



THAILAND

UPDATED ASSESSMENT OF R2P IMPLEMENTATION 2023



Asia-Pacific Centre for the
Responsibility to Protect

 r2pasiapacific.org

 r2pinfo@uq.edu.au

THAILAND

Thailand is on the lower end of the spectrum of R2P-implementation in the Pacific.

Internationally, it is party to just over half of the treaties that are most relevant to R2P. It participates in human rights reporting and review mechanisms, but it has not criminalized atrocity crimes through the Rome Statute or domestic mechanisms.

Thailand contributes to peacekeeping missions, and is particularly proactive on the women, peace and security agenda.

Internally, Thailand has a human rights institution. Yet, the state of human rights are quite poor. Discrimination based on gender, sexuality and ethnicity is forbidden, but frequently happens and does unpenalized. Child abuse is despite laws to the contrary common. The security forces have been used against civilians with no consequences due to wide-spread impunity.

Freedoms of expression and assembly are limited, which in turn limits the civic space. The judicial system is not impartial, further shrinking the space for civilians to call for more government accountability and respect for human rights.

Thailand is not a party to the 1951 refugee convention despite hosting over 90.000 refugees via the UNHCR.

In contrast, internationally, Thailand generally votes in favour of R2P-resolution. Whilst not proactively pushing respect for the norm supports in many forms and forums.

This puts Thailand in an odd state, where its international work towards R2P is not work its citizens can enjoy the fruits of.

Its index score is unchanged from 2022.

\

Thematic Area	Indicator	Assessment	Notes
Basic Compliance	Protection of populations from atrocity crimes.	Fair Unchanged	The government has legalized interruption of a broad range of activities if these involve criticism of it. The Thai security services have widespread impunity, and reports of torture abuse or arbitrary detentions are not uncommon amongst protesters and human rights defenders.
	Reduction of atrocity crime risks.	Fair Unchanged	A lack of civic space, government corruption and impunity, and ongoing conflict both within and next to Thailand's borders has resulted in a moderate risk of atrocities being committed in the country. ¹
	Dealing with past atrocities.	Weak Unchanged	A culture of impunity remains in the security services as well as the government. Laws and the constitution, devised by government members who took part in the country's military coup, have protected the actions of military forces. This has meant that abuses carried out by the military and police against Thai citizens or Malay-Muslim insurgents have, for the most part, not been investigated properly. ²
Policy Mechanisms	Appoint national R2P Focal Point.	Very Weak Unchanged	Thailand does not have a national R2P focal point. ³
	Incorporate atrocity crime risks and dynamics into conflict analysis and/or development partnerships.	Very Weak Unchanged	No new evidence of incorporation of atrocity crime risks into development partnership could be found.
	Establish domestic mechanisms to hold the government accountable for upholding its responsibility to protect.	Very Weak Unchanged	No evidence could be found of Thailand implementing domestic mechanisms for R2P accountability.
International Human Rights Obligations	Sign, ratify and implement relevant instruments of international law.	Fair Unchanged	Thailand has ratified seven of the 12 treaties relevant to R2P. They have signed, yet not ratified, the <i>Arms Trade Treaty</i> [ATT] and the <i>Rome Statute of the International Criminal Court</i> . ⁴ They have neither signed nor ratified the <i>Convention on the Prevention and Punishment of the Crime of Genocide</i> , <i>Geneva Protocol I</i> , and the <i>1951 Refugee Convention</i> and its <i>1967 Protocol</i> . ⁵

¹ Asia Pacific Centre for the Responsibility to Protect (APR2P), 2020. *Risk Assessment Series Volume 14: Thailand*, https://r2pasiapacific.org/files/4983/Risk_Assessment_thailand_vol14_april2020.pdf.

² Human Rights Watch (HRW), 2020. *Thailand: Events of 2019*, 'Legacy of Military Rule and Impunity for Human Rights Violations', <https://www.hrw.org/world-report/2020/country-chapters/thailand>; Keating, Craig, 2021. 'Thailand's military and human rights'. *The Interpreter*, 13 October. Available at: <https://www.lowyinstitute.org/the-interpreter/thailand-s-military-and-human-rights>.

³ Global Centre for the Responsibility to Protect (GCR2P), 2022. *Members of the Global Network of R2P Focal Points*, <https://www.globalr2p.org/resources/members-of-the-global-network-of-r2p-focal-points/>.

⁴ United Nations Human Rights Treaty Bodies, n.d, *View Ratification Status by Country* https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=172&Lang=EN (Thailand can be selected in the dropdown menu); United Nations Treaty Collection (UNTC), 2023. 8. *Arms Trade Treaty*, https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtmsg_no=XXVI-8&chapter=26&clang=en; International Criminal Court, n.d. *The States Parties to the Rome Statute*, <https://asp.icc-cpi.int/states-parties#T>.

⁵ UNTC, 2022. 2. *Convention relating to the Status of Refugees*, https://treaties.un.org/pages/ViewDetailsII.aspx?src=TREATY&mtmsg_no=V-2&chapter=5&Temp=mtmsg2&clang=en; International Committee of the Red Cross, n.d. *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)*, 8 June 1977, https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/States.xsp?xp_viewStates=XPAGES_NORMStatesParties&xp_treatySelected=470; UNTC, 2022. 1. *Convention on the Prevention and Punishment of the Crime of Genocide*, https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtmsg_no=IV-1&chapter=4&clang=en.

Sign and ratify the Rome Statute of the International Criminal Court and cooperate fully with the Court.	Very Weak Unchanged	Thailand continues to be a non-member of the International Criminal Court as the <i>Rome Statute</i> remains unratified.
Establish and maintain National Human Rights Institutions in accordance with the Paris Principles.	Strong Increase	Thailand has a national human rights commission, found to be fully compliant with the Paris Principles for the past two years. ⁶
Ensure domestic promotion and protection of human rights, focusing on the elimination of discrimination.	Weak Unchanged	In 2019, Thailand has its first election since the 2014 military coup. Prayut Chan-o Cha, also the leader of the 2014 coup, won the seat of Prime Minister and has held it until August 2023, where a three-month long deadlock resulted in Srettha Thavisin taking office, supported by conservative parties. ⁷ Freedom of association, assembly and expression are severely restricted. Discrimination is illegal, but segments of Thai society, particularly women, ethnic minorities and those in the LGBTIQ+ community, face discrimination in employment and accessing government services and have limited avenues for remedy. ⁸
Participate in international peer review processes, including the Universal Periodic Review (UPR) of the UN Human Rights Council.	Strong Unchanged	No evidence could be found of Thailand implementing the recommendations it received after its UPR in 2021. There, Thailand accepted a total of 218 of the 278 recommendations it received. ⁹ However, the government did not accept the recommendations regarding freedom of expression or freedom of assembly. ¹⁰ Thailand has three overdue reports. ¹¹
Cooperate fully with UN Human Rights mandate holders and those of relevant regional organisations.	Fair Unchanged	Thailand maintains a standing invitation for visits. There are a number of visits scheduled for 2024. The most recently completed visit was in 2020. ¹²
Ensure equal access to justice.	Weak Unchanged	The judicial system is highly politicized and corrupt. Anti-government protestors are frequently attacked with the government failing to investigate by whom. The protestors are then kept in long-term pre-trial detention without bail. The law does prohibit arbitrary arrest and biased judicial process, but there is an allowed government interference in

⁶ Global Alliance of National Human Rights Institutions (GANHRI), n.d., *Our members*, <https://ganhri.org/membership/>

⁷ Regan, Helen, 2023, 'Thailand has a new leader but it's not the one most people voted for. Here's why'. *CNN*, 23rd August. Available here: <https://edition.cnn.com/2023/08/23/asia/thailand-explainer-election-prime-minister-intl-hnk/index.html>

⁸ For more information, see: Amnesty International, 2023. *Thailand 2022*, <https://www.amnesty.org/en/location/asia-and-the-pacific/south-east-asia-and-the-pacific/thailand/report-thailand/>; HRW, 2023. *Thailand: Events of 2022*, <https://www.hrw.org/world-report/2023/country-chapters/thailand>; Freedom House, 2022. *Freedom in the World 2023: Thailand*, <https://freedomhouse.org/country/thailand/freedom-world/2023>; U.S Department of State, 2023. *2022 Country Reports on Human Rights Practices: Thailand*, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/thailand/>

⁹ United Nations Human Rights Office of the High Commissioner (UNOHCHR), 2022. *Thailand – Infographic*, https://www.ohchr.org/sites/default/files/2022-05/thailand_infographic.pdf.

¹⁰ Amnesty International, 2022. *Thailand: Oral statement at HRC 49: Item 6 Consideration of UPR Reports: Thailand*, <https://www.amnesty.org/en/documents/asa39/5381/2022/en/>; Article 19, 2021. *Thailand: Accept and implement Universal Periodic Review recommendations*, <https://www.article19.org/resources/thailand-accept-implement-upr-recommendations/>; fidh, 2022. *Thailand: Statement for the outcome of the Universal Periodic Review (UPR)*, <https://www.fidh.org/en/region/asia/thailand/oral-statement-for-the-outcome-of-the-upr-of-thailand>.

¹¹ These reports relate to CEDAW, ICESCR and CRC. UNOHCHR, n.d. *Late and non-reporting States*, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/LateReporting.aspx.

¹² UNOHCHR, n.d. *View Country visits of Special Procedures of the Human Rights Council since 1998*, <https://spinternet.ohchr.org/ViewCountryVisits.aspx?visitType=all&country=THA&Lang=en>.

			issues of national security and political importance. ¹³
	Criminalise incitement to commit genocide, war crimes, ethnic cleansing and crimes against humanity.	Very Weak Unchanged	No evidence could be found of Thailand criminalising atrocity crimes.
	Take measures to counter and prevent violent extremism.	Fair Unchanged	Thailand is a long-standing supporter of counterterrorism and counter-extremism measures, and it has enacted counter-terrorism measures on both countering the financing of terrorism and access to radical online material domestically. Thailand is engaged in international regional cooperation to counter terrorism. ¹⁴
	Enact and implement laws protecting vulnerable groups, particularly in relation to sexual and gender-based violence.	Fair Decrease	The recent years turmoil has led to broad security laws, which can include a very broad scope of political activism. The turmoil has challenged Thailand's ability to produce a coherent and stringent counterterrorism strategy despite the focus on the issue. ¹⁵ The constitution forbids discrimination on the grounds of sex, race, and religion, among several other factors. This is enacted in a number of anti-discriminatory laws, however these are rarely properly enforced. Rape is criminalized, but it is narrowly defined and remains alongside domestic violence a serious and under-reported issue. Children are vulnerable to sexual exploitation, despite laws to the contrary. The authorities' responses to these instances of abuse differ, as there is also some taboo in dealing with cases of sexual abuse or women, children and LGBT+ community members. ¹⁶
	Protect individuals and groups fleeing atrocity crimes and their risk, in accordance with International Refugee Law.	Weak Unchanged	Thailand does not offer asylum-seekers a pathway to claim refugee status, as the country is not party to the <i>1951 Refugee Convention</i> , or its <i>1967 Protocol</i> . However, Thailand, with assistance from UNHCR, hosts over 90,000 refugees. There have been reports of refugee refoulement. ¹⁷
Domestic Implementation	Conduct a national assessment of risk and resilience.	Very Weak Unchanged	No evidence could be found that such an assessment has taken place within Thailand.
	Cultivate and protect an active, diverse and robust civil society.	Weak Decrease	The limitations to freedom of expression, freedom of assembly and freedom of association have shrunk civil space in Thailand. Opposition to the government renders the individual vulnerable to a variety of repercussions. This limits civil society and human rights protections. ¹⁸

¹³ Freedom House, 2022. Freedom in the World 2023: Thailand, <https://freedomhouse.org/country/thailand/freedom-world/2023> ; U.S Department of State, 2023. 2022 Country Reports on Human Rights Practices: Thailand, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/thailand/>

¹⁴ US Department of State, 2023, Country Reports on Terrorism: Thailand, <https://www.state.gov/reports/country-reports-on-terrorism-2022/thailand> 'Executive Summary' ; HRW, 2023. Thailand: Events of 2022, <https://www.hrw.org/world-report/2023/country-chapters/thailand>

¹⁵ Counter Extremism Project, 2022. *Thailand: Extremism and Terrorism*, 'Overview', <https://www.counterextremism.com/countries/thailand-extremism-and-terrorism>.

¹⁶ U.S Department of State, 2023. *2022 Country Reports on Human Rights Practices: Thailand*, 'Section 6. Discrimination and Societal Abuses: Women'.

¹⁷ UNHCR, 2023. *UNHCR in Thailand*, <https://www.unhcr.org/th/en/unhcr-in-thailand> ; U.S Department of State, 2023. 2022 Country Reports on Human Rights Practices: Thailand, 'Section 2. Respect for Civil Liberties, e. Protection of Refugees.

¹⁸ Freedom House, 2023. *Freedom in the World 2022: Thailand*, 'D. Freedom of Expression and Belief'; HRW, 2023. *Thailand: Events of 2022*.

			Media is also impacted by censorship and intimidation of journalists critical of the government. ¹⁹
	Ensure a legitimate, effective and civilian controlled security sector.	Very Weak Unchanged	The NCPO retains control over the military and police. However, the security forces are used against Thai citizens to limit civic space and deter criticism of the government. Torture and enforced disappearances remain large problems that go largely unsolved and un-investigated by government authorities. ²⁰
	Ensure the education system reflects the ethnic, national and cultural diversity of society, and sets examples of inclusiveness.	Strong Unchanged	Education in Thailand is free for the first 1-12 th grade; ages 6-18, although only the first 9 years of education are compulsory. ²¹ Enrolment rates are generally high, and the gender distribution is approximately equal. ²²
	Prevent nationals committing atrocity crimes overseas.	Weak Decrease	No new evidence could be found that Thailand has legislation that can be used to prevent or prosecute atrocity crimes.
Bilateral and Multilateral Relations	Participate in international, regional, and national discussions on the further advancement of R2P.	Fair Decrease	Civil society in Thailand has participated in R2P-discussions hosted by the APR2P. ²³
	Leverage existing mechanisms and institutions (including regional and sub-regional organisations) to encourage States to fulfil their responsibility to protect.	Fair Unchanged	Thailand maintains its record of voting in favour of all resolutions in the General Assembly that have referenced R2P. UN General Assembly Resolutions: ²⁴ <ul style="list-style-type: none"> • 2018: Extrajudicial, summary or arbitrary executions A/RES/73/172: yes. • 2018: Situation of human rights in the Democratic People’s Republic of Korea A/RES/73/180: adopted without vote. • 2018: Situation of human rights in the Syrian Arab Republic A/RES/73/182: yes. • 2019: Situation of human rights in the Democratic People’s Republic of Korea A/RES/74/166: adopted without vote. • 2019: Situation of human rights in the Syrian Arab Republic A/RES/74/169: yes. • 2020: Situation of human rights in the Democratic People’s Republic of Korea A/RES/75/190: adopted without vote. • 2020: Extrajudicial, summary or arbitrary executions A/RES/75/189: yes. • 2020: Situation of human rights in the Syrian Arab Republic A/RES/75/193: yes. • 2021: Promoting a culture of peace and tolerance to safeguard religious sites A/RES/75/258: adopted without vote.

¹⁹ Reporters Without Borders, 2022. *Thailand*, <https://rsf.org/en/country/thailand>.

²⁰ U.S Department of State, 2023. 2022 Country Reports on Human Rights Practices: Thailand,

²¹ Thailand Ministry of Education, n.d., *Towards a Learning Society in Thailand*, <https://www.bic.moe.go.th/images/stories/book/ed-eng-series/intro-ed08.pdf>

²² The Global Economy, n.d., *Thailand: Primary School Enrolment*, https://www.theglobaleconomy.com/Thailand/Primary_school_enrollment/#:~:text=Primary%20school%20enrollment%2C%20percent%20of%20all%20eligible%20children&text=The%20average%20value%20for%20Thailand.from%202022%20is%20101.59%20percent.

²³ APR2P, 2022. *Thailand R2P Program 2021 National Dialogue on Atrocities Prevention: “Next Steps for Atrocity Prevention in Thailand and Southeast Asia”*, https://r2pasiapacific.org/files/8226/Spotlight_apr2022_thailand_national_dialogue.pdf.

²⁴ GCR2P, 2023. *UN General Assembly Resolutions Referencing R2P*, <https://www.globalr2p.org/resources/un-general-assembly-resolutions-referencing-r2p-2/>. (Voting records for each resolution were accessed using the UN’s Digital Library: General Assembly of the United Nations, n.d. *Voting Records*, <https://www.un.org/en/ga/documents/voting.asp>.)

			<ul style="list-style-type: none"> • 2021: The responsibility to protect and the prevention of genocide, war crimes, ethnic cleansing and crimes against humanity A/RES/75/277: yes. • 2021: Terrorism and human rights A/RES/76/169: adopted without vote. • 2021: Situation of human rights in the Democratic People’s Republic of Korea A/RES/76/177: adopted without vote. • 2021: Situation of human rights in the Syrian Arab Republic A/RES/76/228: yes • 2022: Extrajudicial, summary or arbitrary executions, A/RES/77/218: yes • 2022: Democratic Peoples Republic of Korea, A/RES/77/226: adopted without a vote • 2022: Myanmar/Burma, A/RES/77/227: adopted without a vote • 2022: Syria A/RES/77/230: yes
			<p>This is an applaudable voting record. However, Thailand has stopped short of committing to stop the violence in Myanmar.</p> <p>Thailand’s response to the coup in Myanmar has been informed by their sharing a border. They have therefore engaged in dialogue with the junta, whilst also refraining from providing humanitarian aid to those affected. The new government may be changing the stance on aid, although this remains to be seen.²⁵</p>
	Encourage and assist States to fulfil their R2P in situations of emerging and ongoing crisis, such as good offices and preventive diplomacy.	Weak Unchanged	
	Strengthen regional and international networks for atrocity crime prevention.	Weak Unchanged	Thailand held a day-long National Dialogue on atrocity prevention, supported by the APR2P. ²⁶
	Strengthen the role and capacity of regional organisations.	Weak Unchanged	No evidence could be found of Thailand working to change the role of the regional organizations it is a part of.
	Support the development and work of regional human rights and other preventive capacities.	Fair Unchanged	Thailand is in the minority opinion in ASEAN on how to respond to the situation in Myanmar. Thailand has enacted two national plan aimed at the intersection of business and human rights. ²⁷
	Support atrocity prevention through development and assistance partnerships.	Very Weak Unchanged	Thailand has development partnerships with many entities, including the World Development Bank and the EU, to help it increase its economic development. There is some focus on improving climate, but no explicit references to atrocity prevention could be found. ²⁸
United Nations, prevention, Peacekeeping, and assistance	Support the early warning and capacity building efforts of the UN Office on Genocide Prevention and R2P.	Weak Unchanged	No updated evidence could be found for this Indicator.

²⁵ Reuters, June 20th 2023, *Thailand justifies talks with Myanmar as key ASEAN members stay away*, <https://www.reuters.com/world/asia-pacific/thais-host-myanmar-junta-official-talks-key-asean-members-stay-away-2023-06-19/> ; Tommy Walker, 13th December 2023, VOA East ASIA, *Is Thailand changing its role on Myanmar?*, <https://www.voanews.com/a/is-thailand-changing-its-role-on-myanmar-/7396141.html>

²⁶ APR2P, 21st November 2023, *Thai National Dialogue on Atrocity Prevention 2023*, <https://r2pasiapacific.org/article/2023/11/thai-national-dialogue-atrocity-prevention-2023#:~:text=On%20September%2028%2C%202023%2C%20the.and%20journalism%20in%20conflict%20situations.>

²⁷ National Action Plans on Business and Human Rights, 11th April 2023, <https://globalnaps.org/country/thailand/>

²⁸ The World Bank Group, 2023, ‘Thailand and the World Bank Group Extend Partnership with Greater Focus on Climate Change, Digital Development and Rapid Aging’ *The World Bank Group*, 16th January. Available at: <https://www.worldbank.org/en/country/thailand/brief/thailand-and-the-world-bank-group-extend-partnership> ; Delegation of European Union to Thailand, 29th July 2023, *The European Union and Thailand*, https://www.eas.europa.eu/thailand/european-union-and-thailand_en?s=181

Support the strengthening of the UN's capacity for atrocity prevention, including through the UN Human Rights system.	Fair Unchanged	No evidence could be found of Thailand working particularly for or against this capacity, but Thailand does support the UN Human Rights reporting system.
Support preventive actions on atrocity crimes.	Fair Unchanged	There is broad support from Thailand for atrocity prevention measures, and civil society for example engages with APR2P on this issue.
Contribute to United Nations peacekeeping operations (especially those with a protection of civilians mandate).	Very Strong Unchanged	Thailand currently has 289 personnel deployed on UN peacekeeping missions, mainly to UNMISS. ²⁹ The UNMISS mission has Thai forces committed to engineering projects and contributing to peacebuilding and sustainable development initiatives. ³⁰
Develop the capacities needed to support civilian protection, including through the training of military and civilian personnel for peacekeeping.	Strong Increase	Thailand's last statement on training of peacekeepers was in 20189, and made clear that the training includes has knowledge of children in armed conflict and the Women, Peace and Security agenda. ³¹
Support the Kigali Principles.	Very Strong Unchanged	Thailand continues to support the Kigali Principles.
Support UN Security Council veto restraint on issues relating to atrocity prevention.	Very Strong Unchanged	Thailand maintains its support for both the French/Mexican initiative on the suspension of veto, ³² and the ACT Code of Conduct regarding Security Council action against mass atrocities. ³³

²⁹ UN Peacekeeping, 2023. *Troop and Police Contributors*, <https://peacekeeping.un.org/en/troop-and-police-contributors>. (Thailand can be selected from the drop-down menu.)

³⁰ UNMISS, 2023, 'Peacekeepers, Partners and Communities Come Together for a Greener South Sudan', *UNMISS*, 19th September. Available at: <https://unmiss.unmissions.org/peacekeepers-partners-and-communities-come-together-greener-south-sudan>

³¹ Permanent Mission of Thailand to the United Nations, 2019. *Statement by RADM Nattapong Kettsumboon Representative of Thailand on behalf of the Deputy Prime Minister and Minister of Defence of Thailand at 2019 United Nations Peacekeeping Ministerial Conference*, p. 2, <https://peacekeeping.un.org/sites/default/files/thailand-training-and-capacity-building.pdf>.

³² GCR2P, 2022. *List of Supporters of the Political Declaration on Suspension of Veto*, <https://www.globalr2p.org/resources/list-of-supporters-of-the-political-declaration-on-suspension-of-veto/>.

³³ GCR2P, 2022. *List of Signatories to the ACT Code of Conduct*, <https://unmiss.unmissions.org/peacekeepers-partners-and-communities-come-together-greener-south-sudan/www.globalr2p.org/resources/list-of-signatories-to-the-act-code-of-conduct/>.