

Mandates of the Special Rapporteur on the situation of human rights defenders and the Working Group on discrimination against women and girls

Ref.: AL THA 7/2023
(Please use this reference in your reply)

8 January 2024

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 52/4 and 50/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning Ms. **Anna Annanon**, a young woman human rights defender, who has been subject to surveillance and harassment in Thailand, because of her activism.

Since 2020, Ms. Annanon has been advocating for the right to education and children's rights, individually and with a group named Bad Student. Since 2023, Ms. Annanon has been part of UNICEF young people advisory board in a Violence Against Children Group. She is also part of a children and youth assembly organized by the Department of Children and Youth, Ministry of Social Development and Human Security (MSDHS). Furthermore, this year she participated in international high-level events in relation to 25th anniversary of the UN Declaration on Human Rights Defenders, and the 75th Anniversary of the Universal Declaration on Human Rights.

According to the information received:

On 15 April 2022 at 11:21am, Ms. Annanon and other two student activists were about to have lunch in a restaurant on Ratchadamnoen road in Bangkok, when [REDACTED] and officers from the Ministry of Social Development and Human Security (MSDHS) and the Ministry of Education asked them to leave. As a royal motorcade was about to take place and a protest against the monarchy was planned later that day, Ms. Annanon was told that she would commit illegal actions by participating in the protests and was in need of protection due to being a minor. The officers further claimed that they were authorized to intervene under the Child Protection Act B.E.2546 (section 30), which states the following: "For the benefit of implementation in pursuance of this Act, a competent official according to chapters 3 and 4, shall have the authority and duties as follows: [...] 2) To question a child when there is reason to suspect that the child is in need of welfare assistance or safety protection. If necessary, in order that welfare assistance and protection of safety may be better provided or arranged, the child may be brought to the office of the competent official to obtain information about the child and his family, including any person the child is living with. In this regard, such action must be taken without undue delay, but, in any case, the child may not be detained for more than 12 hours. When such a period of time has elapsed, the provisions under clause (6) shall apply."

Since Ms. Annanon had no intention to participate in the protest, she refused to leave. She was then removed from the restaurant by four female police officers who lifted her into a Royal Thai Police van. The arrest was observed by officers from the MSDHS and the Ministry of Education. In the police van, Ms. Annanon was told that she had been arrested under the Child Protection Act, and that she would be taken to the MSDHS's office.

In the police van, Ms. Annanon was accompanied by officers from MSDHS and the Ministry of Education. Once they reached the aforementioned office, the authorities decided to transfer her to the Narcotic Suppression Bureau citing that they could not conduct an inquiry in the MSDHS's office due to the protests taking place in front of the building.

At around 1.00 p.m. on the same day, Ms. Annanon reached the Narcotic Suppression Bureau and an officer from the Ministry of Education contacted Ms. Annanon's parents about the arrest. The officers from MSDHS and the Ministry of Education conducted an inquiry in the presence of Ms. Annanon's parents and concluded that she did not pose a risk of committing illegal actions and did not need protection.

Around 7.00 p.m., as the police report was completed, Ms. Annanon was allowed to go back home with her parents. No charges were pressed against her.

On the same day, 15 April 2022, Ms. Annanon filed a complaint with the police officers at Chanasongkram Police Station alleging that she had been arrested arbitrarily. Nevertheless, the case was closed without further investigation.

On 18 April 2022, Ms. Annanon and civil society organisations working on children's rights submitted a complaint regarding the 15 April incident to MSDHS, calling for measures to ensure the protection of children's rights. One year later, on 21 March 2023, Ms. Annanon was informed by the Ministry that they could not find the complaint and that she should follow up with the National Human Rights Commission (NHRCT). Ms. Annanon resubmitted the complaint in March 2023 and received a formal reply from the Ministry on 6 September 2023, stating that the Ministry had issued guidelines for competent officials in treating children in accordance with the recommendations made by the NHRCT but could not proceed further regarding the competent official's arrest of Ms. Annanon as there was no conclusion by the court whether the act was unlawful or not.

Following the April incident, Ms. Annanon has been allegedly subject to surveillance and harassment. In early May 2022, the authorities called Ms. Annanon's parents and grandparents multiple times to inquire about her activities or any participation in public gatherings or protests. On 10 May 2022, Ms. Annanon was followed by a police officer to her residence. On 12 May, Ms. Annanon advocated with the then-Minister of Education, Trinuch Thienthong, at the Ministry of Education about education and children's rights and was followed by women police officers from the Metropolitan Police Bureau inside of the premises. On 14 and 15 May, a police officer was waiting for her at her residence and accompanied her until her intended destination.

In November 2022, as her legal guardian, Ms. Annanon's father filed a criminal case against [REDACTED] from Chanasonhkram police station at Bangkok South Criminal Court, Thailand, alleging that [REDACTED] had violated Section 310 (illegal detention), 318 (takes away a minor over fifteen but not yet eighteen), and 393 (insult) of Thailand's Criminal Code following the April incident. Nevertheless, the court dismissed the complaint citing that there was a lack of evidence to prove that [REDACTED] had a direct command over the instruction to arrest Ms. Annanon at the office of MSDHS and Narcotics Suppression Bureau. On 12 September 2023, Mr. Annanon appealed the case to the Court of Appeal. The case is still under consideration.

On 9 August 2023, Ms. Annanon was officially informed by the NHRCT that her case was selected by the Commissioners to be officially investigated and the NHRCT found that the operation which was collectively led by police officers from the Chanasonhkram police station, Metropolitan Police, and competent officers from MSDHS and the Ministry of Education was not in compliance with the Child Protection Act B.E.2546 (2003), the Ministerial Regulations Specifies Childs at Risk of Wrongdoing B.E.2549 (2006), and the Regulation of the National Child Protection Committee on Methods for Protecting the Welfare of Childs at Risk of Wrongdoing B.E.2553 (2010). The NHRCT further concluded that the operation was conducted in a disproportionate and arbitrary manner, resulting in a violation of Ms. Annanon's rights to personal integrity and associated rights under section 28 of Thailand's Constitution Law and article 37 (b) of The Convention on the Rights of the Child. However, Ms. Annanon had never been informed either of her right to participate in the investigation process conducted by the NHRCT or her right to effective and adequate remedies from any government agency. On 9 September 2023, Ms. Annanon submitted a document to the Bangkok Governor and the President of the Child Protection Committee of Bangkok to investigate on the 15 April 2022 incident. Up to this date, no response has been provided.

While we do not wish to prejudge the accuracy of the above-mentioned allegations, we are concerned by the apparent state surveillance that the child human rights defender Ms. Annanon has been facing since April 2022. Should these allegations be confirmed, the surveillance and harassment of a child human rights defender under the age of eighteen at the time of the allegations for exercising her right to freedom of opinion and expression, as well as the right to freedom of peaceful assembly, would be incompatible with international human rights law, specifically, the International Covenant on Civil and Political Rights in its articles 19, 21 and 22, the Convention on the Rights of Child in its articles 13, 15 and 16, and 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 in its articles 1, 2 and 5. We are concerned that the above allegations may constitute acts of intimidation and retaliation for her legitimate work as a child human rights defender.

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. 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.
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.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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.

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Dorothy Estrada-Tanck
Chair-Rapporteur of the Working Group on discrimination against women and girls

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to the international norms and standards applicable to the present case. We would first like to recall article 19 and 20 (1) of the Universal Declaration of Human Rights which respectively state that "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.", and that "[e]veryone has the right to freedom of peaceful assembly and association".

We would like to remind your Excellency's Government of the International Covenant on Civil and Political Rights, acceded by Thailand in 1996, and its articles 19, 21 and 22, which respectively guarantee the right to freedom of expression and opinion, the right of peaceful assembly and the right to freedom of association. The Human Rights Council has urged States to "refrain from imposing restrictions which are not consistent with paragraph 3 [of article 19 of ICCPR], including on discussion of government policies and political debate; reporting on human rights, engaging in peaceful demonstrations or political activities, including for peace or democracy; and expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups" (A/HRC/RES/12/16, para. 5 (p) (i)).

In addition, we would like to refer your Excellency's Government to the Convention on the Rights of the Child, acceded by Thailand in 1992, and its articles 13, 15 and 16, obliging States to ensure that the child shall have the right to freedom of expression and the right to freedom of association and peaceful assembly, and the right to privacy.

In addition, we draw the attention of your Excellency's Governments to the obligations arising out of article 5 of the Convention on the Elimination of All Forms of Discrimination against Women, acceded by Thailand in 1985, which obliges States parties to take all appropriate measures with a view to eliminating prejudices and customary and all other practices that are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women, as well as article 7, which provides that States parties shall take all appropriate measures to eliminate discrimination against women in political and public life.

We would also like to refer to 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 articles 1, 2 and article 5 (a), which provides for the right to meet or assemble peacefully. As per article 1, everyone has the right, individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels. We would also like to refer to the report of the former Special Representative of the Secretary-General on the situation of human rights defenders to the General Assembly in 2006 (A/61/312), where the Special Representative urges States to ensure that law enforcement officials are trained in and aware of international human rights standards and international standards for the

policing of peaceful assemblies and to investigate allegations of indiscriminate and/or excessive use of force by law enforcement officials.

We also recall the General Assembly Resolution 68/181, which urges States to acknowledge publicly the important and legitimate role of women human rights defenders in the promotion and protection of human rights, democracy, the rule of law and development as an essential component of ensuring their protection, including by publicly condemning violence and discrimination against them (OP7). We also refer to the 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. States should take all necessary measures to ensure the protection of women human rights defenders and to integrate a gender perspective into their efforts to create a safe and enabling environment for the defence of human rights. This should include the establishment of comprehensive, sustainable and gender-sensitive public policies and programmes that support and protect women defenders. Such policies and programmes should be developed with the participation of women defenders themselves (OP5, 19 and 20).

As emphasised by the Working Group on discrimination against women and girls in one of its reports (A/HRC/23/50), stigmatization, harassment and outright attacks are used to silence and discredit women who are outspoken as human rights defenders, leaders, community workers and politicians. Women defenders are often the target of gender-based violence, including verbal abuse, sexual abuse, rape, intimidation, attacks, death threats and even murder. Violence against women defenders is sometimes condoned or perpetrated by State actors. In another report (A/HRC/41/33), the Working Group has pointed out that women human rights defenders, perceived as challenging traditional notions of family and gender roles in society, are increasingly at risk of facing criminalization and detention as a result of their legitimate public activism. Concerning young women and girls activists, the Working Group has noted that they are often portrayed as destroyers of family values and national traditions, which may lead to aggression, including threats and violence, or lack of recognition and support from their families, communities and the general population, as well as the authorities (A/HRC/50/25).

The Working Group recommended to accelerate efforts to eliminate all forms of violence against women, including through a comprehensive legal framework to combat impunity, in order to fulfil women's human rights and to improve the enabling conditions for women's participation in political and public life (A/HRC/23/50). It has emphasized that regardless of how they identify themselves or are perceived by others, girl and young women activists who engage in the promotion and defence of human rights, in all their diversity, shall be recognised as human rights defenders who are entitled to all related legal protections, including those outlined in the Declaration on Human Rights Defenders, relevant Human Rights Council and General Assembly resolutions and other international standards. Girls' and young women's full enjoyment of the rights to participate in public life, to freedom of opinion and expression, to freedom of thought and to freedom of peaceful assembly and of association are essential conditions for their full personal development, the exercise of their autonomy, their participation in shaping society and, ultimately, the achievement of gender equality and the realization of free, just and democratic societies (A/HRC/50/25).