

Thursday, October 8, 2015

P8_TA(2015)0343

Situation in Thailand

European Parliament resolution of 8 October 2015 on the situation in Thailand (2015/2875(RSP))

(2017/C 349/04)

The European Parliament,

- having regard to its previous resolutions on Thailand, in particular those of 20 May 2010 ⁽¹⁾, 6 February 2014 ⁽²⁾ and 21 May 2015 ⁽³⁾,
 - having regard to the statement by the spokesperson for the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, Federica Mogherini, of 2 April 2015 on developments in Thailand,
 - having regard to the statements issued by the EU Delegation to Thailand, in agreement with the EU Heads of Mission in Thailand, on 14 November 2014, 30 June 2015 and 24 September 2015,
 - having regard to the Council conclusions of 23 June 2014 on Thailand,
 - having regard to the answer of 15 May 2013 given by the then Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, Catherine Ashton, on behalf of the Commission, on the situation of Andy Hall,
 - having regard to the press release issued on 1 April 2015 by the UN Special Rapporteur on the promotion and protection of the right to freedom of expression,
 - having regard to the Universal Periodic Review of Thailand before the UN Human Rights Council, and its recommendations, of 5 October 2011,
 - having regard to the Universal Declaration of Human Rights of 1948,
 - having regard to the UN Declaration on Human Rights Defenders of 1998,
 - having regard to the International Covenant on Civil and Political Rights (ICCPR) of 1966, to which Thailand is a state party,
 - having regard to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984,
 - having regard to the Association of Southeast Asian Nations Human Rights Declaration,
 - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas on 20 May 2014 the state military deposed the Government of Thailand and proceeded to impose martial law nationwide, forcing the dissolution of the caretaking Centre for Administration of Peace and Order;
- B. whereas the military forces have proceeded with the formation of the National Council for Peace and Order (NCPO), whose leader, General Prayuth Chan-ocha, will exercise all powers and unlimited authority to issue orders and institute constitutional reform;

⁽¹⁾ OJ C 161 E, 31.5.2011, p. 152.

⁽²⁾ Texts adopted, P7_TA(2014)0107.

⁽³⁾ Texts adopted, P8_TA(2015)0211.

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- C. whereas key constitutional bodies set up by the NCPO are controlled by military personnel, and whereas NCPO members enjoy full immunity from any wrongdoing, responsibility or liability while employed on the basis of Sections 44 and 47 of the interim constitution;
- D. whereas on 29 August 2015 the Constituent Committee completed the drafting of a new constitution, which was rejected by the National Reform Council on 6 September 2015; whereas a new constituent committee needs to redraft the constitution within 180 days, and whereas the latest rejection may prolong military rule in the country;
- E. whereas leading websites about the political and human rights situation in Thailand have been charged with threatening national security by the NCPO under Section 44 of the interim constitution, and whereas there is severe censorship of TV channels and community radio stations associated with all domestic political factions;
- F. whereas the recently adopted Public Assembly Act, which entered into force on 14 August 2015, seriously restricts freedom of assembly and imposes harsh sentences of up to 10 years in prison for offences such as causing disruption to public services;
- G. whereas army personnel have been appointed as 'peace and order maintenance officers' to arbitrarily detain people, carry out inquiries and execute searches without a warrant;
- H. whereas participants in peaceful demonstrations have repeatedly been charged with sedition and violating the law, and whereas 14 activists from the Neo-Democracy Movement (NDM) have been arrested;
- I. whereas the death penalty continues to be applied in Thailand, and whereas new legislation has broadened the circumstances in which it can be imposed;
- J. whereas there has been a surge in imprisonments under the *lèse-majesté* law since the coup;
- K. whereas the National Human Rights Commission (NHRC) has been denied access to tortured or ill-treated individuals held in permanent detention without charge or trial under the authority of military courts;
- L. whereas there has been a deterioration in the security of local community and land rights activists since the coup;
- M. whereas Thailand is not a signatory to the 1951 Refugee Convention or the 1967 Protocol thereto, and does not have a formal national asylum framework; whereas the Thai authorities continue to return refugees and asylum seekers to countries where they are likely to face persecution;
- N. whereas Thailand is obliged under international treaties to which it is a party to investigate and appropriately prosecute torture, custodial deaths and other alleged serious violations of human rights;
- O. whereas the criminal defamation case against workers' rights defender Andy Hall, an EU citizen, has been dismissed, but whereas he still faces indictments in computer crime and defamation cases and two civil defamation cases, which could result in a seven-year prison sentence and a multi-million-dollar fine, after contributing to a Finnwatich report alleging labour abuses by a Thai pineapple wholesaler, despite the fact that violations of workers' rights committed by the company were confirmed by the Thai Ministry of Labour and by a company employee during previous court hearings; whereas his case will be heard on 19 October 2015;

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- P. whereas, although Thailand has ratified International Labour Organisation Convention No 29, migrant workers enjoy little protection; whereas trafficking in workers is a major problem; whereas the situation in the fisheries sector is particularly worrying;
- Q. whereas the EU has put on hold fledgling negotiations with Thailand for a bilateral free trade agreement (FTA), which commenced in 2013, and whereas it refuses to sign the Partnership and Cooperation Agreement (PCA) finalised in November 2013 until a democratic government is in place; whereas the EU is Thailand's third-largest trading partner;
1. Welcomes the EU's strong commitment to the Thai people, with whom the EU has strong and long-standing political, economic and cultural ties; stresses that the EU, as a friend and partner of Thailand, has repeatedly called for the democratic process to be restored;
 2. Is deeply concerned, however, about the deteriorating human rights situation in Thailand following the illegal coup of May 2014;
 3. Urges the Thai authorities to lift repressive restrictions on the right to liberty and the peaceful exercise of other human rights, in particular those relevant to peaceful involvement in political activities;
 4. Calls on the Thai authorities to overturn convictions and sentences, to withdraw charges and to release individuals and media operators who have been sentenced or charged for peacefully exercising their rights to freedom of expression or assembly; calls on the government to revoke immediately Section 44 of the interim constitution and related provisions that serve as a basis for the Thai authorities to repress fundamental freedoms and commit human rights violations with impunity;
 5. Calls on the Thai authorities to help prevent security threats affecting the general population, and better to address the concerns of members of the community and of land rights activists;
 6. Calls on the Thai authorities to commence as soon as possible the political transfer of powers from military to civilian authorities; takes note of the clear plan for free and fair elections and calls for the timeline to be respected;
 7. Encourages the transfer of all judicial jurisdiction over civilians from military to civilian courts, an end to arbitrary detention under martial law, and measures to restrict rather than enhance the army's powers to detain civilians;
 8. Encourages the authorities to reconsider the *lèse-majesté* law so as to prevent it penalising the peaceful exercise of political expression, and to suspend the extensive use of this law in respect of unconnected issues;
 9. Asks that the right to security, including that of human rights defenders, be respected and protected, and that all violations of the rights of human rights defenders be promptly, effectively and independently investigated;
 10. Takes note of the appointment by the Thai Government of a new Constitution Drafting Committee to draft a new constitution as soon as possible; calls for a constitution based on democratic principles such as equality, liberty, fair representation, transparency, accountability, human rights, the rule of law and public access to resources;
 11. Calls on the Thai Government to comply with its own constitutional and international obligations as regards the independence of the judiciary, the right to freedom of expression, association and peaceful assembly, and political pluralism, especially in the light of the growing severity of its 'anti-defamation' laws;

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12. Takes note of the measures taken by the Thai Government to comply with minimum standards for the elimination of trafficking and to put an end to endemic modern-day slavery in the supply chain of its fishing industry; encourages the government to implement these measures as a matter of urgency and to step up its efforts;
 13. Calls on Thailand to sign and ratify the 1951 Refugee Convention or the 1967 Protocol thereto;
 14. Urges Thailand to take concrete steps towards the abolition of the death penalty;
 15. Strongly welcomes the approval of Thailand's Gender Equality Act, which signals a more inclusive future for the country's treatment under the law of lesbian, gay, bisexual and transgender (LGBT) people;
 16. Welcomes the decision to dismiss the criminal defamation case against Andy Hall, and his subsequent release; calls for the computer crime and criminal defamation cases initiated against him at Southern Bangkok Criminal Court also to be dropped, given that his actions as a human rights defender were aimed at exposing instances of human trafficking and improving the legal situation of migrant workers in Thailand, which confirms his right to carry out research and advocacy without fear of reprisals; expresses its concern, with regard to the civil defamation cases, that his trial may not be fully impartial, as there have been reports of ownership links between the suing company and high-ranking Thai politicians; asks the EU Delegation to continue to follow his legal situation closely and to attend his trial;
 17. Welcomes the acquittal on 1 September 2015 by the Phuket Provincial Court of the journalists Chutima 'Oi' Sidasathian and Alan Morison;
 18. Urges the international community, and the EU in particular, to put all their efforts into fighting human trafficking, slave work and forced migration by advocating international collaboration on the monitoring and prevention of human rights violations relating to labour issues;
 19. Encourages the EU and the Thai Government to engage in a constructive dialogue on matters relating to human rights protection and democratisation processes in Thailand and in the region; reiterates its support for the democratisation process in Thailand;
 20. Supports the Commission and the European External Action Service (EEAS) in maintaining economic and political pressure in order to ensure Thailand's return to democratic governance; reminds the Thai Government, in this connection, that no progress should be expected on the FTA and PCA between the EU and Thailand as long as the military junta remains in power;
 21. Welcomes Thailand's new role as country coordinator for ASEAN-EU relations for 2015-2018; points to the mutual benefits that ASEAN and the EU gain from their cooperation;
 22. Asks the EEAS and the EU Delegation, as well as Member State delegations, to use all available instruments to ensure respect for human rights and the rule of law in Thailand, in particular by continuing to observe investigations and trial hearings of opposition leaders;
 23. Instructs its President to forward this resolution to the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the Commission, the Government and Parliament of Thailand, the parliaments and governments of the Member States, the United Nations High Commissioner for Human Rights and the governments of the Association of Southeast Asian Nations member states.
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