 refers to the "imposition of emergency laws or extraordinary security measures that erode fundamental rights". As previously mentioned, the Thai government has held the imposition of an emergency law over the southern provinces since 2005. This emergency decree has been slightly adapted and rescoped since its imposition. However, it has essentially maintained two fundamental elements. Firstly, it maintains that security forces have immunity from indictment for acts committed while in the performance of their duties.[157] Secondly, the emergency decree mandates even tighter control of media coming in and out of the south, which also constitutes **Indicator 7.6** "imposition of strict control on the use of communication channels, or banning access to them".[158] Effectively, the emergency decree also implies the presence of **Indicator 7.7** as it refers to the refusal of access for NGOs, international organisations, media, or other relevant actors. Under the media suppression section of the emergency decree, such actors are unable to have access the southern provinces.

Suppression of media

As previously discussed in **Risk Factor 6,** there are restrictions and limitations to the exercise and promotion of a free and diverse media in Thailand. Those who do have access to independent devices that can reach out-of-state sources are likely to practice the same self-censorship widely practiced by reporters to avoid prosecution under lèse-majesté (see **Risk Factor 2**). This infers the presence of **Indicator 7.6** "impo-

sition of strict control on the use of communication channels or banning access to them". This is a significant consideration in the assessment of enabling circumstances, as media plays a key role in promoting good governance, accountability, and transparency.

Interference in State Institutions

As previously discussed in **Risk Factor 3**, the NHRCT has come under significant scrutiny in recent years for corruption and pro-government bias. Such bias even led multiple commissioners to leave the institution, as they felt they could not do their job in such an environment. This demonstrates **Indicator 7.2** "suspension of or interference with vital State institutions, or measures that result in changes in their composition or balance of power, particularly if this results in the exclusion or lack of representation of protected groups". This is extremely important because the NHRCT is supposed to be Thailand's independent human rights body that should play a key role in promoting human rights protection and accountability for violations by state personnel.

Risk Factor 8: Triggering Factors

"Events or circumstances that, even if seemingly unrelated to atrocity crimes, may seriously exacerbate existing conditions or may spark their onset."

Unpredictable events or circumstances, including those that may be deemed peripheral to be relevant, can serve to aggravate conditions or precipitate a sudden deterioration in a situation, which can in turn prompt the perpetration of atrocity crimes. Two of the indicators included in this Risk Factor are pertinent to Thailand and could impact the stability of the country and trigger unrest, which may potentially trigger the commission of atrocity crimes.

Conflict spill over

The 2021 coup in Myanmar relates to **Indicator 8.2** as it refers to the spill over of conflict or serious tensions from neighbouring countries that, whilst may not be directly related to atrocity crime in Thailand, may seriously exacerbate existing conditions or may spark their onset. Since the 1990s, Thailand has sheltered approximately 90,000 refugees from Myanmar.[159] The recent resurgence of conflict in Myanmar has led to a significant influx of Burmese refugees into Thailand. At least 45,000 refugees have attempted to enter Thailand since the 2021 coup in Myanmar.[160] This has led to an increasing incidence of refoulment as official Thai security forces have been ordered to push back these refugees on numerous occasions.[161] While the Move Forward party that won majority of the votes in the 2023 general election pledged to end forced return of refugees,[162] this has not been followed through by the coalition government led by Pheu Thai.

2023 Election

In 2023, Thailand had its second general election since the coup in 2014. The junta has held power in Thai politics since the coup, and there was considerable scepticism that it would be relinquished through this election. Ultimately, it was the Move Forward Party that won majority of the seats in the election but failed to reach the threshold required to form a government. It was Pheu Thai that formed a coalition government and the Prime Minister position after Mr. Pita Limjeonrat of Move Forward failed to secure enough votes to clinch the prime ministership. For a more in-depth explanation of the election outcome, see **Risk Factor 1**. What specifically pertains to **Indicator 8.4** is the political shuffling and instability that constitutes "abrupt or irregular regime changes, transfers of power, or changes in political power of groups". The 2023 general election followed a familiar pattern of military favouritism and influence that wrenched power away from the democratically elected party. This frequent reshuffling of power demonstrates a political volatility that, even if seemingly unrelated to atrocity crimes, may seriously exacerbate existing conditions or may spark their onset.

SPECIFIC RISK FACTORS

Risk Factor 9: Intergroup tensions or patterns of discrimination against protected group

"Past or present conduct that reveals serious prejudice against protected groups and that creates stress in the relationship among groups or with the State, generating an environment conducive to atrocity crimes."

This risk factor is specifically related to the crime of genocide, which is an extreme form of identity-based crime against protected groups that can be rooted in real or perceived differences, whether national, ethnic, racial, or religious. The Malay Muslim population in Thailand falls under the definition of a 'protected group' according to Section 1 of the Framework, as they have been the subject of discrimination and prejudice based on their ethnicity. Furthermore, prejudice and discrimination against the highland ethnic groups, such as the Lahu and Karen people, have also produced a tense and fractured relationship with the ethnic Thais. Whilst the extent of this discrimination has not yet reached the level of the crime of genocide, it nevertheless highlights that intergroup tension is present in the country, which could potentially lead into the commission of this atrocity crime if the root causes of this specific risk factor is addressed effectively..

Southern Thailand Conflict

The ongoing armed conflict in southern Thailand is likely to continue in the near- to medium-term in the absence of new opportunities for peace talks between the central government and armed rebel groups. As already discussed above, much of the conflict stems from grievances by the Malay Muslims in the region such as discriminatory policies of the state, which includes the prohibition on the use of Malay language in all schools except private Islamic schools.[163] Further, Malay is not an official language used in government and effectively excludes Malay Muslims from applying and working in government.[164] The Thai government has yet to implement the recommendations of including Malay languages in such spaces in the southern provinces from the Thai National Reconciliation Commission.[165] The Thai government thus needs to improve on its capacity to deal with identity-based conflicts as stipulated by **Indicator 9.6** by adopting a more inclusive policy towards Muslim Malays instead of continuing its policy of assimilation into Buddhist Thai culture.

Ethnic minority groups

The Thai government, with assistance from the UNHCR, has previously made it a national goal to end statelessness by 2024.[166] However, by 2023, Thailand registered 573,898 people living within Thai borders as stateless.[167] Most of the people registered as stateless come from border and highland regions.[168] This means that, along with being unable to claim Thai citizenship, many of the highland peoples do not have birth certificates and cannot speak Thai, which makes it difficult for them to acquire Thai nationality.[169] Being stateless also restricts their access to Thailand's education, judicial, and healthcare systems even as they are prohibited from travelling outside their designated districts.[170] Without access to DNA testing to prove their ancestry or any recognised legal documents, they are unable to provide evidence of how long they or their families have been living in the country.[171] Thus, **Indicator 9.1** ("Past or present serious discriminatory, segregational, restrictive or exclusionary practices, policies or legislation against protected groups") and **Indicator 9.2** ("denial of the existence of protected groups or of recognition of elements of their identity") are clearly present in Thailand.

As mentioned under **Risk Factor 4**, there are conflicts between the government and highland ethnic minorities and indigenous groups over land rights. These groups are denied their indigenous land ownership rights even as the government attempts to confiscate their land for conservation and economic reasons.[172] These abuses against the highland ethnic groups evidently shows the presence of **Indicator 9.4 (**"Past or present serious tensions or conflicts between protected groups or with the State, with regards to access to rights and resources, socioeconomic disparities, participation in decision making processes, security, expressions of group identity or to perceptions about the targeted group").

Risk Factor 11: Signs of a widespread or systematic attack against any civilian population

"Signs of violent conduct including, but not limited to, attacks involving the use of force, against any civilian population and that suggest massive, large-scale and frequent violence (widespread), or violence with patterns of periodicity, similitude and organization (systematic)."

Although there is little evidence to show the presence of indicators under **Risk Factor 11** t in Thailand, there are some reports that point to the presence of **Indicator 11.3** in the context of the conflict in Southern Thailand.

Insurgent violence

Indicator 11.3 refers to an "increase in the level of organisation or coordination of violent acts and weapons used against a civilian population". The southern insurgency conflict has been disproportionately detrimental to civilian populations since the inception of the conflict. According to Human Rights Watch, 90 percent of the casualties from the separatist conflict have been Malay Muslim and Buddhist Thai civilians.[173] Insurgent groups in particular have been accused of using indiscriminate weapons.[174] In November 2019, armed rebel forces carried out their deadliest attack since 2001 when approximately 20 gunmen attacked a security checkpoint known to be staffed by civilian employees of both Malay Muslim and Buddhist Thais. Fifteen people were killed and four more were wounded.[175] Volunteers, security personnel, a former sub-district chief, a physician, and civilian bystanders were victims of the attack[176]. The indiscriminate manner of such attacks demonstrates a clear willingness to inflict violence against civilian populations. Some reports indicate that the rate of violence has been increasing in the last couple of years. As projected[177], the general elections in 2023 further exasperated the situation and a slight spike in violence occurred in 2023.[178]

Risk Factor 13: erious threats to those protected under international law (war crimes)

"Conflict-related conduct that seriously threatens the life and physical integrity of those protected under international humanitarian law."

Unlike genocide and crimes against humanity, war crimes occur in the context of armed conflicts, which is relevant in the context of the ongoing conflict in the southern provinces of Thailand. Whilst the majority of the indicators under this risk specific factor were, a few of them are worth mentioning.

Violence in Southern Thailand

The insurgent groups' violence against civilians once again becomes relevant but, this time under **Indicator 13.7** as it refers to "threat of or incitement to violence against those protected under international humanitarian law, including as a means to spread terror, intimidate, demoralize, show military strength, provoke displacement, or as preliminary to further violence". Unlike **Risk Factor 11**, this specifically pertains to violence utilised by insurgent groups to intentionally target civilians. In 2016, insurgents carried out a series of attacks specifically aimed at killing civilians through bombings, roadside ambushes, drive-by shootings, and assassinations.[179] The 2019 attack mentioned under **Risk Factor 11** demonstrates that this targeting of civilians is has been part of insurgent group strategy. Also, under **Risk Factor 6**, there is significant fragmentation within and between insurgent groups, which underscores the presence of **Indicator 13.1 (**"fragmentation of parties to the conflict or disintegration or absence of chains of command within them").

Government forces should also be held accountable for behaviour constituting war crimes, as they have been known to torture and kill suspected insurgents and sympathisers.[180] Authorities accused of such human rights violations have not been prosecuted.[181] Some have even confessed and were still not charged with any relevant crime (see **Risk Factor 2**). Both insurgent forces and government security forces have displayed a pattern of behaviour constituting **Indicator 13.3** ("Increased radicalization or extremism of opposing parties within a conflict").

CONCLUSION AND RECOMMENDATIONS

Thailand may be classified as facing moderate risk for atrocity crimes based on the foregoing examination of the relevant risk factors in the country.

Despite notable economic and human development strides in recent decades, issues like political repression, corruption, restricted freedom of expression and media, ethnic discrimination, ongoing insurgent conflict in the south, and lack of accountability for human rights violations persist in the country. Thailand took a step towards democracy following the 2019 and 2023 elections. However, the pro-military provisions of the 2017 Constitution has effectively limited the democratic process of general elections in Thailand and prevented the opening of more political spaces for meaningful democratic reforms that upholds the rule of law, accountability, and respect for human rights. Thailand's failure to meaningfully ratify human rights protection mechanisms, particularly against torture and enforced disappearances, continue to pose a major challenge to managing a number of risk factors examined in this report.

	RECOMMENDATIONS FOR THE GOVERNMENT OF THAILAND
1	Continue efforts to engage in peaceful negotiations with insurgent groups in the south of the country. Addressing the root causes and grievances of the Malay Muslim provinces are critical in finding pathways to resolving identity-based conflicts in the region.
2	Implement the Thai National Reconciliation Commission's recommendation to allow Malay to be used as an additional working language for administrative offices and as a language of education in the southern provinces in order to facilitate greater integration of the Malay Muslim population.
3	Seriously consider the recommendations of the United Nations Human Rights Council concerning the abuse of lèse-majesté laws and allow for freedom of expression amongst individuals and national and international media in accordance with the ICCPR.
4	Address the plight of stateless peoples and protected ethnic minority groups by granting them citizenship and recognise their right to ownership of indigenous lands.
5	Repeal the conditions of the emergency decree in the southern provinces that enable the culture impunity.
6	Take active steps to tackle corruption by creating accountability mechanisms in both government and judicial sectors.
7	Strengthen the reputation and trustworthiness of the NHRCT by increasing transparency and ensuring its independence and impartiality.
8	Continue efforts made to combat the large and multifaceted human trafficking in Thailand through measures such as extensive monitoring and regulating of industries known to have enslaved undocumented migrant workers, such as the fishing industry. Improving the country's 2020 ranking in the US Department of State's Trafficking in Person (TIP) Report through the implementation of genuine measures should be prioritised.
9	Diversify media ownership and take the necessary steps to ensure media policies are compliant with international human rights norms that ensures the protection of freedom of expression.
10	Strengthen human rights mechanisms pertaining to the treatment of refugees and consider acceding to international refugee law and enhance cooperation with UNHCR.
11	Consider appointing a national R2P focal point to demonstrate the commitment of Thailand in preventing atrocity crimes and managing the relevant risk factors facing the country.
	RECOMMENDATIONS FOR FOR THE INTERNATIONAL COMMUNITY
1	Assist Thailand in fulfilling its international human rights obligations by engaging in dialogue and cooperative measures to combat transnational crimes, such as human trafficking and slave labour.
2	Support Thailand's efforts in responding to the humanitarian crisis in Myanmar and in improving its capacity to protect refugees, asylum seekers, and stateless peoples.

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