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[Publication](#) | 06.10.2015

Situation in Thailand

Greens/EFA motion for resolution

*Tabled by **Barbara Lochbihler, Heidi Hautala, Igor Šoltes, Davor Škrlec**
on behalf of the Greens/EFA Group*

The European Parliament,

- having regard to its previous resolutions on Thailand, in particular those of 20 May 2010 and 6 February 2014,
- having regard to the statement by the Spokesperson of EU High Representative Federica Mogherini, of 2 April 2015 on developments in Thailand,
- having regard to the statements issued by the European Union Delegation in agreement with the EU Heads of Mission in Thailand on 14 November 2014, 30 June 2015, & 24 September 2015,
- having regard to the conclusions of Council of the European Union on Thailand, adopted on 23 June 2014,
- having regard to the answer given by High Representative/Vice-President Ashton on behalf of the Commission, of 15 May 2013 on the situation of Mr. Andy Hall,
- having regard to Press release of the UN Special Rapporteur on Freedom of Expression, of 1 April 2015,
- 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 United Nations 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, to which Thailand acceded

- having regard to rule 135 of its Rules of Procedure,

A. whereas on 20 May 2014, General Prayut Chan-ocha imposed Martial Law in Thailand and forced the dissolution of the caretaking Centre for Administration of Peace and Order;

B. whereas two days later he staged a military coup and established the National Council of Peace and Order (NCPO), whose leader General Prayuth Chan-Ocha with unlimited authority to issue orders and to proceed to constitutional reforms;

C. whereas key constitutional bodies set up by the NCPO are controlled by military personnel and full immunity is provided to any NCPO members by virtue of Art. 44 and 47 of the interim Constitution according to which all orders are considered “lawful, constitutional and final”;

D. whereas “peace and order maintenance officers” have the right to arbitrarily detain persons, carry out inquiries and searches without a warrant and whereas over 1200 persons have been summoned, arbitrarily arrested and/or detained since the coup according to the UN Office of the High Commissioner for Human rights;

E. whereas repeatedly participants of peaceful demonstrations have been charged with sedition and violating the laws, whereas recently 14 activists from the Neo-Democracy Movement (NDM) have been arrested;

F. whereas since the coup imprisonments under Article 112 of the Criminal Code on “lèse majesté” have dramatically increased and military courts have assumed jurisdiction without any right to appeal

G. whereas according to police reports some 25 000 websites have been shut down since May that allegedly disseminated lèse-majesté content, charges are being brought against leading websites on threatening national security and TV channels and radio stations are severely censored;

H. whereas the National Human Rights Commission (NHRC) was denied access to tortured or ill-treated individuals detained without charge or tried in military courts;

I. whereas there is a deterioration of the security of local community and land rights activists through violent acts while under the rule of the military;

J. Whereas on the 21 April 2015 the European Commission put Thailand on formal notice for not taking sufficient measures in the international fight against illegal fishing (IUU);

K. Whereas Thailand is not a signatory to the 1951 Refugee Convention or its 1967 Protocol 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;

L. Whereas migrant workers continue to be abused with impunity by local police, civil servants and employers and hundreds of thousands of migrant workers have lost their legal status due to administrative hurdles which makes them vulnerable to exploitation;

M. whereas workers' rights defender Mr Andy Hall, an EU citizen, is facing seven years in prison and multi-million charges for defamation after contributing to a report alleging labour abuses by a Thai pineapple wholesaler; whereas hearings on his case will be held on 19th October

N. whereas Mr Hall's two criminal cases have been allowed to continue through the Thai juridical system despite the fact that workers' rights violations committed by the company were confirmed by the Thai Ministry of Labour as well as a company's employee during previous court hearings,

O. Whereas the junta-appointed National Reform Council on 6 September voted to reject the new draft constitution, with the result that a new draft has to be elaborated which will prolong military rule and push back an election to April 2017 at the earliest,

1. Welcomes the decision by the National Reform Council to dismiss the Draft Constitution because it would have seriously undermined Thailand's democratic development; expresses however grave concern that the seriously flawed interim Constitution remains in application and that the perspective of elections to return the country to democracy is postponed until at least 2017;
2. Reiterates its call for a clear plan for free and fair elections to be defined along a precise and binding timeline for the return to democratic civilian rule; Calls for an inclusive process for the redrafting of the constitution;
3. Urges the Thai Military Junta to lift the severe restrictions on the right to fundamental freedoms, in particular those relevant to peaceful involvement in political activities, and to revoke notably section 44 and 47 of the interim constitution which allow the authorities to commit human rights violations with impunity;
4. Calls the Thai Authorities to stop arbitrary arrests and detentions, overturn convictions and sentences, withdraw charges and to release human rights defenders, media workers and all individuals who have been sentenced or charged for peacefully exercising their rights to freedom of expression or assembly;
5. Encourages the transfer of all jurisdiction over civilians from the military to civil courts; calls for the end of arbitrary detentions under martial law and forceful steps towards the independence of the judiciary;
6. Encourages the judicial authority to reconsider the "lèse majesté" law, to remove prison terms for offenses stemming from the legitimate exercise of the right to freedom of opinion and expression and calls to immediately and unconditionally release all individuals imprisoned under Article 112 for the mere exercise of these rights;
7. Calls on the Thai government to ensure media freedom and to end censorship of print and online material containing information related to the Thai monarchy;
8. Calls on the authorities to ensure that all violations of the rights of human rights defenders are promptly, effectively and independently investigated to ensure accountability; urges to address the concerns of members of local communities and land rights activists;
9. Urges to drop all charges and to release human rights defender Andy Hall, who aimed to expose instances of human trafficking and improve the legal situation of migrant workers in Thailand and to secure his right to carry out research and advocacy without fear of reprisals; Requests the European Union delegation to closely follow the legal situation of Mr Hall and to attend his trial;
10. Calls on Thailand to sign the 1951 Refugee Convention and its 1967 Protocol;
11. Calls on the Thai Government to urgently put in place measures to comply with the minimum standards for the elimination of trafficking and to react to allegations of endemic modern day slavery in the supply chain of its fishing industry, including farmed Thai shrimp sold in supermarkets across the world.

12. Urges the international community, and the European Union in particular, to increase their efforts to fight human trafficking, forced labour and forced migration by enhancing international collaboration on monitoring and addressing human rights violations related to labour issues as well as working on their prevention;

13. Encourages the European Union and the Thai government to engage in a constructive dialogue on matters regarding human rights protection and democratization processes in Thailand and in the region; in that context reiterates its support for the democratization process in Thailand;

14. Asks the EEAS and the EU delegation, as well as Member State delegations, to use all available instruments to ensure the respect of human rights and the rule of law in Thailand, especially by continuing to observe investigations and trial hearings of human rights defenders, activists, journalists and opposition leaders;

15. Instructs its President to forward this resolution to the Government and Parliament of Thailand, the EU High Representative, the Commission, the parliaments and governments of the Member States, the United Nations High Commissioner for Human Rights and the governments of the ASEAN Member States;

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