

Mandates of the Special Rapporteur on violence against women, its causes and consequences; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; and the Working Group on the issue of discrimination against women in law and in practice

REFERENCE:
AL THA 6/2017

13 September 2017

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on violence against women, its causes and consequences; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders; and Working Group on the issue of discrimination against women in law and in practice, pursuant to Human Rights Council resolutions 32/19, 34/18, 34/5, 15/23.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning alleged acts of intimidation, harassment and death threats on the Internet against three women human rights defenders from Thailand, Ms. **Angkhana Neelapajit**, Ms. **Pornpen Khongkachonkiet** and Ms. **Anchana Hemmina**, which appear to be in connection with the exercise of the right to freedom of expression in the realization of their human rights work.

Ms. Angkhana Neelapajit is a Commissioner of the National Human Rights Commission of Thailand (NHRCT). Ms. Pornpen Khongkachonkiet is the Director of Cross-Cultural Foundation, which has documented over 150 cases of torture and ill-treatment and provided direct assistance to torture victims under the United Nations Voluntary Fund for Victims of Torture. Ms. Anchana Hemmina is a co-founder of the Duay Jai (Hearty Support), a human rights NGO which provides support to victims of torture in the Southern Border Provinces.

According to the information received:

Concerning Ms. Angkhana Neelapajit:

On 14 November 2016, a Facebook webpage was created called "Jampen Tong Khatjai Naeoruam BRN", which can be translated as: "It is necessary to oppose separatist movements in the Deep South of Thailand". The webpage published an article, entitled: "Treason of the country", together with the photo of three individuals, including Ms. Neelapajit, warning readers that, during popular festivals, violence might be caused by those appearing in the photo.

On 9 April 2017, shortly after the NHRCT was downgraded from A to B grade status, the Chairperson of the NHRCT issued a statement in which it was suggested that some Commission's members might be responsible for the downgrade, were "working for foreigners" and "undermined the nation". While

the name of Ms. Neelapaijit did not appear, she was allegedly one of the Commissioners targeted by the statement.

On 22 May 2017, a Facebook webpage called “E Ngo” posted a message with a manipulated photo of Ms. Neelapaijit titled: “Netizen condemned the NHRCT for their inaction after a bombing incident in a hospital”. It further stated that the Commissioner was only active in issues related to Red-shirt activists or in cases related to “political assembly”. Some comments posted under the text were reportedly threatening the NHRCT and its members.

On 1 June 2017, several news websites claimed that Ms. Neelapaijit had provided comments in support of a karaoke hostess accused of having committed a murder. Some threatening comments were posted under a number of news articles. It is reported that on 7 June 2017, Ms. Neelapaijit filed a complaint to the Technology Crime Suppression Division. Following the complaint, several online news outlets reportedly removed the story or the edited photo of Ms. Neelapaijit.

Concerning Ms. Pornpen Khongkachonkiet and Ms. Anchana Heemmina:

Since October 2016, the online blog “Conditions in South Thailand” has regularly published content discrediting the work of Ms. Khongkachonkiet and Ms. Heemmina. Death threats were also posted online against Ms. Khongkachonkiet.

On 16 October 2016, an article, entitled “Unveiling: Extremist organisations supporting criminals”, was posted online, together with an edited photo of Ms. Khongkachonkiet. The article stated that Ms. Khongkachonkiet’s organisation had “disgraced the nation” and “sold information to foreigners”. In the article it was stated that “These people do not deserve to be Thai. People like you are a burden to this country; your existence is worthless because it never benefits the society. You should die.”

On 22 October 2016, an article posted on this blog, with an edited photo of Ms. Khongkachonkiet and Ms. Heemmina, suggested that the two human rights defenders were involved in the separatist movement and carried out activities that were aimed to “discredit” the operations of the authorities. On 5 June 2017, the same blog published an article claiming that a report on human rights presented by Ms. Khongkachonkiet and Ms. Heemmina contained false information. On 10 July 2017, another article claimed that the two defenders had bias toward authorities’ operations in the south of Thailand and were publishing false reports with the view to accessing positions in international organisations.

In January 2017, a Facebook webpage called “Pom Chaidan Tai” (“Controversial issues in the Deep South”) posted an edited photo of Ms. Khongkachonkiet, together with an offensive article and comments that were stating: “(Pornpen)... does not deserve to be born as a Thai”; “She is a hell beast”; “A fucking whore betraying the nation”; and “Jail is coming for you.”

On 16 June 2017, a Facebook webpage called “Tob-Jote-Jone-Tai-BRN”, which can be translated as: “A Facebook page against insurgency in the Deep South Thailand”, was posted online. The post, which contained photos of Ms. Neelapaijit, Ms. Khongkachonkiet and Ms. Heemmina, alleged that the three women human rights defenders had not appropriately responded to violence in the south of Thailand. Some comments under the post described them as “supporters of insurgency”, “skunks of society”, and “scum”, among other derogatory terms.

It is reported that Ms. Khongkachonkiet and Ms. Heemmina are subject to online harassment since the publication, in 2016, of a report alleging torture and other cruel, inhuman or degrading treatment in the south of Thailand between 2014 and 2015, in which they were identified as co-editors. It is reported that the Internal Security Operations Command (ISOC) Region 4 filed a lawsuit against them for the offense of defamation and publication of false information on the Internet. Despite public announcements that the complaint had been withdrawn by the authorities, the lawyer of the defenders reportedly learnt that the lawsuit is currently still valid. It is further reported that on 1 July 2017, plainclothes men believed to be military personnel visited Ms. Heemmina’s family shop and warned her not to post comments about human rights violations on social media.

On 31 August 2017, Ms. Khongkachonkiet met with the Deputy Commander of ISOC Region 4 in the context of a meeting between human rights NGOs and military officials to discuss the establishment of a Joint Committee to look into alleged human rights violations in the Deep South of Thailand. Ms. Khongkachonkiet raised the issue of online threats against her and Ms. Heemmina, and asked for measures to be applied in order to stop this harassment. The Deputy Commander responded that the proposed Joint Committee would be looking into it.

While we do not wish to prejudge the accuracy of these allegations, we would like to express serious concern regarding the intimidation and acts of harassment faced by Ms. Angkhana Neelapaijit, Ms. Anchana Hemmina and Ms. Pornpen Khongkachonkiet, which appear to be related to their legitimate and peaceful human rights work. We express additional concern at the lawsuit filed against Ms. Hemmina and Ms. Khongkachonkiet, which appears to be based on grounds that are incompatible with Thailand’s obligations under international human rights law.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. What measures have been or are being taken to investigate the reported allegations of intimidation, threat and harassment against the three women human rights defenders; including measures taken by the Technological Crime Suppression Division on the case of Ms. Neelapaijit and those taken by the Joint Committee on the harassment against Ms. Khongkachonkiet and Ms. Heemmina? In case investigations have been or are being conducted, please provide information on the scope of the inquiry and the results obtained so far.
3. Please outline the measures which are being taken to ensure the physical and psychological integrity of the three women human rights defenders in light of the recurring threats and intimidation which they have been facing.
4. Please indicate what measures have been taken to ensure that human rights defenders in Thailand, particularly those working to document and publicize human rights violations, are able to carry out their legitimate work in a safe and enabling environment without fear of threats or exposure to acts of intimidation and reprisals.

We would appreciate receiving a response within 60 days. Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

Dubravka Šimonovic
Special Rapporteur on violence against women, its causes and consequences

David Kaye
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Michel Forst
Special Rapporteur on the situation of human rights defenders

Kamala Chandrakirana
Chair-Rapporteur of the Working Group on the issue of discrimination against women in
law and in practice

Annex
Reference to international human rights law

In connection with above alleged facts and concerns, we would also like to refer your Excellency's Government to articles 6, 17 and 19 of the International Covenant on Civil and Political Rights, which was acceded by Thailand on 29 October 1996, related to the right of every individual to life and security, honour and reputation and freedom of opinion and expression.

As has been interpreted by the Human Rights Committee (HRC) in its General Comment 34 (CCPR/C/GC/34), article 19 requires States parties to guarantee the right to seek, receive and impart information and ideas of all kinds regardless of frontiers, including political discourse, commentary on one's own and on public affairs, discussion of human rights, journalism, among others (paragraph 11).

We would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

Furthermore, we would like to bring to the attention of your Excellency's Government the fundamental principles set forth in the UN Declaration on Human Rights Defenders. Of particular relevance are Article 5 c), which provides for the right to communicate with non-governmental or intergovernmental organizations; article 6 point a), which provides for the right to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms; article 6 points b) and c), which provide for the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance of these rights; article 9, paragraph 4, point a), which provides for the right to unhindered access to and communication with international bodies and article 12, paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.

We also refer to Human Rights Council resolution 13/13, which urges States to put an end to and take concrete steps to prevent threats, harassment, violence and attacks by States and non-State actors against all those engaged in the promotion and protection of human rights and fundamental freedoms.

We would like to bring to the attention of your Government to article 8, paragraph 1 of the UDHR which provides for the right to effective and non-discriminatory access to participation in public affairs. Furthermore, we would like to remind your Government of Article 7 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), acceded by Thailand on 9 August 1985, which provides that states parties will take all appropriate measures to eliminate discrimination against women in political and public life.

We would also like to draw your attention to General Assembly resolution 68/181 as well as Human Rights Council resolution 31/32, in which States expressed particular concern about systemic and structural discrimination and violence faced by women human rights defenders.

Also, as highlighted by the Working Group on discrimination against women in law and in practice in one of its reports (A/HRC/23/50), stigmatization, harassment and outright attacks have been used to silence and discredit women who are outspoken as leaders, community workers, human rights defenders and politicians. Women defenders are often the target of gender-specific violence, such as verbal abuse based on their sex; they may experience intimidation, attacks and death. Violence against women defenders is sometimes condoned or perpetrated by State actors. In 2012, recognizing the importance of eliminating violence against women in public and political life, the General Assembly, in its resolution 66/130, called for an environment of zero tolerance for violence against women elected officials and candidates for public office.