

Thailand: COVID-19 emergency decree threatens to stifle fundamental freedoms

(Jakarta, 26 March 2020) - The Asian Forum for Human Rights and Development (FORUM-ASIA) expresses deep concern over the Thai Government's declaration of a nationwide state of emergency, under which the authorities are granted broad powers and impunity purported to combat COVID-19.

FORUM-ASIA calls on the Thai Government to refrain from implementing disproportionate and unnecessary measures under the emergency decree, which would further erode fundamental freedoms and human rights within an already constricted civic space.

On 25 March 2020, the Thai Government invoked the emergency decree on Public Administration in Emergency Situation, B.E. 2548 (2005). Effective 26 March to 30 April 2020, the emergency decree grants sweeping powers to the Government to impose restrictive measures at the discretion of Prime Minister Prayuth Chan-o-cha. These measures could include restrictions on movement, bans on gatherings and imposed curfews. The emergency decree also grants authorities immunity from any civil, criminal or disciplinary liability when performing their duties.

The overarching provisions stipulated in the emergency decree are vague, and could easily be misused by the authorities to stifle critics of the government. Article 9 (3), which prohibits 'the presentation, distribution or circulation of news, writings, printed materials or any other media the contents of which are likely to terrify the public' is particularly concerning. In his announcement on Tuesday, Prime Minister Prayuth Chan-o-cha, warned that those who share 'distorted news' will be arrested and prosecuted.¹

The Thai Government's use of emergency powers to impose broad restrictions on speech is a clear violation to the freedom of expression. Instead of imposing restrictions on information, the Thai Government should ensure the people's rights to freedom of expression and free access to information.

Thailand's dismal record on protecting freedom of expression makes it likely that the emergency decree could be misused to further clamp down free speech. The emergency decree, which has been in force in three southern provinces since 2005, has been linked to human rights abuses. In the past years, Thai authorities have repeatedly used a number of repressive laws such as lese majeste, sedition, criminal defamation, and the Computer Crime Act (CCA) to stifle public dissent.

Most recently, a Thai artist was arrested for his online criticism on the lack of COVID-19 screenings at the main airport in Bangkok.² He was later charged for breaching the CCA, and was released on bail. The use of controversial laws and policies as tools for reprisal hampers the enjoyment of fundamental freedoms and human rights in the country.

FORUM-ASIA reiterates the UN Special Rapporteurs' message that 'emergency responses to the COVID-19 must be proportionate, necessary and non-discriminatory', and that these must not be used to quash

¹ <https://www.bangkokpost.com/thailand/general/1885475/emergency-decree-coming-thursday>

² <https://www.tlhr2014.com/?p=16636&lang=en>

dissent.³ A recent [petition from civil society organisations in Southeast Asia](#) demand that States ‘abide to international human rights standards and principles when implementing measures to address the COVID-19 pandemic’.⁴

FORUM-ASIA urges the Government of Thailand to ensure policies implemented following the emergency decree comply with international human rights standards. In the measures taken to combat COVID-19, the Thai Government should set concrete limits on the use of power by authorities; put in place accountability mechanisms; and ensure people have full access to reliable information.

FORUM-ASIA further calls on all civil society to remain vigilant, document human rights violations in light of the COVID-19 pandemic, and continue pushing for greater Government transparency and accountability.

About FORUM-ASIA:

FORUM-ASIA is a regional human rights group with 81 member organisations in 21 countries across Asia. FORUM-ASIA has offices in Bangkok, Jakarta, Geneva and Kathmandu. FORUM-ASIA addresses key areas of human rights violations in the region, including freedoms of expression, assembly and association, human rights defenders, and democratisation.

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³ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25722&LangID=E>

⁴ <https://www.forum-asia.org/?p=31333>