

JOINT SOLIDARITY STATEMENT



THAILAND:
STOP DIGITAL
DICTATORSHIP OVER
ONLINE FREEDOM

#STOPDIGITALDICTATORSHIP
#WHATSHAPPENINGINTHAILAND

CALL ON THE THAI GOVERNMENT TO END ITS CONTROL OVER THE DIGITAL SPACE BY ATTACKING MEDIA FREEDOM, TECH COMPANIES & ANYONE TELLING THE TRUTH ABOUT PRO-DEMOCRACY PROTESTS ONLINE

25 October 2020, Bangkok

We, Manushya Foundation, Access Now, ALTSEAN–Burma, Cambodian Center for Human Rights (CCHR), the Institute of Policy Research and Advocacy (ELSAM), PEN Myanmar, and Southeast Asia Freedom of Expression Network (SAFE net) affirm our support for and stand in solidarity with Thailand’s brave youth and independent media as they continue to share their truth, exercise their internationally protected rights online and offline, and fight for democracy in Thailand. We condemn the Thai military-backed Government’s attempts to impose a digital dictatorship on the rights and freedom of Thailand’s people and free media to prevent them from speaking out and sharing with the world the truth about [#WhatsHappeningInThailand](#).

While we note Prime Minister Prayut Chan-o-cha’s decision to [lift](#) the [state of severe emergency](#) in Bangkok, we recognize that this came only after the world watched as it backfired on him, since:

- (1) the ban on gatherings of five or more provoked protesters to defy the emergency decree with thousands more people joining protest rallies; and
- (2) the Ratchada Criminal Court [dismissed](#) an order under the emergency decree to shut down all online platforms of free media channel ‘Voice TV’, ruling that the order violates sections 35(2)¹ and 36(1)² of the [2017 Thai Constitution](#), protecting media freedom.

We call on the government of Thailand to uphold its international human rights obligations under Article 19 of the [Universal Declaration of Human Rights \(UDHR\)](#), and under Article 19 of the [International Covenant on Civil and Political Rights \(ICCPR\)](#) which protect the right to freedom of expression of individuals as well as the press such as their right to seek, receive and impart information and ideas through any media, including through electronic and internet-based media as interpreted by [General Comment 34](#) of the Human Rights Committee.

We condemn the government’s failure to comply with these obligations, and we urge the government to stop weaponizing undemocratic emergency decrees and other legislations, such as the [2005 Emergency Decree on Public Administration in Emergency Situation](#), the [state of emergency to combat COVID-19](#)³ and the [Computer Crime Act](#), to create an environment of fear and censorship, to arrest protest leaders and crackdown on dissenting voices, as a response to the vibrant Youth-led pro-democracy protests which initiated on 18 July 2020 in Thailand.

[As of 12 October](#), the emergency decree to combat COVID-19 has been used to summon, arrest and charge more than 73 people in 21 cases for holding political gatherings; a 17-year-old [high school student](#) from Ratchaburi province is amongst those being investigated. The Computer Crime Act, specifically Sections 14(2) and 14(3), has been [used extensively](#) over the years and at present against Thailand’s youth, to restrict online free speech by targeting critics of the government or monarchy with charges of using false information or violating Criminal law, to cause public panic or damage national security. Furthermore, the [state of severe emergency](#) in Bangkok declared on 15 October was designed to stop pro-democracy protests and to impose extreme censorship measures in accordance with Section 9 of the 2005 Emergency Decree on Public Administration in Emergency Situation that prohibits online publication of news or information which creates fear, spreads misinformation, or affects national security, peace and order.

Although the state of severe emergency in Bangkok was [revoked](#) on 22 October, serious threats continue: Thailand’s Computer Crime Act, Section 9 of the 2005 Emergency Decree and Section 5 of the state of emergency to combat COVID-19, which all restrict online freedom, can still be weaponized to prosecute anyone sharing information critical of the authorities. Critical voices violating the Computer Crime Act could face up to 5 years in prison and a fine of 100,000 Thai baht, while those violating the emergency decrees could face up to 2 years in prison, and a fine of 40,000 Thai baht or both for each charge.

International tech companies have also been threatened in the government’s crackdown on digital space, being on the receiving end of deeply problematic censorship demands. In August, Government pressure caused [access](#) to the

Royalist Marketplace, a Facebook group openly discussing the monarchy, being restricted within Thailand. In September, for the first time in Thailand, the authorities used the Computer Crime Act to [initiate](#) legal action against Facebook and Twitter for refusing to comply with requests to censor online content. This could subject the companies to large [fines](#)⁴ for each day of non-compliance. However, some tech companies are resisting these attempts to violate their users' rights, in line with the best practices articulated in the [UN Guiding Principles on Business and Human Rights](#) and the sector-specific [GNI Principles](#). Facebook, for example [stated](#) that it would legally challenge these take down orders as they 'contravene international human rights law and have a chilling effect on people's ability to express themselves', if the government continued to pursue its legal action against its Thai operations. Twitter has resisted by [removing](#) 926 accounts linked to the Royal Thai Army responsible for state-sponsored disinformation.

These efforts by the Thai government violate Thailand's international human rights obligations creating an atmosphere that leads to online self-censorship. We, thus, call on the government to:

- Implement laws and policies in line with international human rights law including with respect to the right to freedom of expression as guaranteed under Article 19 of the UN Declaration on Human Rights (UDHR) and of the International Covenant on Civil and Political Rights (ICCPR), and repeal excessive laws, such as the emergency decree to combat COVID-19, that are not necessary or proportional, and lack transparency as well as checks and balances of government actions;
- Stop the weaponization of anti-democratic laws such as emergency decrees and the Computer Crime Act to silence critical voices of activists, civil society and independent media;
- Refrain from extending the emergency decree to combat COVID-19 beyond 31 October 2020, as there is little to no local transmission of COVID-19, while it has been weaponized to stifle debate and democracy;
- Ensure individual rights to online freedom and access to information are protected according to Article 19 of the UDHR and the ICCPR;
- Refrain from forcing tech companies, as well as internet and mobile service providers from taking part in government censorship and permit them to comply with their responsibility to respect human rights in line with the UN Guiding Principles on Business and Human Rights and sector-specific GNI principles;
- Restore democracy in the digital space, by recognising netizens are entitled to share information online to hold the government accountable;
- Cease all misrepresentations of the country's youth and media as enemies of the State, and other attempts to legitimise the use of force against peaceful protestors.



For more information on joining our regional campaign to #StopDigitalDictatorship in Southeast Asia, and to contribute to our efforts to restore digital democracy in the region access our online campaign at: <https://www.manushyafoundation.org/stop-digital-dictatorship-campaign>

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- 1 Section 35(2) of the 2017 Thai Constitution states that *'The closure of a newspaper and other mass media in deprivation of liberty in presenting news or expressing opinions in accordance with professional ethics shall not be permitted'*
 - 2 Section 36(1) of the 2017 Thai Constitution states that *'A person shall enjoy the liberty of communication by any means... except by an order or a warrant issued by the Court or where there are other grounds as prescribed by law'*
 - 3 This emergency decree to combat COVID-19 introduced on 26 March, was extended for a sixth time until 31 October despite little to no local transmission of COVID-19.
 - 4 According to the Computer Crime Act, companies could be fined 200,000 Thai baht and an additional fine of 5,000 Thai baht for every day of non-compliance

