

No. 52101/129



PERMANENT MISSION OF THAILAND
GENEVA

22 April B.E. 2567 (2024)

Dear Madams,

With reference to the joint communication Ref. AL THA 7/2023 dated 8 January 2024 seeking information on the alleged surveillance and harassment of Ms. Anna Annanon and our Note Ref. 52101/11 dated 9 January 2024 acknowledging receipt of the said joint communication, I have the honour to transmit herewith the response concerning the aforementioned case, as received from Office of the Judiciary, Chanasongkhram Police Station, Rights and Liberties Protection Department under Ministry of Justice, as well as information from other sources, compiled by the Ministry of Foreign Affairs. I hope that the response will provide you with more information and clarification concerning the alleged case.

In reassuring you of Thailand's continued commitment to cooperating with all Special Procedures under the Human Rights Council to promote and protect the human rights of all people, I remain,

Yours sincerely,

(Usana Berananda)

Ambassador and Permanent Representative

Ms. Mary Lawlor,

Special Rapporteur on the situation of human rights defenders;

Ms. Dorothy Estrada-Tanck,

Chair-Rapporteur of the Working Group on discrimination against women and girls,

Office of the United Nations High Commissioner for Human Rights,

GENEVA.

Thailand's response to the joint communication
Ref. AL THA 7/2023 dated 8 January 2024

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.

- As a party to the **International Covenant on Civil and Political Rights (ICCPR)**, Thailand reiterates its commitments under international obligations to protect human rights and assures that all individuals enjoy their rights to freedom of expression and freedom of peaceful assembly so long as the exercise of such rights is within the bounds of the law. Article 19(3) of the ICCPR also states that the right to freedom of expression carries with it duties and responsibilities, particularly in relation to the reputation of others and to the protection of public order and national security. In addition, Article 21 provides for situations where restrictions may be placed on the exercise of the right to peaceful assembly, in particular in relation to national security, public safety, public order, the protection of public health or morals.

- The actions taken by social workers and officers on the day were carried out with good intention as Ms. Annanon was perceived as the person who might be at risk of wrongdoing. They were carried out in accordance with the principles and procedures provided by *Section 22*¹ and *Section 44*² of the Child Protection Act B.E. 2546 (2003) and with the presence of social workers from the Ministry of Social Development and Human Security and the Ministry of Education. After thorough considerations and careful discussions, Ms. Annanon's legal guardian was then requested to take her home on the same day.

2. Please provide any updated information regarding the case of Ms. Annanon with the Court of Appeal and the Bangkok Governor, including information on the remedies provided and any measures undertaken to prevent the re-occurrence of similar incidents.

- **According to the Office of the Judiciary**, Ms. Annanon's legal guardian filed a criminal case against Police Major [REDACTED] alleging that he had violated various Sections of the Criminal Code including Section 310 (illegal detention), 318 (taking away a minor over 15 but not yet 18), and 393 (insult). However, the claimant failed to present witness or evidence to prove that the particular police officer was the one who instructed the arrest or in command of the operations. At present, the case is under the appeal process, in accordance with established legal procedure and due process of law.

¹ *Section 22* Treatment of the Child, in any case, shall give primary importance to the best interests of the Child and there shall not be unfair discrimination...

² *Section 44* When a Competent Official or a person having the duty to protect the Child's welfare under Section 24 witnesses or is reported by a person seeing the Child at Risk of Wrongdoing, he or she shall interrogate the Child and proceed to find the facts about the Child, including relationships within the family, living conditions, the manner in which the Child has been brought up, the character, and behaviour of the Child in order to know information on the Child....In the case where the Competent Official or a person having duty to protect the Child's welfare under section 24 opines that the Child is in need of assistance, the arrangement of assistance pursuant to section 33 shall be considered....If it is deemed inappropriate to send the Child to the Shelter, Welfare Center, Welfare Protection Center, or Development and Rehabilitation Center, the Child shall be sent to the Child's Guardian or a person consenting to care for the Child...

- Ms. Annanon is entitled to **remedial measures, under various Acts**, including the Justice Fund Act B.E. 2558 (2015) and the Witness Protection Act B.E. 2546 (2003).
- As for measures and on-going efforts to prevent re-occurrence of similar incidents and to further improve child-friendly justice procedures that respect children's best interest, the inter-agency **Memorandum of Understanding (MoU) on Cooperation on Protecting the Welfare of Children under the Minimum Age of Criminal Responsibility** was signed among 7 government and judicial agencies³ in February 2024. The MoU aligns with the principles under the CRC and the Child Protection Act of 2003. Resources from various sectors will be mobilized to help ensure its full and effective implementation. Following the signing of the MoU, Standard Operating Procedures (SOP) will be developed as terms of reference for all agencies to follow in order to protect the welfare of children under the Minimum Age of Criminal Responsibility (12 years old)⁴.

3. Please indicate what measures have been taken to ensure that individuals, including children human rights defenders, student activists, civil society leaders, journalists and human rights defenders, can exercise their rights to freedom of peaceful assembly and freedom of expression free from intimidation or persecution, and in line with international human rights standards. In this regard, please also provide detailed information on the measures taken to address the specific obstacles faced by women and girl human rights defenders.

- Thailand **recognizes the important role that human rights defenders** (*including children, women and girl human rights defenders, student activists, civil society leaders and journalists advocating for the promotion and protection of human rights*) can play and contribute to the Government's efforts in promoting and protecting human rights.
- Human rights defenders have been highlighted as one of the priority groups under the **5th National Human Rights Plan** and the **2nd National Action Plan on Business and Human Rights**. Both policy documents aim to develop protection and remedial mechanisms for human rights defenders, while promoting public awareness on the role of human rights defenders.
- The Government supports the role of human rights defenders through **on-going efforts to further create a safe and enabling working environment** for them. These include
 - (1) **the amendment of the Witness Protection Act** which came into force in November 2022, broadening the definition of witness to include persons who provides information or testimony to the authorities regarding violations of criminal law and providing various measures to protect them;

³ Ministry of Social Development and Human Security, Office of the Attorney-General, the Royal Thai Police, Central Juvenile and Family Court, Ministry of Justice, Ministry of Education and Ministry of Public Health

⁴ the 29th Amendment of the Criminal Code B.E.2565 (2022), which came into force on 7 May 2022, increased the minimum age of criminal responsibility to 10 to 12 years old. For children aged between 13 – 15 years old who commit criminal offense, alternative measures such as reprimand, parental control and training will be considered by the Courts

- (2) **the enactment of the Act on Prevention and Suppression of Torture and Enforced Disappearance**, which entered into force on 22 February 2023, providing protection and remedial measures for the victims not only from acts of enforced disappearance and torture, but also from any cruel, inhuman or degrading treatment;
- (3) **the efforts to initiate Anti-SLAPP Bill** aiming to help protect, from intimidation and lawsuits, citizens who report cases of corruption or abuse of power. It was later on approved, in principle, by the Cabinet and sent to the Office of the Council of State, who suggested to incorporate it into the draft Organic Act on Anti-Corruption;
- (4) **the Justice Fund/Legal assistance** which provides legal advice, mediation, protection, and legal assistance to all including human rights defenders with an aim to promote equal access to justice for all;
- (5) **awareness-raising activities** aiming to promote the role of human rights defenders and their important work; and
- (6) a study conducted by the Rights and Liberty Protection Department, in cooperation with the UNDP on **possible measures** to further protect human rights defenders, including the development of ANTI-SLAPP measures and laws
