

**AMNESTY INTERNATIONAL
PUBLIC STATEMENT**

Draft Public Assembly Act still fails to meet Thailand's international human rights obligations

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Amnesty international today called on lawmakers in Thailand to make further amendments to the Draft Public Assembly Act to bring it in line with Thailand's international human rights obligations to protect the right to freedom of peaceful assembly.

The Draft Act unanimously passed its first reading at the National Legislative Assembly on 26 February 2015 and has two more readings to clear before it is enacted into law.

Amnesty International has already written to the Thai authorities expressing concern over several provisions in the previous draft of the Act and welcomes the incorporation of some of its recommendations.

But the organization remains concerned that the Draft Act in its current form still fails to allow for peaceful assemblies to be held legally. This right is protected in Article 21 of the International Covenant on Civil and Political Rights (ICCPR), to which Thailand is a state party. The related rights to freedom of expression (Article 19 ICCPR) and association (Article 22 ICCPR) also remain at risk.

Amnesty International is deeply concerned by the proposed imposition of criminal penalties under Articles 27-35 of the Draft Act on those who fail to meet certain requirements in organizing an assembly, including application for prior approval as set out in the Draft Act. Criminalizing organizers and participants of peaceful assemblies would adversely affect the human right to freedom of peaceful assembly as well as to freedom of expression and association.

The UN Special Rapporteur on the rights to freedom of peaceful assembly and of association has stated that peaceful intentions of assemblies should be

presumed.¹ The Special Rapporteur has stressed that no authorization should be required to assemble peacefully.² The exercise of the right to freedom of peaceful assembly should be governed at most by a regime of prior notification, which should not be burdensome, the rationale of which is to allow state authorities to facilitate the exercise of the right and take measures to ensure public safety and order and the rights and freedoms of others.³ The Special Rapporteur has recommended that notice should be subject to a proportionality assessment, and should only be required for large assemblies or those where a certain degree of disruption is anticipated.⁴

Amnesty International remains concerned that vague wording, including in Article 16 of the Draft Act on the duties of those assembling not to cause “inconvenience” and not to assemble without authorization between 6 pm and 6 am, impose sweeping restrictions on peaceful assemblies, far beyond those allowed by the ICCPR. The police may also order prohibitions of assemblies should they believe that they obstruct government services or any other places as designated by the Prime Minister.

Amnesty International calls on the authorities to remove all provisions imposing criminal or administrative sanctions, including imprisonment or fines, on organizers for lack of notification of an assembly and to remove all provisions criminalizing actions related to peaceful assembly by organizers or protestors, bearing in mind that where internationally recognised criminal offences are committed, general civilian criminal legislation would apply to protestors as to any other person.

The organization recommends that the Draft Act be amended to limit the requirement for prior notification from organizers to simple prior notification in cases of large assemblies or where the assembly is likely to cause a certain degree of disruption.

While the Draft Act refers to constitutional guarantees and provisions, the current Interim Constitution provides no such guarantees on freedom of peaceful assembly.

Amnesty International also urges authorities in Thailand to restore Constitutional protections of human rights and to remove other obstacles to

¹ See Report of the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, UN Doc. A/HRC/23/39, 24 April 2013, para. 25.

² See Report of the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, UN Doc. A/HRC/23/39, 24 April 2013, para. 51.

³ *Ibid.*

⁴ See Report of the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, UN Doc. A/HRC/20/27, 21 May 2012, para. 28.

the full enjoyment of the right to freedom of peaceful assembly. This includes, in particular, by withdrawing its derogations from the ICCPR and repealing military orders and Martial Law provisions that have made peaceful assemblies involving political activities virtually impossible to hold legally, and which the Assembly Law, if passed, would not address.