



“WE ARE RECLAIMING OUR FUTURE”

CHILDREN’S RIGHT TO PEACEFUL ASSEMBLY IN THAILAND

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CONTENTS

1. EXECUTIVE SUMMARY	5
2. METHODOLOGY	8
3. BACKGROUND	10
4. REPRESSION OF CHILDREN'S RIGHT TO PEACEFUL ASSEMBLY	12
4.1 THE PARENT-TEACHER-STATE NEXUS	12
4.2 CHILD SAFETY IN PROTESTS	15
4.3 CRIMINALIZATION OF CHILDREN'S RIGHT TO PEACEFUL ASSEMBLY	18
4.4 CHILD JUSTICE SYSTEM – IN THE BEST INTERESTS OF WHOM?	22
4.5 INTIMIDATION AND SURVEILLANCE	25
5. BARRIERS TO JUSTICE	28
5.1 DOMESTIC CHILD PROTECTION MECHANISMS	28
5.2 CHILD PROTECTION GONE WRONG	30
5.3 “WE CAN'T TRUST THEM UNLESS THEY LISTEN TO US”	31
6. RELEVANT INTERNATIONAL HUMAN RIGHTS LAWS	32
6.1 CHILDREN'S RIGHT TO PEACEFUL ASSEMBLY UNDER INTERNATIONAL LAW	32
6.2 CHILDREN'S RIGHTS IN THE CHILD JUSTICE SYSTEM	33
6.3 POSITIVE OBLIGATIONS OF THE STATES	34
7. CONCLUSION AND RECOMMENDATIONS	36
7.1 TO THE THAI GOVERNMENT	36
7.2 TO ALL LAW ENFORCEMENT AUTHORITIES	37
7.3 TO THE MINISTRY OF SOCIAL DEVELOPMENT AND HUMAN SECURIT	37
7.4 TO THE MINISTRY OF EDUCATION	37
7.5 TO THE NATIONAL HUMAN RIGHTS COMMISSION OF THAILAND	38
ANNEX A: GOVERNMENT AGENCIES RESPONSES	39

ABBREVIATIONS

ABBREVIATION	FULL NAME
BPPR1	Border Patrol Police Region 1
CRC	Convention on the Rights of the Child
ICCPR	International Covenant on Civil and Political Rights
LGBTI	Lesbian, Gay, Bisexual, Transgender, Intersex, and other gender-nonconforming groups
MOE	Ministry of Education
MOJ	Ministry of Justice
MPB	Metropolitan Police Bureau
MSDHS	Ministry of Social Development and Human Security
NHRCT	National Human Rights Commission of Thailand
OAG	Office of the Attorney-General
RTP	Royal Thai Police
TLHR	Thai Lawyers for Human Rights
UN HRC	United Nations Human Rights Council
UPR	Universal Periodic Review

1. EXECUTIVE SUMMARY

“Our hopes and dreams have been robbed, but now we are reclaiming our future through protests.”

A 15-year-old child activist from Khon Kaen Province in Northeastern Thailand

Thailand sits uncomfortably between its international commitment to child protection and the repression of children’s participation in recent protests. This tension is clearly reflected in Thailand’s 3rd Universal Periodic Review (UPR) session in 2021. On the one hand, the Thai government showed a strong commitment to child rights by supporting most recommendations on child protection, such as “[taking] further measures on strengthening the protection of the rights of children [...]”,¹ “[upholding] human rights in the design and provision of Covid-19 pandemic countermeasures, particularly the rights of children [...]”,² and “[taking] further measures to combat all forms of violence and discrimination against women and children.”³

On the other hand, the government only “noted” the four UPR recommendations related to the criminalization and detention of children exercising their rights to freedom of expression and peaceful assembly.⁴ In the letter to the Thai government following the session, former UN High Commissioner for Human Rights Michelle Bachelet highlighted her concerns regarding the “large numbers of individuals, including children, who have been involved in peaceful demonstrations since July 2020, [who] are facing charges, arrest, and detention, including serious criminal charges of sedition, lèse-majesté, and violations of the Computer Crimes Act and the Emergency Decree on Public Administration in Emergency Situations (“Emergency Decree”) for exercising their fundamental freedoms.”⁵ These concerns demonstrate Thailand’s failure to provide full protection of children’s rights to peaceful assembly despite its international human rights obligations and commitments.

We are Reclaiming Our Future (2023) examines this inconsistency by mapping out key human rights issues and obstacles impeding children’s full enjoyment of their right to peaceful assembly and analysing why domestic institutions for child protection have failed to protect these rights, especially in the context of protests led by children in Thailand between 2020 and 2022. The report is mainly based on interviews with 30 child protesters and activists from diverse regions of Thailand, executive-level officials from four relevant government agencies, and a human rights lawyer representing child protesters in criminal cases. It also discusses the rights of children participating in peaceful assembly in Thailand in the context of international human rights law.

¹ United Nations Human Rights Council (UN HRC), Report of the Working Group on the Universal Periodic Review: Thailand, 21 December 2021, UN Doc. A/HRC/49/17, recommendation 51.158 (Turkmenistan).

² UN HRC, Report of the Working Group on the Universal Periodic Review: Thailand, recommendation 51.122: Indonesia (previously cited)

³ UN HRC, Report of the Working Group on the Universal Periodic Review: Thailand, recommendation 51.143: Italy (previously cited)

⁴ UN HRC, Report of the Working Group on the Universal Periodic Review: Thailand, recommendations 52.47, 52.56, 52.63, and 52.66: Mexico, Finland, Austria, and Denmark (previously cited)

⁵ Office of the High Commissioner for Human Rights, Letter by the High Commissioner to the Foreign Minister of Thailand, 1 July 2022, ohchr.org/sites/default/files/documents/hrbodies/upr/wgsessions/39th/2022-07-14/HC-Thailand.pdf

BACKGROUND

In 2020, tens of thousands of young people took to the streets in mass protests against the military-dominated government led by Prime Minister Prayut Chan-o-cha. Many participants in protests were secondary school students under 18. Young people have often been at the forefront of activism in the political history of Thailand. However, unlike previous waves of mass demonstrations led by university students, large numbers of secondary school students, who are legally children, participated in this protest movement and were one of its main driving forces.

Some children called for political reforms leading towards democratization. Many of them protested against restrictive school regulations and demanded better education and enhanced safety at schools. Meanwhile, children spoke out about the specific rights of particular groups, including rights of Indigenous people, LGBTI people, and ethnic minorities. Despite child protesters' diverse demands, all the children commonly agreed that peaceful assembly was the legitimate means for them to express themselves and participate in decision-making on matters affecting their human rights.

REPRESSION OF CHILDREN'S RIGHT TO PEACEFUL ASSEMBLY

Children's exercise of their right to peaceful assembly came with a price. In this regard, Amnesty International recorded human rights violations before, during, and after children's participation in protests as follows:

- Authorities used the tactic of putting indirect pressure on parents to discourage or prevent children from participating in protests. In some cases, the authorities' involvement led to familial tension, sometimes resulting in domestic violence against child protesters.
- Authorities failed to guarantee the safety of children in protests. Safety concerns peaked amidst increasing police crackdowns on public assemblies in 2021. The escalation of violence led to the death of Warit Somnoi, a 15-year-old boy, who participated in a protest at Din Daeng Intersection on 16 August 2021. In addition, Amnesty International also documented cases of violent arrests and unlawful detention that put child protesters' physical and mental integrity at risk.
- Nearly 300 children have faced criminal and civil charges due to their participation in protests and/or the exercise of their right to freedom of expression. The majority of children have been charged under the Emergency Decree, which was enforced between March 2020 and September 2022, ostensibly to curb the spread of Covid-19. Furthermore, 17 children have been charged with lèse-majesté (Article 112 of the Criminal Code), marking the first time in the history of Thailand that the authorities have targeted dissenting under-18s with this law.
- Children raised concerns about how Thai criminal justice procedures designed for children were not conducted in their best interests. Notably, during their background check, the juvenile and family court's counselling centre routinely asked children whether they had sexual intercourse with a person of the same sex. An LGBTI child activist suggested that such a question hinted that homosexuality is used as a way for assessing "deviancy". On a separate issue, several children pointed to the absence of independent observers during their trials, which was supposed to protect children's privacy but could compromise the transparency of the procedures.
- Amnesty International also recorded a high number of children facing intimidation and surveillance by the authorities to discourage them from joining protests. Pro-democracy child protesters were regularly followed around and their activities at home monitored by both plainclothes and uniformed police officers, as well as other government officials. Moreover, Amnesty International documented that ethnic minority children faced direct intimidation by state authorities for participating in peaceful assemblies.

BARRIERS TO JUSTICE

Thailand has various domestic institutions and mechanisms for protecting children, including the National Child Protection Committee under the Ministry of Social Development and Human Security (MSDHS) and complaint mechanisms by the National Human Rights Commission of Thailand (NHRCT) and the Ministry of

Education (MOE). Technically, children who experience violations of their right to peaceful assembly are entitled to protection under these mechanisms. In one case, Amnesty International documented that child protection powers were abused to crack down on children's right to peaceful assembly, thus undermining further children's trust and willingness to use these domestic mechanisms.

RELEVANT INTERNATIONAL HUMAN RIGHTS LAWS

As a State Party to the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child (CRC), Thailand has a legal obligation to guarantee children's right to freedom of peaceful assembly and related rights, such as the right to freedom of expression and the right to be heard and to participate in matters affecting their lives. Furthermore, in accordance with Article 3 of the CRC, Thailand needs to ensure that its treatment of children participating in protests and other relevant actions and decisions are always in their best interests.

Thailand has positive obligations to protect children from violations of their rights in the context of peaceful assembly and to facilitate their full enjoyment of these rights. Such obligations may include the removal of legislation criminalizing protest activities and free expression, the facilitation of public assembly to ensure children can join safely, and the establishment of effective and independent mechanisms to oversee state bodies involved in policing assemblies, receive complaints about violations of children's right to peaceful assembly, and provide effective remedies to victims of human rights violations.

2. METHODOLOGY

Over the past two years, Amnesty International has been closely monitoring the human rights situation amidst the rise of nationwide protests in Thailand. In a bid to address human rights concerns in this context, Amnesty International issued two reports *They are always watching* (2020) and *My face burned as if on fire* (2021), illustrating the shrinking civic space and ongoing repression of dissent and protests during this period. *We Are Reclaiming Our Future* (2023) provides a fresh perspective by examining the specific situation of children exercising their right to peaceful assembly under these contexts. This report is part of Amnesty International's global flagship campaign "Protect the Protest" which calls for governments to ensure the protection of peaceful protesters and remove unnecessary barriers and restrictions for them to peacefully demand change without persecution.⁶

Following the definition provided under the UN Convention on the Rights of the Child (CRC), this research defines children as any individuals below the age of eighteen years old.⁷ This age-based definition aligns with Thailand's 2003 Child Protection Act which provides that a child is "a person whose age is less than 18 years but does not include those who attain majority through marriage."⁸ Amnesty International notes that Thai criminal law makes legal distinctions between "children" and "youths". The former are individuals over the age of 12 but not yet 15, whereas the latter refer to those over 15 but not yet 18.⁹ While children and youth are subject to slightly different criminal procedures, they are entitled to equal state protection as "children".

This report examines emblematic cases demonstrating criminalization, intimidation, surveillance, and violence against children taking part in protests between 2020 and 2022. It analyses the implications of such human rights violations on child protesters' interlinked areas of rights relevant to their participation in protests, including freedom of peaceful assembly, freedom of expression, and the right to be heard.

This research is based primarily on qualitative research undertaken from June to November 2022 through various methodological approaches, including interviews, academic literature review, and desk research. Between September and November 2022, Amnesty International conducted semi-structured in-depth interviews with 30 children, including nine females, 10 males, and 11 LGBTI persons. This included one child from the Indigenous Karen community in Petchaburi Province, one child from the Indigenous Shan community in Chiang Mai Province, and one child from the Malay Muslim community in Pattani Province. Many of the interviewees were over 18 at the time of the interview, but all of them had participated in protests and faced human rights violations when they were children. However, some interviewees were still younger than 18 years old at the time of interview. The youngest individual interviewed was 14 years old, and the oldest 19 years old.

Amnesty International sought to integrate intersectionality into the research design for this report, ensuring the diversity among children interviewed in terms of gender, sexual orientation, racial, ethnic, and Indigenous identities, and socioeconomic backgrounds. Active efforts were made to highlight the stories and viewpoints of those living outside the capital city Bangkok, including the provinces of Pattani, Phuket, Pattalung, Chiang Mai, Petchaburi, Phitsanulok, Chaiyaphum, Khon Kaen, and Buriram. It is important to highlight that the right to peaceful assembly is particularly critical for children from marginalized groups, as protests are a key avenue for them to challenge discrimination and exclusion.

⁶ Amnesty International, "Amnesty International launches global campaign to confront unprecedented worldwide threat to the right to protest," July 2022, [amnesty.org/en/latest/news/2022/07/protect-the-protest/](https://www.amnesty.org/en/latest/news/2022/07/protect-the-protest/).

⁷ Convention on the Rights of the Child (Child's Rights Convention), Article 1.

⁸ Thailand, Child Protection Act, 2003, web.krisdika.go.th/data/outside21/file/CHILD_PROTECTION_ACT_B.E._2546.pdf, Section 4.

⁹ Thailand, Juvenile and Family Court and Juvenile and Family Case Procedure, 2010, jla.coi.go.th/cms/s17/u672/การแพ่งพริ่จำพกกฎหมาย/4.pdf, Article 4.

Throughout the processes of data collection and processing, Amnesty International adhered to rigorous ethical standards to actively obtain free, voluntary, and informed consent from all the interviewees. The criteria for securing such consent are based on the matrix of voluntariness, comprehension, and competence of the interviewee.¹⁰ Amnesty International provided all the interviewees with a comprehensive, child-friendly explanation on the purpose of the interview and possible use of their information, as well as available options for interviewees' decision-making concerning their level of consent.¹¹ Amnesty International did not provide any material incentives in exchange for interviews.

In an effort to protect the identity of children mentioned in this report and prevent potential reprisals, Amnesty International used pseudonyms for all children younger than 18 years old at the time of the report's publication. Exceptions were made for cases where the interviewees specifically requested to be referred to by their real name; in such cases, Amnesty International only used their first name or nickname to retain some privacy for the interviewees.

Amnesty International also held meetings with executive-level officials from relevant government agencies, including the National Human Rights Commission of Thailand (NHRCT), the Ministry of Justice (MOJ), the Ministry of Education (MOE), and the Ministry of Social Development and Human Security (MSDHS). The organisation made multiple attempts to request formal meetings with the Royal Thai Police (RTP). However, the RTP was unavailable during the interview period. Amnesty International was also unable to meet with the Ministry of Digital Economy and Society, which oversees the regulation of online content. It should be noted that while there are many other government actors whose work relates to child protection, Amnesty International selected only the key agencies responsible for critical functions on this issue due to capacity limitations.

In a bid to reflect accurate information on criminal proceedings against child protesters, Amnesty International also interviewed a human rights lawyer representing many children facing criminal charges due to their involvement in peaceful assemblies. This lawyer leads pro bono work for cases involving children in protests at Thai Lawyers for Human Rights (TLHR), a Bangkok-based non-governmental organization providing legal aid, which also documents violations of freedom of expression and peaceful assembly in Thailand.

All the interviews were conducted in Thai by a native language speaking researcher. Where possible, Amnesty International corroborated interview testimony with documentation records by local civil society organizations, as well as news coverage and other available sources.

Lastly, Amnesty International thanks the organization's network of local civil society organizations and activists who provided significant logistical assistance for this research, including Duay Jai Group, Law Long Beach Group and activist Farain Niyomdecha. Amnesty International is also grateful for the support of TLHR on the verification of statistical data and coordination with child interviewees.

¹⁰ Amnesty International's Informed Consent Policy, May 2018, DOC 10/8305/2018, On file with Amnesty International.

¹¹ Guidelines on conducting research interviews with children, March 2015, POL 40/1331/2015, On file with Amnesty International.

3. BACKGROUND

In 2020, tens of thousands of young people took to the streets in mass protests against the military-dominated government led by Prime Minister Prayut Chan-o-cha. Peaceful “flash mob” demonstrations began to take place at university campuses and high schools around the country, following the dissolution in February 2020 of the Future Forward Party, then the third-largest opposition party, which was popular among young people.¹² The protest movement rapidly expanded through social media platforms, especially Twitter, where protesters organically coordinated gatherings via hashtags.¹³

On 4 June 2020, Wanchalearm Satsaksit, a 37-year-old Thai activist, was abducted in Phnom Penh, Cambodia, where he was in exile.¹⁴ Wanchalearm had previously faced various charges under the Computer Crimes Act for posting anti-government materials on Facebook. After the 2014 military coup in Thailand, Wanchalearm was summoned by the Thai army, leading him to flee the country for fear of persecution. As he went into exile in Cambodia, Thai authorities reportedly requested his extradition.¹⁵ His disappearance sparked inspiration for more protests among Thai youths.¹⁶ This collective dissent later led to the formation of many youth-led groups, including Free Youth, the Ratsadon group, and the United Front of Thammasat and Demonstration.¹⁷ Moreover, students living outside Bangkok also formed provincial and regional networks to address specific concerns in their local contexts, such as the Coalition of Lanna students in the north, People’s Revolution for Equality and Democracy in Songkhla province of southern Thailand, and Khon Kaen KKC Student Network in north-eastern Thailand.¹⁸

Generational conflict is at the heart of this protest movement; most protesters were under 25 years old.¹⁹ More remarkably, an overwhelming number of participants in protests were secondary school students under 18. Young people have often been at the forefront of activism in the political history of Thailand. However, unlike previous waves of mass demonstrations led by university students, this protest movement had secondary students, who are still legally considered “children”, as one of its main driving forces.²⁰

Children involved in protests had diverse demands – all of which were matters affecting their livelihood, human rights, and freedom. They showed support for the core demands of the larger protest movement, including demands to re-write the constitution, dissolve parliament, and end state repression against protesters.²¹ Some also spoke up about the need for reforming the monarchy, an issue previously regarded as taboo due to the harsh criminalization of criticism of the royal family under the *lèse-majesté* provisions in Article 112 of Thailand’s Criminal Code.

Meanwhile, many children protested by expressing demands specific to their status as secondary school students. For instance, various school-based protests focused on calls for the revocation of mandatory school

¹² Kanokrat Lertchoosakul, “The white ribbon movement: high school students in the 2020 Thai youth protests,” *Critical Asian Studies*, 15 February 2021, Vol 53, No 2, [tandfonline.com/doi/abs/10.1080/14672715.2021.1883452?journalCode=rera20](https://doi.org/10.1080/14672715.2021.1883452?journalCode=rera20), p. 3

¹³ Duncan McCargo, “Disruptors’ dilemma? Thailand’s 2020 Gen Z protests: *Critical Asian Studies*”, 2 March 2021, Vol 53, No 2, [tandfonline.com/doi/abs/10.1080/14672715.2021.1876522](https://doi.org/10.1080/14672715.2021.1876522), p. 4.

¹⁴ Amnesty International, “Cambodia/Thailand: One year on, still no justice for Wanchalearm,” 4 June 2021, [amnesty.org/en/latest/press-release/2021/06/cambodiathailand-one-year-on-no-justice-wanchalearm/](https://www.amnesty.org/en/latest/press-release/2021/06/cambodiathailand-one-year-on-no-justice-wanchalearm/)

¹⁵ Amnesty International, “Cambodia/Thailand: One year on, still no justice for Wanchalearm,” (previously cited)

¹⁶ Kanokrat Lertchoosakul, “The white ribbon movement: high school students in the 2020 Thai youth protests,” p.10.

¹⁷ Amnesty International, “*My face burned as if on fire*”: *Unlawful use of force by Thailand’s police during public assemblies*” (Index: ASA 39/4356/2021), 2 July 2021, [amnesty.org/en/documents/asa39/4356/2021/en/](https://www.amnesty.org/en/documents/asa39/4356/2021/en/), p. 12.

¹⁸ Kanokrat Lertchoosakul, *The Rise and dynamics of the 2020 youth movement in Thailand*, Heinrich-Böll-Stiftung, February 2022, [eu.boell.org/sites/default/files/2022-02/Thailand_2020_youth_movement_FINAL.pdf](https://www.boell.org/sites/default/files/2022-02/Thailand_2020_youth_movement_FINAL.pdf), p 10.

¹⁹ Duncan McCargo, *Disruptors’ dilemma? Thailand’s 2020 Gen Z protests: Critical Asian Studies*, 2 March 2021, Vol 53, No 2, [tandfonline.com/doi/abs/10.1080/14672715.2021.1876522](https://doi.org/10.1080/14672715.2021.1876522), p. 1

²⁰ Kanokrat Lertchoosakul, “The white ribbon movement: high school students in the 2020 Thai youth protests,” p. 3 (previously cited).

²¹ Kanokrat Lertchoosakul, “The white ribbon movement: high school students in the 2020 Thai youth protests,” p. 5 -8 (previously cited).

uniforms and haircuts, the end to sexual violence and corporal punishment by teachers against students, the elimination of corruption at schools, and the improvement of the quality of education.²²

In August 2020, students in at least 16 other provinces besides Bangkok raised the three-finger salute – a gesture of political resistance – during their schools’ daily morning assemblies to show solidarity with the protesters against the government.²³ Many children also tied a white ribbon to their hair, clothes, or other belongings as a symbol of dissent.²⁴ School-based demonstrations continued throughout the year, even though many student protesters had to face corporal and other disciplinary punishment by teachers.²⁵ On 1 December 2020, students across the country successfully staged collective civil disobedience acts by refusing to wear their mandatory school uniforms to call for the government to revoke the rule requiring students to wear uniforms.²⁶

This wave of protests came to a halt in late 2020 due to increasing restrictions aimed at curbing the spread of Covid-19. But another round of protests broke out between August and October 2021 at Din Daeng, one of the biggest low-income communities in Bangkok.²⁷ Unlike previous protests in 2020 where participants were mainly well-educated children from the middle-class, most of these protesters were children living in poverty, who had left school at a young age and were currently working as informal labourers in the service sector.²⁸ Their three-month-long daily demonstrations reflected frustrations about the government’s handling of the pandemic, which had negative impacts on their livelihoods as an economically vulnerable population.²⁹

Between 2020 and 2022, many children also took part in issue-specific demonstrations inspired by the larger movement, as well as regular public gatherings within their own communities. In this research, Amnesty International found that LGBTI children joined rallies for marriage equality. Children from Indigenous groups also came out on the streets to protest the state’s forced eviction of their communities from their ancestral lands. Malay Muslim young people and children held mass gatherings in Thailand’s southern border region next to Malaysia, in order to wear traditional clothes and discuss local histories.

However, children’s exercise of their right to peaceful assembly came with a price. Children who protest and express views not approved by the government are often seen as naïve and incapable of making reasonable decisions about joining public assemblies. The Thai government has shown negative perceptions towards child protesters in several instances. For example, in 2020, the Prime Minister dismissed the children-led movement by claiming many students were “bullied” into joining anti-government protests.³⁰

Two years later, the government still retained the same approach and manifested little political will to respect its international human rights commitment to protect children’s right to peaceful assembly. Notably, in June 2022, Thanakorn Wangboonkongchana, the government’s spokesperson, demonstrated the official view of child protesters as troublemakers and warned them on behalf of the Prime Minister:

“I want to warn [the child protesters] to think about their future, think about their parents and those who will be affected [by your actions]. At this time, we should join hands to help the country recover from Covid-19 and resolve ongoing economic issues from the global crisis. It is not the time to increase turmoil unnecessarily.”³¹

As the upcoming chapter will demonstrate, such paternalistic perceptions about children who exercise their right to peaceful assembly have been translated into human rights violations against child protesters and activists, including criminalization of protest activities and free expression, intimidation, surveillance, and failures to facilitate children’s participation in protests and protect them from violence.

²² Kanokrat Lertchoosakul, “The white ribbon movement: high school students in the 2020 Thai youth protests, p. 5-8.

²³ BBC Thai, “ผูกโบว์ขาวต้านเผด็จการ”: เมื่อนิยาม “ชาติ” ของเยาวชน กับ ผู้ใหญ่-ผู้ปกครอง ไม่ตรงกัน, 18 August 2020, [bbc.com/thai/thailand-53821787](https://www.bbc.com/thai/thailand-53821787)

²⁴ Bangkok Post, “Young begin to be heard”, 23 August 2020, [bangkokpost.com/thailand/politics/1972795/young-begin-to-be-heard](https://www.bangkokpost.com/thailand/politics/1972795/young-begin-to-be-heard).

²⁵ See, for example, Thai Lawyers for Human Rights, “พอ นร.ที่ถูกหยิกแหย ถูกคุกกระทำ แต่ถูกกล่าวหาว่าหลอกลวง ขณะ ร.ร.ยังไม่ติดต้อมา”, 24 August 2020, [thr2014.com/archives/20727](https://www.thr2014.com/archives/20727) and Thai Lawyers for Human Rights, “นร.ม.5 ขึ้นเวที “นักเรียนแล้ว” ถูกครูเรียกพบ-โทรหาแม่ พยายามให้รับปาก จะไม่ขึ้นอีก”, 10 September 2020, [thr2014.com/archives/21245](https://www.thr2014.com/archives/21245)

²⁶ Matichon Weekly, “สรุป #1 ธันวาคมกลางเครื่องแบบ จากแต่งไปเราท สูการคืนชุดนักเรียนให้กระทรวงฯ”, 1 December 2020, [matichonweekly.com/hot-news/article_376196](https://www.matichonweekly.com/hot-news/article_376196).

²⁷ Al-Jazeera, “Battlefield Din Daeng: The Thai protesters with ‘nothing to lose’”, 29 October 2021, [aljazeera.com/news/2021/10/29/battlefield-din-daeng-the-thai-protesters-with-nothing-to-lose](https://www.aljazeera.com/news/2021/10/29/battlefield-din-daeng-the-thai-protesters-with-nothing-to-lose).

²⁸ Kanokrat Lertchoosakul, *The Rise and dynamics of the 2020 youth movement in Thailand*, p 11-12 (previously cited)

²⁹ Kanokrat Lertchoosakul, *The Rise and dynamics of the 2020 youth movement in Thailand*, p 11-12 (previously cited)

³⁰ BBC Thai, “ผูกโบว์ขาวต้านเผด็จการ”: เมื่อนิยาม “ชาติ” ของเยาวชน กับ ผู้ใหญ่-ผู้ปกครอง ไม่ตรงกัน (previously cited)

³¹ KomChadLuek Online, “นายกรัฐมนตรี” เตือนสติ วัยรุ่นร่วมม็อบ ระวังเสียอนาคต” 12 June 2022, [komchadluek.net/news/518497](https://www.komchadluek.net/news/518497).

4. REPRESSION OF CHILDREN'S RIGHT TO PEACEFUL ASSEMBLY

4.1 THE PARENT-TEACHER-STATE NEXUS

While families can be a nurturing space for children, they can also be a violent place for some of them. Amnesty International found that children oftentimes encountered several constraints on participating in protests due to lack of parental consent. In many cases, state authorities asserted indirect pressure on parents of child protesters, particularly on parents of leading student activists, to discourage them from protesting.

According to Anna, a 17-year-old student activist advocating for gender equality and democracy, an official from the Ministry of Education called and asked her mother to tell her to stop her activism following her participation in a tour of historic sites associated with Thailand's leftist movements at Rattanakosin Island in Bangkok on 22 April 2022.³² A couple of weeks later, on 2 May, plainclothes police officers visited Anna's house and took her grandfather to a protest held by a labour rights network because they had misunderstood that she was taking part in the demonstration. According to Anna, the authorities wanted her grandfather to take her back home. Anna told Amnesty International that she was not protesting on that day.³³

In addition, Amnesty International also documented several cases of domestic violence against a student activist where indirect pressure from the authorities contributed to tension within the family.³⁴

³² Interview in person with Anna (full name withheld for security reasons), Child protester, 23 September 2022, Bangkok.

³³ Interview in person with Anna, 23 September 2022 (previously cited)

³⁴ Interview in person with Satapat (Surname withheld for security reasons), Child protester, 1 October 2022, Bangkok; and Interview in person with Poom (Real name withheld for security reasons, Child protester, 11 October 2022, Bangkok.

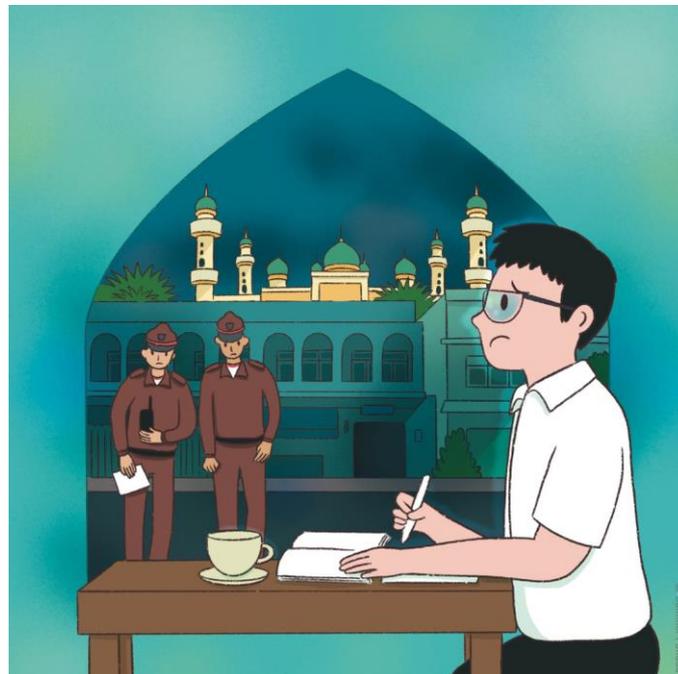


CASE 1: DOMESTIC VIOLENCE AGAINST A CHILD PROTESTER

Satapat started his activism in 2020 as a high school student in Pattani Province in Thailand's far south, where he called for reforms of both the educational system and political institutions. He recounted his experiences when he was actively taking part in pro-democracy protests at the age of 17:

"[On 10 December 2020], five to six police officers approached me at a coffee shop, telling me not to carry out any activism during the king's upcoming visit to Pattani on 18 December. They threatened me by saying 'stay away or you would lose your freedom.' The police also once filmed me giving a speech during a protest and sent it to my mother and asked her to tell me to stop my activism. When my family found out about my involvement in the protest movement, we started arguing a lot. Then my parents started using physical violence and pressuring me by confiscating my daily allowance and mobile phone. I had to run away from home and went to live with my friend."

Satapat has now shifted his focus to work in his university's student council instead of continuing political activism. He noted that he could only have limited involvement in protests now because he is still financially dependent on his family.³⁵



Visual illustration of Satapat's encounter with the police in Pattani Province, © Amnesty International / Summer Panadd

Satapat's situation is not unique to children participating in the 2020-2022 protest movement. Poom is a child activist facing a charge of violating the Emergency Decree for his participation in an anti-government protest on 15 October 2020 when he was 16 years old.³⁶ He decided to leave his house due to constant fights with and verbal abuse by his parents who strongly disapproved his involvement in the protest.³⁷ Since 2020, he had to leave school and start working in order to support himself and continue his activism.³⁸

³⁵ Interview in person with Satapat, 1 October (previously cited).

³⁶ Thai Lawyers for Human Rights (TLHR), "สังข์ฟ้องคดี 3 แกนน่านาร. เขวachsenชื้อยการไม่ได้พิจารณาประเด็นขอความเป็นธรรมที่ร้องไป," 28 January 2021, tlhr2014.com/archives/25605.

³⁷ Interview in person with Poom, 11 October (previously cited).

³⁸ Interview in person with Poom, 11 October (previously cited).

“My parents cut off their financial support immediately after I left. My life went downhill a bit. I was crying a lot because of the stress I had. I was so young and did not know to whom I should reach out for help. I did not have time to go to school and had to drop out because I had to handle a lot of personal issues [including my work and activism].”

Poom, a child activist facing a charge under the Emergency Decree for participating in a protest on 15 October 2020 when he was 16 years old

Domestic violence led two children interviewed by Amnesty International to leave their houses. Amnesty International’s documentation also aligns with various media reports of similar cases where children faced physical abuse from their parents and had to leave their homes after joining protests.³⁹ These case studies show that children were doubly penalized for their participation in peaceful protests from both the state authorities and their parents. As illustrated in the case of Poom, the child protester had to discontinue his secondary school education due to the lack of financial support from his parents.

Apart from parents, teachers and other school authorities also played a role in discouraging children from joining the protest. Bell, an activist based in Phattalung Province of southern Thailand, told Amnesty International that, at the age of 16, he started his advocacy against school restrictions on students’ freedom of expression. However, teachers would threaten to lower his grades or physically punish him.⁴⁰ On 21 August 2020, a female student from Roi Ed province in northeastern Thailand allegedly got pinched by a teacher because she was wearing a white ribbon on her hair as a sign of political resistance against the government.⁴¹ On 5 September 2020, teachers from a school in Bangkok reportedly contacted a child activist and her parents, asking the child to promise not to join future protests after she delivered a speech at the demonstration held by the children-led political group Bad Students.⁴² Pattaraporn, a Phuket-based lesbian student activist, told Amnesty International that she was asked to quit running for a student presidential election by teachers because of her involvement in the protest movement.⁴³

Amnesty International also documented that school teachers cooperated with the authorities in handing over the personal information of child protesters to law enforcement authorities. Sand, a queer student activist who was charged under the Emergency Decree in eleven separate cases for participating in peaceful protests, said that police officers from an unidentified unit in Chaiyaphum Province approached her teachers to obtain her personal data, including her name, her parents’ names, and her address. She also received information that the school gave these data to the authorities. “I consider this type of action harassment against me as an activist.”⁴⁴ Reportedly, in another case in Phattalung Province, a student in Grade 10 was summoned to a teacher’s office to talk to three plainclothes officers after she posted on Facebook inviting people to go to an anti-government protest on 24 July 2020.⁴⁵ The officers also told her that going to a protest is illegal and that she should think again about joining it. They also asked her to remove the post, threatening that it is in violation of the Computer Crimes Act. As reported by TLHR, during the meeting, teachers also supported the authorities in discouraging her from joining the protest.

³⁹ See, for example, Decode Plus, “ทุกแรงฟาดที่ฟอลงมือ บ้านก็ไม่เหมือนเดิม...พื้นที่ปลอดภัยอยู่ตรงไหนของสังคมที่บิดเบี้ยว,” 18 December 2020, decode.plus/20201207/?fbclid=IwAR3DN3iPOQhKpLF4jeqsOR6U1zMYKCI83 and The 101 World, “‘ยาก-ลำบาก-แต่ไม่เลิกเสียใจที่ออกมา’ ฟังเสียง 3 เยาวชนที่ไร้บ้านเพราะการเมือง”, 21 October 2021, the101.world/how-protest-affect-the-life-of-youth/

⁴⁰ Interview by voice call with Bell (Full name withheld for security reasons), Child protester, 11 October 2022, Bangkok.

⁴¹ TLHR, “พ่อ นร. ที่ถูกหยิกเมเย ลูกถูกกระทำ แต่ถูกกล่าวหาว่าลอลอง ขณะ ร.ร. ยังไม่ติดต่อมา” 24 August 2020, tlhr2014.com/archives/20727

⁴² TLHR, “นร. ม.5 ขึ้นเวที “นักเรียนแล้ว” ถูกครูเรียกพบ-โทรหาแม่ พยายามให้รับปากจะไม่ขึ้นอีก” 10 September 2020, tlhr2014.com/archives/21245.

⁴³ Interview by voice call with Pattaraporn (Full name withheld for security reasons), Child protester, 11 October 2022, Bangkok.

⁴⁴ Interview in person with Sand (Real name withheld for security reasons), Child protester, 5 October 2022, Bangkok.

⁴⁵ TLHR, “นักเรียน ม.4 พักลุงแซร์โพสต์ชวนชุมนุม ถูกครูเรียกเข้าไปคุยกับตำรวจ อ้างอาจผิดพ.ร.บ.คอมฯ” 13 August 2020, tlhr2014.com/archives/20309.

4.2 CHILD SAFETY IN PROTESTS

Amnesty International has closely followed the conditions of safety and well-being for children in protests since 2020. Safety concerns were heightened in 2021 due to increasing police crackdowns on protests. The escalation of violence during this period led to a death of a 15-year-old boy and severe injuries for two child protesters during a protest crackdown on 16 August 2021.



CASE 2: DEATH OF A 15-YEAR-OLD PROTESTER

On 16 August 2021, Talu Fah (“Pierce Through the Sky”), one of the main pro-democracy activist groups, organized a peaceful march from the Victory Monument to Prime Minister Prayut Chan-o-cha’s residence to call for his resignation because of the government’s failure to address the Covid-19 crisis.⁴⁶ The march ended at around 5:50 pm because the riot control police fired tear gas and water cannons at the protesters to disperse the crowd.⁴⁷ Later, some protesters regrouped and gathered near Din Daeng Intersection and ended up in a violent clash with police authorities. During the confrontation, a group of volunteer doctors called “DNA” reported that many children aged between 14 and 16 were shot by rubber bullets by the authorities.⁴⁸

Moreover, three young protesters, aged 14, 15, and 16, were shot by live ammunition outside Din Daeng Police Station in Bangkok – allegedly by members of the public.⁴⁹ As a result, one of them, Warit Somnoi, a 15-year-old boy from Samut Prakan province, suffered from neck injuries and was paralyzed for 72 days before he died from his injuries on 28 October 2021.⁵⁰ At the time, Amnesty International called on the Thai authorities to immediately investigate such unlawful use of firearms against children in protests and reiterated that the police have the obligation to “protect the rights of peaceful protesters to prevent them from being interfered [with] or inflicted with violence by any third party.”⁵¹

On 30 September 2021, the Metropolitan Police Bureau (MPB) announced the arrest of a suspect who allegedly shot Warit.⁵² It should be noted that the suspect is a member of the public, not a police officer. After Din Daeng Police Station charged this individual and submitted the case file to the Office of the Attorney-General (OAG) on 20 December 2021, the public prosecutor requested additional pieces of evidence from the police. However, the police continually failed to comply with the requests and received a warning from the OAG five times within a period of six months.⁵³

In response to such delays, on 21 June 2022 Amnesty International submitted a letter to the MPB calling for prompt cooperation with the OAG’s requests in submitting the necessary information for facilitating the indictment. In August 2022, the OAG indicted the suspect under six charges, including murder and illegal possession of firearms.⁵⁴ The authorities revealed there was at least one more person involved in this case, but they have not been charged.⁵⁵

⁴⁶ TLHR, “#มือบ16สิงหา จับกุม 13 ราย เป็นเยาวชน 5 ราย คนส่งพิชชา-คนส่งของก็ถูกจับ แม่ไม่ได้ชุมนุม ก่อนศาลให้ประกันตัว” 17 August 2021, tlhr2014.com/archives/33565.

⁴⁷ Daily News, “‘มือบทะเลฟ้า’ ประทศ. เตือนยิงแก๊สน้ำตากดดัน ประกาศยุติชุมนุม” 16 August 2021, dailynews.co.th/news/167021/.

⁴⁸ BBC Thai, “มือบ 16 สิงหา: ดร. ยืนยันไม่ได้ใช้กระสุนจริง หลังวัยรุ่นชายถูกยิงเจ็บสาหัสที่สามเหลี่ยมดินแดง” 16 August 2021, bbc.com/thai/thailand-58236137

⁴⁹ Amnesty International, *Amnesty International Report 2021/22: The State of the World’s Human Rights* (Index: POL 10/4870/2022), amnesty.or.th/files/3616/4849/5767/ENG_AIR2021-22_FINAL.pdf, p. 363.

⁵⁰ Amnesty International, “Amnesty’s statement after the death of a child shot at the Samliam Din Daeng Intersection, reiterating that the perpetrators must be brought to justice,” 28 October 2021, amnesty.or.th/en/latest/news/963/.

⁵¹ Amnesty International, “Amnesty’s statement after the death of a child shot at the Samliam Din Daeng Intersection, reiterating that the perpetrators must be brought to justice,” (previously cited).

⁵² Thai Rath Plus, “1 ปี ยิง วาฤทธิ์ สมน้อย หน้า สน.ดินแดง ความยุติธรรมเดินทางช้ากว่ากระสุน” 16 August 2022, plus.thairath.co.th/topic/speak/101960

⁵³ Thai Rath Plus, “1 ปี ยิง วาฤทธิ์ สมน้อย หน้า สน.ดินแดง ความยุติธรรมเดินทางช้ากว่ากระสุน” (previously cited)

⁵⁴ Thai Rath Plus, “1 ปี ยิง วาฤทธิ์ สมน้อย หน้า สน.ดินแดง ความยุติธรรมเดินทางช้ากว่ากระสุน” (previously cited)

⁵⁵ The Matter, “1 ปี คดี ‘วาฤทธิ์’ เด็ก 15 ปี ถูกยิงเสียชีวิตหน้า สน.ดินแดง รวมแล้ว 1 ราย อีกรายอยู่ระหว่างตามตัว.” 16 August 2022, facebook.com/thematterco/posts/3275929465955766.



Visual illustration of Warit Somnoi's mother attending her son's commemoration event / © Amnesty International / Summer Panadd

Amnesty International documented various safety concerns arising from the authorities' treatment of children during arrest and detention. Between 2020 and 2022, TLHR recorded 51 arrests during which the authorities did not present a warrant and seven arrests during which the authorities had a warrant issued by the juvenile and family court.⁵⁶ The youngest child arrested during a protest was 11 years old.⁵⁷ According to human rights lawyer Khumklao Songsomboon, authorities are legally required to carry out arrests of children with care and refrain from subjecting them to ill-treatment.⁵⁸ However, she has represented several clients under the age of 18 who experienced ill-treatment by police officers, such as the use of rubber bullets, beatings, and using restraining tools during arrests, particularly children involved in protests at Din Daeng Intersection.

Khumklao's information resonates with Amnesty International's documentation of one case of excessive use of force during the policing of protests and ill-treatment during an arrest of a child activist. On 28 February 2021, at around 9 pm, Sainam, a 17-year-old pro-democracy activist, went to a protest in front of the 1st Infantry Regiment, a military compound with three key battalions based in Bangkok. He informed Amnesty International that he was shot twice by rubber bullets while helping other protesters who got injured during a police crackdown.⁵⁹

Sainam told Amnesty International: "After I got shot, I tried to run away, but riot control police approached me from the front and the back. They grabbed me and made me fall down. Then I recalled they kicked me and used something hard – like a baton or gun – to hit me. They searched me all over my body, tied me up with cable ties and continued kicking me." He added that he was not informed of any legal rights during the arrest.⁶⁰ Later, he was taken to Suttisan Police Station and held there for the entire night, even though he was injured due to the rubber bullet wounds and the violent arrest. Sainam only got to see a doctor at the hospital the following morning after hours of detention.

In another similar case, the authorities also reportedly used cable ties to restrain a 12-year-old protester during a police crackdown on an anti-government protest near Din Daeng Intersection on 13 July 2021.⁶¹ The child was later charged with alleged violation of the Emergency Decree.

⁵⁶ TLHR, "วันเยาวชนแห่งชาติ" ที่มีเด็กเยาวชนไม่น้อยกว่า 183 คน ถูกจับกุม-ดำเนินคดีทางการเมือง, 20 September 2021, tlhr2014.com/archives/35347.

⁵⁷ TLHR, "จับกุม-รุมทำร้าย บุกค้นยวมดึก ภาพจำรุนแรง หลัง คส. ทำร้ายปชช. ปิดกั้นสื่อ จับเด็ก 10-13 ปี" 9 October 2021, tlhr2014.com/archives/36302.

⁵⁸ Interview by voice call with Khumklao Songsomboon, Human rights lawyer, 11 November 2022, Bangkok

⁵⁹ Interview in person with Sainam (Full name withheld for security reasons), Child protester, 21 September 2022, Bangkok

⁶⁰ Interview in person with Sainam, 21 September 2022 (previously cited)

⁶¹ TLHR, "เอี้ย" เด็กสแมคทะเล้นขวัญใจชาวมือบวัย 12 ปี กับ 2 คดีการเมืองที่มีโทษจำคุกสูงสุด 4 ปี" 18 May 2022, <https://tlhr2014.com/archives/43762>.

Section 69 of Thailand’s Act on Juvenile and Family Court and Juvenile and Family Case Procedure (“Juvenile Court Act”) prohibits the use of “restraining tools” for arresting children in every case, except if it is of the utmost necessity to prevent the child from running away or to ensure the safety of the child or others.⁶² It also requires the officer who arrests a child to inform them of their arrest, as well as charges against them and their legal rights. Amnesty International’s documentation shows that the police officers did not comply with this procedure in the arrest of Sainam.



Visual illustration of Sainam’s experience of the violent arrest by police officers during a protest crackdown / © Amnesty International / Summer Panadd



CASE 3: UNLAWFUL AND TRAUMATIC DETENTION OF A CHILD PROTESTER

In a separate incident, one 14-year-old and one 15-year-old were arrested at night after participating in a protest featuring critiques of the government and the monarchy on 20 March 2021.⁶³ Poisian, an LGBTI activist who was 14 years old at the time, told Amnesty International: “After the protest, my friend and I got on a taxi to get home. An officer on a motorbike stopped us as we were about to leave. Police officers got into the car. They told me they would take us to Phayathai Police Station but ended up taking us to the Border Patrol Police Region 1 [BPPR1] in Pathum Thani Province. We were taken into a room mixed with other adult protesters for interrogation.”⁶⁴ Only after the interrogation did the police inform Poisian that she was charged with lèse-majesté under Article 112 of the Criminal Code. According to human rights lawyer Khumklao, the authorities should have separated them from adults and brought them to the office of responsible inquiry officers that have jurisdiction over the place where they were arrested. Holding them at the BPPR1, in her opinion, constitutes unlawful detention under Thai law.⁶⁵ Under customary international law, this detention is also considered “arbitrary” because the child protesters were arrested solely for exercise of the right to peaceful assembly guaranteed by Article 20 of the Universal Declaration of Human Rights.⁶⁶

⁶² Thailand, Juvenile and Family Court and Juvenile and Family Case Procedure, 2010, Section 69, Para 3 (previously cited)

⁶³ TLHR, “สั่งฟ้องคดี ม.112 สองเยาวชนอายุ 16 ปี เหตุแสดงออกต่อพระบรมฉายาลักษณ์ใน #มีอบ20มีนา64 ก่อนศาลให้ประกัน” 18 May 2022, thr2014.com/archives/43795.

⁶⁴ Interview in person with Poisian (real name withheld for security reason), child activist, 29 September 2022, Bangkok

⁶⁵ Interview in person with Kumklao Songsomboon, 11 November 2022 (previously cited)

⁶⁶ UN Human Rights Council, “Report of the Working Group on Arbitrary Detention,” 24 December 2012, UN Doc. A/HRC/22/44, documents-dds-ny.un.org/doc/UNDOC/GEN/G12/189/35/PDF/G1218935.pdf?OpenElement.

“My world fell apart at that very moment when they informed me that I was charged. I kept crying and breaking down for months. I kept blaming myself for participating in the protest. Every time I come across things that remind me of that night, I would start feeling pain in my chest and cry,” said Poisian.⁶⁷ The child protester decided to enter the diversion program to end criminal proceedings against her.⁶⁸ However, the traumatic memories continue to come back and haunt her. She said, “I feel like my future dreams are falling apart, and I could never be the same person again after this experience.”

4.3 CRIMINALIZATION OF CHILDREN’S RIGHT TO PEACEFUL ASSEMBLY

According to TLHR, at least 283 children have faced legal charges in 210 cases for the expression of their political views or involvement in protests between 1 January 2020 and 3 October 2022.⁶⁹ 172 out of the 210 cases are still ongoing. The overwhelming majority of the charges are criminal. Notably, 241 of these children have been accused of violating the now-defunct Emergency Decree, which was enforced through the declaration of an emergency situation for over two years between 26 March 2020 and 30 September 2022. While the Thai government claims that the state of emergency was necessary for curbing the spread of Covid-19, authorities also exercised sweeping powers granted under the Emergency Decree to impose unnecessary and disproportionate restrictions on the right to peaceful assembly.⁷⁰ Violations of the Emergency Decree may incur imprisonment for up to two years and/or a fine of up to 40,000 THB.⁷¹



CASE 4: ACTIVIST FACING CHARGES UNDER THE NOW-DEFUNCT LAW

Sand is a 17-year-old queer activist based in Phu Khiao, a rural district located in Chaiyaphum province in Northeastern Thailand. She developed her interests in politics and social issues after learning about environmental impacts of a sugar mill in her neighbourhood. At the age of 14, she began joining activities related to land rights in her region to learn more about the human rights violations similar to the situation in her hometown. Later, in 2020, Sand started participating in protests on various issues ranging from democracy to education. “Everything is interconnected. We address all the structural issues at the same time,” she told Amnesty International.⁷²

In January 2021, Sand signed up for the camp “Ratsadon on Tour” held by the group called Unme of Anarchy. The camp aimed to bring young people on a field trip to learn about human rights issues in Loei Province’s Wang Sa Pung District where there are gold mining activities. However, on 28 January 2021 – one day before the trip began, police officers from Phu Khiao Police Station visited Sand and two other students who signed up for the camp at home. Teachers from Sand’s school also summoned parents of some children who intended to go to the camp and discouraged them from letting their children participate in it.

As a result, on 1 February 2021, Sand joined a protest organized in front of Phu Khiao Police Station to demand teachers and police officers to apologize for intimidating students and discouraging them from joining the “Ratsadon On Tour” camp. In relation to this protest, Sand was charged and later indicted under the Emergency Decree for allegedly “joining a crowded assembly that risks causing pandemic outbreak.” Shortly after the nationwide enforcement of the Emergency Decree for curbing Covid-19 was revoked on 1 October 2022, the Chaiyaphum Provincial Juvenile and Family Court, on 25 October, dismissed Sand’s case and ruled that her activity did not pose large-scale threats of spreading the pandemic.⁷³

⁶⁷ Interview in person with Poisian, 29 September 2022 (previously cited)

⁶⁸ In Thailand, under Chapter 7 of the Juvenile Court Act, children in conflict with the law can opt for a “special measure” of diversion. They can undergo rehabilitation programs instead of facing trials and having criminal records. See more details at Section 4.4: “Child Justice System – In the Best Interest of Whom?”

⁶⁹ Thai Lawyers for Human Rights, “สถิติเยาวชนถูกดำเนินคดีจากการแสดงออกและการชุมนุม ปี 2563-65” 3 October 2022, tlhr2014.com/archives/24941

⁷⁰ Amnesty International et al., “Thailand: Thai officials must drop all the ongoing prosecutions under the Emergency Decree” (Index: ASA 39/6190/2022), 8 November 2022, [amnesty.org/en/documents/asa39/6190/2022/en/](https://www.amnesty.org/en/documents/asa39/6190/2022/en/).

⁷¹ Thailand, Emergency Decree on Public Administration in Emergency Situation, 2005, web.krisdika.go.th/data/document/ext810/810259_0001.pdf, Section 18.

⁷² Interview in person with Sand, 5 October 2022 (previously cited).

⁷³ TLHR, “ยกฟ้อง “แซน” นร.ถูกขู่ ยาว คดี พ.ร.ก.ฉุกเฉินฯ ชุมนุมเรียกร้อง ตร.ขอโทษ ศาลเยาวชนชัยภูมิชี้ จำเลยไม่ใช่ผู้จัด ไม่มีหน้าที่ขออนุญาต - ชุมนุมในโค้ง โผล่โควิด” 26 October 2022, tlhr2014.com/archives/49943.

Despite the court’s dismissal of this case, Sand still faces nine other pending cases in which she was charged under the now-defunct Emergency Decree for participating in various protests between 2020 and 2022.



Visual illustration of Sand studying Thai law to prepare for her court hearings
© Amnesty International / Summer Panadd

Another criminal law used to target children in protests is the lèse-majesté law (Article 112 of the Criminal Code). This law states, “Whoever, defames, insults or threatens the King, the Queen, the Heir-apparent or the Regent, shall be punished with imprisonment of three to fifteen years.”⁷⁴ In various instances, Amnesty International has consistently expressed concerns about the repressive use of the lèse-majesté law to convict and imprison individuals exercising their freedom of expression peacefully, including in the 2021 court verdict handing a 87-year prison sentence to Anchan, a former civil servant who allegedly shared clips of an online talk show that made defamatory comments about the monarchy.⁷⁵

Over the past two years, Amnesty International observes a growing number of lèse-majesté cases initiated against protesters, including children. It is important to highlight that this marked the first time in the Thai history the authorities brought lèse-majesté charges against children. As of November 2022, 17 children have been charged under this law. The public prosecutor already ordered an indictment in 11 cases. Three cases are currently in the inquiry stage, whereas the other remaining cases were closed because the child defendants were willing to enter a diversion program instead of proceeding with the trials.⁷⁶

At least three child protesters have also been charged with sedition under Article 116 of the Criminal Code.⁷⁷ According to this law, “whoever makes an appearance to the public by words, writings or any other means which is not an act within the purpose of the Constitution or for expressing an honest opinion or criticism to:

- (i.) Bring about a change in the Laws of the Country or the Government by the use of force or violence;

⁷⁴ Thailand Law Library, “Royal Family (Section 107-112) Criminal Code, library.siam-legal.com/thai-law/criminal-code-royal-family-sections-107-112/.

⁷⁵ See Amnesty International, “Thailand: 87-year prison sentence handed in harshest lèse majesté conviction” 19 January 2021, [amnesty.org/en/latest/news/2021/01/thailand-87-prison-sentence-lèse-majesté-2/](https://www.amnesty.org/en/latest/news/2021/01/thailand-87-prison-sentence-lèse-majesté-2/) and Amnesty International, “Thailand: Record lèse-majesté sentences highlight growing extremes of repression in Thailand”, 7 August 2015, [amnesty.org/en/documents/asa39/2253/2015/en/](https://www.amnesty.org/en/documents/asa39/2253/2015/en/).

⁷⁶ Thai Lawyers for Human Rights (TLHR), สถิติเยาวชนถูกดำเนินคดีจากการแสดงออกและการชุมนุม ปี 2563-65, 31 December 2021, tlhr2014.com/archives/24941.

⁷⁷ On record with Amnesty International

- (ii.) Raise unrest and disaffection amongst the people in a manner likely to cause disturbance in the country; or

- (iii.) Cause the people to transgress the laws of the country”⁷⁸

Those found guilty of sedition faces a maximum sentence of seven years’ imprisonment.

Many children engaging in online expression critical of the government face charges under Article 14 of the Computer Crimes Act. This article plays an instrumental role in tightening digital censorship in Thailand, as it provides ambiguous and broad grounds for offenses allowing the government to prosecute “false computer data” that is “likely to cause damage to the third party or the public” or “damage the country’s security or cause a public panic.”⁷⁹ Given that the protest movement has been organized through social media platforms, some child protesters actively used social media to share their opinions and exchange news with friends. Sometimes, they became targets of criminalization from these online activities.



CASE 5: “MY ONLY CRIME WAS TO HAVE AN OPINION”

Thanapat “Poon” Kapeng is an LGBTI activist affiliated with pro-democracy group Talu Fah from Kanchanaburi Province in western Thailand located on the Thailand-Myanmar border. Back in 2020 when he was 17 years old, he would sometimes travel to Bangkok to join protests calling for educational reforms and democratisation. *“I used to be a ‘good student’ who studies hard and follows teachers’ orders, but after this government came to power, I started questioning their legitimacy. I wondered how people could accept the fact that the military seized powers and continued to maintain their status quo for years. That is why I started to join the protest.”*⁸⁰

Poon is an avid user of social media platforms, including Facebook, where he consumed news and shared information related to politics. In October 2021, he was charged with lèse-majesté under Article 112 of the Criminal Code and violation of dissemination of computer data affecting national security under Section 14(3) of the Computer Crimes Act. These charges stemmed from his sharing of eight posts from Royalist Marketplace, a Facebook group where members critique the Thai royal family, including posts about the king and physical assaults against a Thai political exile. These posts were made when he was 17 years old. “My only crime was to have an opinion,” said the young activist.

In this case, the accuser filed charges against him in Narathiwat, one of the southernmost provinces on the Thailand-Malaysia border. Poon told Amnesty International that he had to travel for 18 hours to report to Su-Ngai Kolok Police Station in Narathiwat. The Narathiwat Provincial Juvenile and Family Court has granted the permission to transfer the trial against Poon to the Central Juvenile and Family Court in Bangkok where he currently lives. Poon’s trial is set to begin in February 2023.

Amnesty International notes that the above statistics may not be completely representative of the overall number of children facing criminal charges for exercising their rights to freedom of peaceful assembly and freedom of expression, given that TLHR’s documentation is limited to cases linked to protests calling for democratization and reforms of political institutions. Amnesty International also documented a case of an Indigenous child protester charged with the alleged violation of the Emergency Decree for participating in a protest on land rights for Indigenous Karen people.



CASE 6: INDIGENOUS CHILD ACTIVIST DEFENDING COMMUNITY RIGHTS

Chan Tonnampetch is an Indigenous Karen activist from Bang Kloi Village in Petchaburi Province. Her community used to live inside the Kaeng Krachan Forest Complex, subsisting on rotational farming. Later, they were forcibly evicted and relocated to areas where they could not continue traditional ways of life. Attempts to return to their ancestral lands were met with unnecessary and excessive use of force and misuse of the criminal justice system by the state, including killings of human rights defenders and arresting and pressing charges against those trying to return.⁸¹

⁷⁸ Thailand Law Library, “Offense Internal Security (Sections 113 – 118) Criminal Code, library.siam-legal.com/thai-law/criminal-code-offense-internal-security-sections-113-118/#:~:text=Section%20116.&text=To%20raise%20unrest%20and%20disaffection,imprisonment%20not%20exceeding%20seven%20years”.

⁷⁹ Thai Netizen, “Thailand’s Computer-related Crime Act 2017 bilingual” 25 January 2017, thainetizen.org/docs/cybercrime-act-2017/.

⁸⁰ Interview in person with Thanapat “Poon” Kaseng, Child protester, 10 October 2022, Bangkok.

⁸¹ Prachatai English, “Indigenous Karen villagers arrested after returning to ancestral land,” 6 March 2021, prachatai.com/english/node/9104.

When Chan was 17 years old, she, along with activists from land rights networks and Bang Kloi Karen communities, occupied the Nang Loeng Intersection in Bangkok from late January to early February 2022. Chan informed Amnesty International that she took part in the protest because few people in her community could speak Thai, and she needed to be the voice of her people to call for the state's recognition of Indigenous rights. "I wanted to live like other children who could go to school and learn. But now the livelihood of my community members takes priority," she said.⁸²

Later, Chan was charged with alleged violation of a protest ban issued under Articles 9 and 11 of the Emergency Decree for participating in this gathering. Her case is currently pending at the inquiry stage. Chan recounted her experience in the child justice system during the interview with Amnesty International: *"It was all a blur to me. I didn't really understand most of what the police or court officials said. Even though I could understand Thai, it would have been better if they had someone who could speak my language [Karen language] to help me understand what was going on better."*

4.4 CHILD JUSTICE SYSTEM – IN THE BEST INTERESTS OF WHOM?

Under international human rights law, individuals exercising the right to peaceful assembly must receive protection and not be subject to criminalization or any other forms of criminal justice intervention. However, the foregoing section demonstrates that hundreds of children continued to face criminal charges due to their participation in peaceful assemblies.

In Thailand, once a child enters the criminal justice system, they would have to be treated in accordance with procedures specifically designed for children. Criminal procedures pertaining to children aim to provide an opportunity for children in conflict with the law to rehabilitate, adopt behavioural changes, and return to society without committing more crimes.⁸³ Notably, provisions in Chapter 7 of the Thai Juvenile Court Act allow children to enter a diversion program called "special measures in lieu of criminal procedures." Children can undergo rehabilitation programs instead of facing trials and having criminal records. Some child protesters, such as Poisian whose story was highlighted in Case No. 2, chose to undergo such a programme to avoid having a criminal record. However, Amnesty International notes that no criminal justice intervention should have been necessary at all when it comes to cases of children simply exercising their human rights protected under international law.

Moreover, the Juvenile Court Act reflects such an approach and makes multiple references to ensure that all decisions and actions made during the criminal procedures deliver an outcome that is in the "best interests of the child or youth" involved in the case.⁸⁴ Nevertheless, Amnesty International found cases showing that the existing procedures fail to guarantee the right to fair trial and the right to non-discrimination for many child protesters.

For instance, during the inquiry stage, children will go to a juvenile detention centre for a background check. Article 82 of the Juvenile Court Act provides that probation officers at the juvenile detention centre must write a report on why the child committed a crime and submit their advisory opinions to the inquiry officer or public prosecutor. This report will also be forwarded to the court if the child is indicted. In addition, the child must also attend an appointment with a psychologist at the Juvenile and Family Court's Counselling Centre to assess their personal and family situation and prepare them to enter rehabilitation programmes.⁸⁵

While these procedures in the child justice system technically reflect positive efforts to protect children's rights, Amnesty International documented various cases of irregularities in the child justice system. Notably, 12 children interviewed by Amnesty International alluded to gender-insensitive, intrusive and irrelevant questions during their background check, including whether they have had sexual relations with another individual of the same sex and how often they have sex. Such questions provoked frustrations among many children going through criminal proceedings, especially those who identified as LGBTI.

⁸² Interview by voice call with Chan Tonnampetch, Child protester, 29 September 2022, Bangkok

⁸³ Papontee Teeraphan, "แนวทางการพัฒนาการเมืองเบเนคดิในชั้นสอบสวนที่เด็กและเยาวชนเป็นผู้กระทำความผิด," Journal of Law, Thammasat University, Vol 47(2), June 2018, so05.tci-thaijo.org/index.php/tulawjournal/article/view/196263/136429, p. 370-1.

⁸⁴ See, for example, Thailand, Juvenile and Family Court and Juvenile and Family Case Procedure, 2010, Article 31 on the court's discretion to order support from psychologists, physicians, or social workers for children involved in a criminal case and Article 75 on the court's assessment of whether detention of children is necessary

⁸⁵ Thai Lawyers for Human Rights (TLHR), "สองขั้นตอนคดีเยาวชน: เมื่อเยาวชนที่ถูกดำเนินคดีทางการเมือง มีแนวโน้มมีภาระ-ถูกละเมิดมากกว่าผู้ใหญ่", 28 June 2022, tlhr2014.com/archives/31315.



CASE 7: LGBTI ACTIVIST FACING LÈSE-MAJESTÉ TRIALS

Thanakorn “Petch” Phiraban is an LGBTI child human rights defender (CHRD) facing three charges of lèse-majesté and two charges of violating the Emergency Decree for participating in various protests from 2020 to 2021 when they were still 17 years old.⁸⁶ During some of these protests, Petch delivered speeches about LGBTI rights and the importance of reforming the monarchy.⁸⁷

Petch spoke to Amnesty International about their experience with a psychologist at the Central Juvenile and Family Court’s Counselling Centre:⁸⁸ *“At my meeting with the psychologist, I was asked to fill in a form with multiple questions. One of them asked if I have had a sexual intercourse with another person of the same sex. I don’t understand what my sexual orientation has to do with the trial. This kind of question suggests there is something wrong with being an LGBTI person. The psychologist also communicated constantly with me via Line [an instant messaging application]. Sometimes, she would try to discourage me from joining protests in the future or encourage me to plead guilty and enter the diversion program.”* During the interview with Amnesty International, Petch stated that this intrusive process affected their confidence in the justice process.

Petch was the first under-18 to be convicted for lèse-majesté. On 22 November 2022, the Central Juvenile and Family Court found Petch guilty of lèse-majesté for delivering a speech calling for reforms to the monarchy at a protest in the Wongwian Yai area of Bangkok on 6 December 2020. The court sentenced Petch to “training” at a vocational and training centre by the Department of Juvenile Observation and Protection of the Ministry of Justice or any other place determined by the court. According to the ruling, Petch shall be held in official custody to undergo the training for the minimum of one year and six months and the maximum of three years. Section 143 of the Juvenile Court Act permits that the court can determine the minimum and maximum period of training and decide to release the child at any time during this period. In response, Amnesty International Thailand expressed concerns that this court ruling sets up a “worrisome precedent” and creates a “chilling effect for young protesters across Thailand who may want to express themselves by taking part in peaceful demonstrations.”⁸⁹

On 22 December 2022, the Nonthaburi Provincial Juvenile and Family Court convicted Petch for another lèse-majesté charge which stemmed from their delivery of a speech at a protest at the Nonthaburi Pier on 10 September 2020. Petch was sentenced to three years’ imprisonment, but the court reduced the jail time to one year and six months and later suspended the sentence upon the condition that Petch undergo a two-year probation program.⁹⁰

⁸⁶ Interview in person with Thanakorn “Petch” Phiraban, Child protester, 4 October 2022, Bangkok.

⁸⁷ Prachatai, “‘เพชร’ ชนกร จับทรมานข้อหา ม.112 จากกรณีปราศรัยที่นนทบุรีเมื่อ 10 ก.ย. 63”, 9 September 2021, prachatai.com/journal/2021/09/94911.

⁸⁸ Interview in person with Thanakorn “Petch” Phiraban (previously cited).

⁸⁹ Amnesty International Thailand, “Teen activist’s landmark lese majeste conviction sets worrisome precedent,” 23 November 2022, [amnesty.or.th/en/latest/news/1057/](https://www.amnesty.or.th/en/latest/news/1057/).

⁹⁰ Thai Lawyers for Human Rights, ““Petch” Thanakorn sentenced to 3 years in prison for violating the lèse-majesté law but court suspended the sentence and required “Petch” to enter a probation plan “ 23 December 2022, <https://tlhr2014.com/en/archives/51777>.



Visual illustration of Petch attending a court hearing for their *lèse-majesté* trial / © Amnesty International / Summer Panadd

Another serious issue child activists raised with Amnesty International is the absence of any independent observers in the courtrooms where their trials were taking place, especially for children facing trials for serious criminal charges, such as *lèse-majesté* and sedition. While the protection of child privacy is often invoked as a reason for holding trials in camera, child protesters expressed concerns that this protection measure compromised the transparency of court proceedings and failed to serve their best interests.

Sainam, who is currently facing two *lèse-majesté* charges for participating in a mock fashion show on 29 October 2020 and a protest on 18 July 2021, spoke of his concerns during an interview with Amnesty International:⁹¹

“The [criminal] procedure is not friendly for us children. I tried several times to ask the court’s permission through my lawyer to bring in trusted persons from embassies or human rights organizations to observe the trial for transparency. However, they like to claim that holding the trial in secret is in our best interest.”

Sainam, a child activist from Bangkok

LGBTI human rights defender Petch mentioned similar calls for the court to allow observers from human rights organizations and embassies if the child involved in the trial feels comfortable and grants informed consent to the observers.⁹²

⁹¹ Interview in person with Sainam, 21 September 2022 (previously cited)

⁹² Interview in person with Thanakorn “Petch” Phiraban (previously cited).

Article 108 of the Juvenile Court Act states that trials involving family and juvenile matters must be held in camera, and only relevant parties such as parents, witnesses, and state authorities are allowed to be inside the courtroom. However, the law also provides that the court has a margin of discretion to allow “other persons as the court sees appropriate” to observe the trial. Amnesty International Thailand submitted a letter to request trial observation for Petch’s trials at Nonthaburi Provincial Juvenile and Family Court, but the court refused to exercise its legal discretion to grant access to the organization, citing the legal requirement of holding the trial in camera under Article 108 of the Juvenile Court Act.⁹³

4.5 INTIMIDATION AND SURVEILLANCE

Amnesty International found that the authorities used tactics of intimidation and surveillance to create fear and other chilling effects among child protesters in order to discourage them from participating in protests. On 9 August 2021, the opposition party Move Forward published a leaked “watch list” comprising the names and personal information, including social media accounts, of 183 individuals who were to be monitored by the immigration police. The list includes at least four children.⁹⁴ Their names and personal information were kept secret by the party due to privacy and security concerns.

According to TLHR, between January 2021 and 10 November 2022, at least 59 pro-democracy child protesters were subject to tactics of “harassment.”⁹⁵ Authorities often decided to intimidate them with verbal threats that they would take legal actions if they participated in a protest. At times, they put child protesters under surveillance, if they are involved in protests and other actions or actively express their opinions online. Child activists were closely monitored by the authorities ahead of important official events or visits, including by royal family members.⁹⁶

In most cases documented by Amnesty International, police and other government officials monitored and followed around the children, approached their family members and teachers, or made home visits to “request information.” However, authorities also sometimes directly approached children to threaten them not to join the protests or other types of public gatherings deemed as threats to the government.



CASE 8: SURVEILLANCE AND MONITORING OF A CHILD ACTIVIST

Amnesty International documented the case of Posh, a 16-year-old LGBTI activist, who was followed around by the police for a prolonged period.

“I noticed the first time that I was being followed by plainclothes officers on 1 May 2022. I was taking part in a protest on labour rights near the Bangkok Arts and Culture Centre. When I was walking towards the BTS skytrain, I spotted one man who follows me everywhere and took a few photos of me with his phone. When I got off the train, I tried to run away but he followed me home. I eventually confronted him and asked why he was following me. He said that he was just keeping me safe. I tried asking him which state organization he was affiliated with, but he wouldn’t tell me.”⁹⁷

Posh added that the officers continued to come around to his house and asked for information about him from his neighbours. On 3 May 2022, Posh observed that two uniformed officers and some plainclothes officers were following him when he was leaving his house in the evening. From his conversation with these officers, the child activist found out they came from Bang Na Police Station.

⁹³ Nonthaburi Provincial Juvenile and Family Court, Letter No. Sor Yor 301/009 (E)/ 767 to Amnesty International, Thailand, 25 October 2022, on file with Amnesty International. It is important to acknowledge that after receiving this letter in October 2022, the Nonthaburi Provincial Juvenile and Family Court granted the permission to allow representatives from two human rights organizations to observe the reading of the verdict in Petch’s trial on 22 December 2022.

⁹⁴ Rangsiman Rome, เหตุผลเอกสารจับตัวบุคคล 183 รายชื่อจากรัฐ มีชื่อ 4 คนนำพรทิวาไกลด้วย สรุปว่าคนที่ไม่สยบต่อรัฐบาลเป็นภัยความมั่นคงไปแล้ว?, 9 August 2021, [facebook.com/rangsimanrome/photos/a.212258439530811/751334312289885/?type=3](https://www.facebook.com/rangsimanrome/photos/a.212258439530811/751334312289885/?type=3)

⁹⁵ TLHR recorded 39 and 20 children intimidated and surveilled in 2021 and 2022, respectively. See TLHR, “รอบปี 2564 มีประชาชนถูกจหนท.รัฐติดตามคุกคามไม่น้อยกว่า 291 ราย” 29 December 2021, tlhr2014.com/archives/39259 and TLHR, “ช่วง ก.ย. – ต.ค. 65 ยอดผู้ถูกคุกคามทะยานสูงถึง 56 ราย รวมเยาวชน เหตุบุคคลสำคัญลงพื้นที่ยังเป็นปัจจัยหลัก” 11 November 2022, tlhr2014.com/archives/50461

⁹⁶ TLHR, “รอบปี 2564 มีประชาชนถูกจหนท.รัฐติดตามคุกคามไม่น้อยกว่า 291 ราย” (previously cited)

⁹⁷ Interview in person with Posh, Child protester, 6 October 2022, Bangkok.

Sometimes, two to three officers would wait for him at school and follow Posh around after school. The young activist told Amnesty International that this continuous surveillance led to panic attacks, insomnia, and stress. He needed to move out of his house to avoid the authorities and recover from the mental health problems that the surveillance induced.



Visual illustration of Posh being followed by undercover police officers during a protest / © Amnesty International / Summer Panadd

Similar to Posh, Chompoo, a Bangkok-based 13-year-old child protester, informed Amnesty International that she has been followed around by authorities since she started her activism in March 2022: “Around three to four plainclothes officers would regularly come to my house and sit around the area to monitor my activities. I once directly approached them to talk to them. They told me they came from Taling Chan Police Station.”⁹⁸ Hiding behind humour, Chompoo said jokingly, “I was scared at first, but now I feel like a celebrity who has many followers.” She added: “The authorities’ constant monitoring made me feel unsafe and anxious. But the more they do it, the more I want to come out to the protests. It makes me want to fight even harder.”

It is important to note that intimidation and surveillance did not only happen to pro-democracy protesters. Amnesty International recorded that other marginalized children who used public gatherings as venues to amplify their voices and discuss issues in their communities also encountered similar problems.



CASE 9: STATELESS BUT NOT VOICELESS

Orn is a 17-year-old stateless girl of the Shan ethnicity living in Chiang Mai. On 21 January 2022, she took part in a public gathering there to discuss the situation of migrant workers in the context of Covid-19.⁹⁹ During the seminar, officers from the Chiang Mai Municipality Office and police authorities from an unidentified unit approached the event organizer.

They said that Orn was an illegal person and should not have been taking part in the gathering. A non-profit foundation taking care of Orn had to negotiate with the authorities and explained that Orn has been in the process of obtaining Thai nationality.

⁹⁸ Interview in person with Chompoo (Real name withheld for security reasons), Child protester, 19 October 2022, Bangkok.

⁹⁹ Interview by voice call with Orn (Real name withheld for security reasons), Child activist, 12 October 2022.

“They probably didn’t want me to speak out about statelessness in Thailand. That’s why they had to try to stop me and take me out of the gathering,” said Orn.

Amnesty International also recorded intimidation of children exercising their rights to freedom of peaceful assembly in the southern region along the Thailand-Malaysia border. Sarai was a 17-year-old girl from Pattani Province who participated in a gathering of young Malay Muslims in Narathiwat Province on 10 May 2022. The gathering was a peaceful assembly where Malay Muslims wore local traditional clothes and met up to build their networks, as well as learn about local histories. Two days later, Sarai received a voice message via Messenger from an assistant to her village chief, saying that he received an order from the district administration to find out who joined the assembly.¹⁰⁰ According to Sarai, the assistant wanted to scare off people and discourage them from participating in the assembly.

Human rights violations, including torture and other ill-treatment, have been recorded as being rampant in Thailand’s southern border provinces – the Malay Muslim-majority region plagued with an ethno-religious insurgency against the Thai state.¹⁰¹ Thai authorities also have faced allegations of racial profiling of Malay Muslims in this region. At times, law enforcement officers develop suspicions based on discriminatory assumptions about ethnic and religious groups.¹⁰² Since the southern border region has experienced an ethno-religious insurgency since 2004, Malay Muslims are often perceived stereotypically as violent insurgents.¹⁰³ These racialized suspicions have been reflected in the manner in which the authorities police peaceful public assemblies in the region as illustrated by Amnesty International’s documentation above, thus impeding the full enjoyment of the right to peaceful assembly for Malay Muslim children.

¹⁰⁰ Interview by voice call with Sarai, Child protester, 30 September 2022.

¹⁰¹ Amnesty International, *Thailand: Torture in the Southern Counter-Insurgency*, 13 January 2009, Index ASA 39/001/2009, [amnesty.org/en/wp-content/uploads/2021/07/asa390012009eng.pdf](https://www.amnesty.org/en/wp-content/uploads/2021/07/asa390012009eng.pdf). See also Cross-Cultural Foundation et al, Press Release: Launching Torture report Pattani (Full Report), 10 February 2016, [crcfthailand.org/en/2016/02/10/press-release-launching-torture-report-pattani-full-report/](https://www.crcfthailand.org/en/2016/02/10/press-release-launching-torture-report-pattani-full-report/).

¹⁰² Committee on the Elimination of Racial Discrimination, Concluding Observations: Thailand, 10 February 2022, UN Doc. CERD/C/THA/CO/4-8, [documents-dds-ny.un.org/doc/UNDOC/GEN/G22/254/66/PDF/G2225466.pdf?OpenElement](https://www.unhcr.org/refugees/documents-dds-ny.un.org/doc/UNDOC/GEN/G22/254/66/PDF/G2225466.pdf?OpenElement), para 19-20.

¹⁰³ Chanatip Tatiyakaroonwong and Nasra Moumin, “Fact Sheet: Racial Profiling,” Cross-Cultural Foundation, December 2019, [voicefromthais.files.wordpress.com/2019/12/fact-sheet_racial-profiling.pdf](https://www.voicefromthais.files.wordpress.com/2019/12/fact-sheet_racial-profiling.pdf).

5. BARRIERS TO JUSTICE

“I just want them to stop dismissing us just because we are children. Children’s voices matter. We can’t trust the government unless they start to listen to us.”

Fern, a 17-year-old protester from Bangkok who was charged with violating the Emergency Decree for joining a protest on 16 August 2021¹⁰⁴

Despite the existence of domestic child protection mechanisms, Amnesty International found that they had not been able to effectively address grievances of child protesters in the context of their exercise of the right to peaceful assembly. In contrast, authorities did not only fail to facilitate children’s participation in protests, but also used their powers to crack down on dissent or create a chilling effect in the name of child protection. Accordingly, children often develop deep distrust and perceive these mechanisms as barriers, rather than channels, to accessing justice.

Furthermore, it is critical to note that domestic child protection mechanisms do not have the powers to intervene in decisions made by law enforcement authorities and judicial bodies. Their scope of authority can only cover the issue of intimidation, surveillance, and other forms of violence against child protesters. Therefore, these mechanisms’ limited mandates are unable to address human rights violations resulting from criminalization of child protesters, including criminal justice interventions.

5.1 DOMESTIC CHILD PROTECTION MECHANISMS

The main government agency responsible for child protection in Thailand is the **Ministry of Social Development and Human Security (MSDHS)**. The MSDHS follows its mandate under the 2003 Child Protection Act to protect children with vulnerabilities, such as those facing homelessness, parental separation, poverty, disabilities, ill-treatment, or risks of violating the law. The law established the “National Child Protection Committee” headed by the Minister of Social Development and Human Security.¹⁰⁵ The Committee is responsible for proposing policies, plans, budgetary arrangements, and measures for protecting well-being and promoting good behaviours of children. Article 20 of the Act further establishes provincial-level committees to perform operational tasks, such as investigating allegations of mistreatment of children or monitoring progress in child protection work.¹⁰⁶

According to Amnesty International’s interview with MSDHS representatives, the Child Protection Act also extends its protection towards children who experienced violence due to their protest activities.¹⁰⁷ Children can file complaints to the MSDHS if they experience harassment or intimidation by the authorities due to their

¹⁰⁴ Interview in person with Fern, Child protester, 6 October 2022, Bangkok

¹⁰⁵ Thailand, Child Protection Act, 2003, thailandlawonline.com/thai-family-and-marriage-law/child-protection-act, Article 7.

¹⁰⁶ Thailand, Child Protection Act, 2003, thailandlawonline.com/thai-family-and-marriage-law/child-protection-act, Article 20

¹⁰⁷ Meeting in person with MSDHS representatives from the Department of Children and Youth, 21 October 2022, Bangkok.

involvement in a protest.¹⁰⁸ “However, they need to exercise their rights legitimately without interfering with other people’s rights,” said one of the representatives of the ministry’s Department of Children and Youth.¹⁰⁹

Despite the Child Protection Act, Amnesty International found that this law has not been effectively used to protect children in protest. The MSDHS stated that their work has been more focused on “repairing damaged relationships and bridging misunderstandings between children and their parents” in case the child protesters have problems at home. The MSDHS informed Amnesty International that the ministry had not received any case of children in need of protection due to their being targeted for involvement in the protests.¹¹⁰

The **Ministry of Education (MOE)** is also another important government agency legally required to ensure the safety of children taking part in protests inside educational institutions. In 2020, the MOE’s Office of the Basic Education Commission issued many internal letters ordering its educational institutions to uphold the rights of children to protest and express themselves as protected under Thailand’s Public Assembly Act and the UN Convention on the Rights of the Child (CRC).¹¹¹ At the same time, school executives must prevent outsiders from joining the demonstrations to ensure the students’ safety.

According to Amnesty International’s interview with a representative from the MOE, children can file complaints regarding the violations of their right to freedom of peaceful assembly at school via the “MOE Safety Center,” a platform built for ensuring the safety of students.¹¹² However, the ministry’s representative told Amnesty International that there have been no complaints about students facing violence due to their participation in protests.¹¹³

Children who experienced human rights violations can also file complaints to the **National Human Rights Commission of Thailand (NHRCT)**. Under Section 247 of the 2017 Constitution, the NHRCT has a mandate of “investigating and reporting accurate facts about all cases of human rights violations immediately and proposing to relevant government and private organizations appropriate measures or directions for preventing, fixing, or providing remedy for human rights violations.”¹¹⁴ Notably, none of the children interviewed for this research reported that they filed a direct individual complaint with the agency largely due to the lack of awareness about the NHRCT’s mechanism or the lack of trust therein. However, the NHRCT informed Amnesty International that the NHRCT has monitored some cases of intimidation and harassment against child activists and carried out investigations about human rights violations during protests between 2021 and 2022 which were attended by numerous children.¹¹⁵

Amidst the rise of youth-led protests in Thailand, the NHRCT has taken positive steps in investigating reports of violations of the right to peaceful assembly and hosting online and offline dialogues to open up a space for thematically specific discussions on human rights for children in protests.¹¹⁶ On 10 September 2021 the NHRCT further issued a set of recommendations for the protection of children in protests, particularly in relation to demonstrations at Din Daeng Intersection.¹¹⁷ The NHRCT suggested that relevant government agencies hold a consultation with children in protests and open up spaces for peaceful expressions of their rights, develop a code of conduct for treating children in protests, organize trainings on crowd control in protests with child participants, prevent online dissemination of children’s personal data and cyber-bullying, and ensuring safety for peaceful protesters and separating those engaging in violence.¹¹⁸ Such government agencies include the Royal Thai Police, Ministry of Justice, the MSDHS, and the Ministry of Digital Economy and Society.

¹⁰⁸ Meeting in person with MSDHS representatives from the Department of Children and Youth, (previously cited)

¹⁰⁹ Meeting in person with MSDHS representatives from the Department of Children and Youth (previously cited)

¹¹⁰ Meeting in person with MSDHS representatives from the Department of Children and Youth, (previously cited)

¹¹¹ Thai Lawyers for Human Rights (TLHR), “สิทธิเด็กอยู่ในไหน? เมื่อถูกคุกคามจากโรงเรียน” 19 August 2020, tlhr2014.com/archives/20482.

¹¹² Meeting in person with Ministry of Education, 1 November 2022, Bangkok.

¹¹³ Meeting in person with Ministry of Education, 1 November 2022, Bangkok.

¹¹⁴ Thailand, Constitution of Kingdom of Thailand, [constitutionnet.org/sites/default/files/2017-05/CONSTITUTION+OF+THE+KINGDOM+OF+THAILAND+\(B.E.+2560+\(2017\)\).pdf](http://constitutionnet.org/sites/default/files/2017-05/CONSTITUTION+OF+THE+KINGDOM+OF+THAILAND+(B.E.+2560+(2017)).pdf), Section 247.

¹¹⁵ Meeting in person with the National Human Rights Commission of Thailand, 11 January 2023, Bangkok

¹¹⁶ Meeting in person with the National Human Rights Commission of Thailand, 11 January 2023, Bangkok

¹¹⁷ Prachatai, “กสม. ชงข้อเสนอถึง สตช.-ยธ.-พม. แก้ปัญหาละเมิดสิทธิเด็กกรวมชุมนุมและเปิดพื้นที่เจรจาที่ปลอดภัย” 10 September 2021, prachatai.com/journal/2021/09/94937.

¹¹⁸ Prachatai, “กสม. ชงข้อเสนอถึง สตช.-ยธ.-พม. แก้ปัญหาละเมิดสิทธิเด็กกรวมชุมนุมและเปิดพื้นที่เจรจาที่ปลอดภัย” (previously cited)

5.2 CHILD PROTECTION GONE WRONG

Amnesty International believes that child protection powers were used to stifle, rather than protect, the rights to freedom of expression and peaceful assembly.

On 15 April 2022, three child activists – including Anna and a 13-year-old and a 17-year-old activist – were physically dragged and carried out of a restaurant at Democracy Monument by female police officers because royal family members were scheduled to travel past the area. The authorities who took them away included approximately 20 – 30 police officers, and officials from the MSDHS. The three were taken to the MSDHS’s building and subsequently transferred to the Police Club on Vibhavadi Rangsit Road. They were held for approximately five and a half hours at the Police Club before being released without charge in the evening.¹¹⁹



Visual illustration of Anna being carried out of a restaurant at Democracy Monument by female police officers / © Amnesty International / Summer Panadd

Anna told Amnesty International, “*This experience raised serious doubts in the independence of the MSDHS for me. They are mandated to protect children. Why wouldn’t they protect us?*”¹²⁰

The MSDHS informed Amnesty International that the ministry’s officials were merely following the mandate under the Child Protection Act to prevent “children at risk” from violating the law.¹²¹ When Amnesty International asked about the criteria by which the MSDHS assessed the “risk,” the ministry said that there was no clear criteria. Rather, they often simply follow a recommendation from police authorities.¹²²

Under Article 30 (2) of the Child Protection Act, competent officials are legally authorized to detain a child and ask them about their backgrounds at their office for up to 12 hours in case the official suspects the child needs “assistance or welfare protection”.¹²³ However, this incident demonstrates how child protection authorities used their pre-emptive powers to obstruct the exercise of freedom of expression and peaceful assembly in the name of child protection.

¹¹⁹ TLHR, “ควบคุมตัว 3 เด็ก-เยาวชน ขณะกินแมค อังมีเหตุติดการรณรงค์ทวงคืน #ขบวนการเสด็จ อีกด้านสกัด “มังกรปฐวีติ” รับเสด็จ 1 ในผู้ชุมนุมถูก ตร.ทำร้ายจนฟันเป็น-
แฉ่นแตก” 4 April 2022, tlhr2014.com/archives/42539.

¹²⁰ Interview in person with Anna, 23 September 2022 (previously cited)

¹²¹ Meeting in person with MSDHS representatives from the Department of Children and Youth, (previously cited)

¹²² Meeting in person with MSDHS representatives from the Department of Children and Youth, (previously cited)

¹²³ Thailand, Child Protection Act, 2003, thailandlawonline.com/thai-family-and-marriage-law/child-protection-act, Article 30(2).

In another example, following a protest at Din Daeng Intersection on 22 August 2021, the Royal Thai Police threatened to charge parents of protesters under this Act, which provides for the maximum sentence of three months' imprisonment and/or a fine up to 30,000 THB.¹²⁴ Amnesty International has not received information that the authorities actually enforced this law in order to prosecute parents, but such an announcement pressured parents to discourage their children to exercise their right to freedom of peaceful assembly.

5.3 “WE CAN’T TRUST THEM UNLESS THEY LISTEN TO US”

None of the children interviewed by Amnesty International has used the existing domestic mechanisms to file complaints about criminalization, intimidation, surveillance, and violence they faced after participating in protests. Amnesty International confirmed with the aforementioned government agencies that they had not processed individual cases related to children's right to peaceful assembly. The main reason was the prevailing distrust among child protesters about the independence and effectiveness of these mechanisms.

“Child protection authorities need to show their genuine will to protect us. Stop facilitating human rights violations against child protesters in the name of protecting us. When they do so, maybe children will gain more trust in their institutions,” said Noi, a 15-year-old protester.¹²⁵

LGBTI human rights defender Petch expressed frustrations over government agencies' failure to actively monitor and reach out to children facing criminal charges due to their protest activities: *“These government agencies never cared about my problems. They never checked on me or asked how my trials are going. I feel like they would never protect me from state violence.”*¹²⁶

“I have heard of these organizations, but I still don't use their mechanisms because I'm not sure how much I could trust them. I just want them to follow their mandates more rigorously. Follow your duty by protecting us,” said Phuket-based Pattaraporn who faced a charge under the Emergency Decree after joining a “car mob” protest, a mass demonstration where protesters blocked the roads and drove cars or motorcycles to certain locations together in part to prevent the spread of Covid-19, on 24 July 2021 when she was 17 years old.¹²⁷

¹²⁴ Bangkok Business, “เอาผิด ‘ผู้ปกครอง’ ปลดอยเด็กร่วมม็อบดินแดง ทุก 3 เดือน ปรับ 3 หมื่น” 23 August 2021, bangkokbiznews.com/politics/956173.

¹²⁵ Interview by voice call with Noi (Real name withheld for security reasons), Child protester, 10 October 2022.

¹²⁶ Interview in person with Thanakorn “Petch” Phiraban (previously cited)

¹²⁷ Interview by voice call with Pattaraporn (Full name withheld for security reasons), Child protester, 11 October 2022.

6. RELEVANT INTERNATIONAL HUMAN RIGHTS LAWS

In most jurisdictions, children do not enjoy full legal capacity as adults and lack political power or representation in traditional state structures.¹²⁸ Due to the particular status of children, their rights to engage in protests have become increasingly recognized and strengthened under international law. The UN Committee on the Rights of the Child (CRC Committee) remarked that children “may have an enhanced right to participate in peaceful assemblies because they are generally unable to vote, and therefore peaceful assembly is a means to bring about change.”¹²⁹

6.1 CHILDREN’S RIGHT TO PEACEFUL ASSEMBLY UNDER INTERNATIONAL LAW

Children’s participation in peaceful protests is protected under international human rights law by two key human rights treaties, the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child (CRC), to which Thailand is a State Party. Article 21 of the ICCPR 6 recognizes the right to freedom of peaceful assembly for every person without discrimination. The CRC’s Article 15 echoes this principle, affirming that state parties must recognize the right of the child to freedom of peaceful assembly. Both articles provide that restrictions may be imposed “*in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.*”¹³⁰

Freedom of expression constitutes a critical basis for the full enjoyment of the right to freedom of peaceful assembly. This includes the rights to seeking, receiving, and imparting information and ideas of all kinds guaranteed under Article 19 of the ICCPR and Article 13 of the CRC. According to the UN Human Rights Committee’s General Comment No. 34 on freedom of opinion and expression, “the harassment, intimidation or stigmatization of a person, including arrest, detention, trial or imprisonment for reasons of the opinions they may hold, constitutes a violation of article 19, paragraph 1 [of the ICCPR].”¹³¹ Furthermore, in response to the use of lèse-majesté and similar laws around the world, the Human Rights Committee added that the highest political authority such as heads of state and government are “legitimately subject to criticism and political

¹²⁸ Anita Danka, “The Right of Children to be Heard through Peaceful Protests”, Cambridge University Press, 24 January 2020, [cambridge.org/core/books/abs/european-yearbook-on-human-rights-2019/right-of-children-to-be-heard-through-peaceful-protests/0F7FC2A7DFAB93E02400E76BFB40604C](https://www.cambridge.org/core/books/abs/european-yearbook-on-human-rights-2019/right-of-children-to-be-heard-through-peaceful-protests/0F7FC2A7DFAB93E02400E76BFB40604C), p.408.

¹²⁹ Committee on the Rights of the Child, Comments on Human Rights Committee’s Revised Draft General Comment No. 37 On Article 21 (Right of Peaceful Assembly) of the International Covenant on Civil and Political Rights, UN Doc. [ohchr.org/sites/default/files/Documents/HRBodies/CCPR/GCArticle21/EXPERTS_CRC.pdf](https://www.ohchr.org/sites/default/files/Documents/HRBodies/CCPR/GCArticle21/EXPERTS_CRC.pdf), p. 4

¹³⁰ Convention on the Rights of the Child (CRC), Article 15 (2).

¹³¹ Human Rights Committee, General Comment No. 34: Article 19: Freedom of opinion and expression. 12 September 2011, UN Doc. CCPR/C/GC/34, [ohchr.org/english/bodies/hrc/docs/gc34.pdf](https://www.ohchr.org/english/bodies/hrc/docs/gc34.pdf), para 9.

opposition.”¹³² Accordingly, children engaging in such criticism or an act of political opposition in a peaceful manner shall never be subject to any criminal justice interventions.

Children’s right to peaceful assembly is also closely linked to their right to be heard and participate in matters affecting their lives (Article 12 of the CRC). Amnesty International reiterates the CRC Committee’s position that “[t]he fact that the child is very young or in a vulnerable situation (e.g. has a disability, belongs to a minority group, is a migrant, etc.) does not deprive him or her of the right to express his or her views, nor reduces the weight given to the child’s views in determining his or her best interest.”¹³³ Following the principle of the right to be heard, Thailand, as a State Party of the CRC, must ensure that children can form and express views freely in all matters affecting their lives. Thai authorities should give due weight to the children’s views in accordance with their evolving capacities, especially when it comes to determining their best interests.

Article 2 of the CRC also guarantees that all children shall enjoy the rights enshrined in the convention, including those related to peaceful assembly, “without discrimination of any kind”. The UN Special Rapporteurs on the rights to freedom of peaceful assembly and of association and on extrajudicial, summary or arbitrary executions reiterated this principle in a joint report on the management of assemblies issued on 4 February 2016, stating, “*Particular effort should be made to ensure equal and effective protection of the rights of groups or individuals who have historically experienced discrimination. This includes women, children and young people, persons with disabilities, non-nationals (including asylum seekers and refugees), members of ethnic and religious minorities, displaced persons, persons with albinism, indigenous peoples and individuals who have been discriminated against on the basis of their sexual orientation or gender identity [...]*.”¹³⁴ Therefore, Thailand is required to implement measures to protect children from Indigenous communities or other minority groups from being penalized for exercising their legitimate rights to participate in protests.

Moreover, it is crucial to note that according to Article 3(1) of the CRC, State Parties must always prioritize consideration of the “best interests of the child” in every action it takes, including those in relation to children’s participation in protests.”¹³⁵ However, the CRC Committee also noted in General Comment No. 13 (2011) on the right to protection from all forms of violence that “an adult’s judgment of a child’s best interests cannot override the obligation to respect all the child’s rights under the [CRC].”¹³⁶ Under Article 3(1), State parties have three-fold obligations: (i.) To ensure the child’s best interests are “appropriately integrated and consistently applied in every action taken by a public institution,” (ii.) to ensure that all judicial and administration decisions as well as policies and legislation concerning children demonstrate that the child’s best interests have been a primary consideration,” and (iii.) to ensure that the interests of the child have been assessed and taken as a primary consideration in decisions and actions taken by the private sector [...].”¹³⁷

To fulfill state obligations under Article 3(1) of the CRC, State parties must not omit or fail to take any actions that would have served the child’s best interests.¹³⁸ On the other hand, public institutions must further ensure that the principle of the “best interests of the child” is not misused to justify practices “which conflict with the child’s human dignity and right to physical integrity.”¹³⁹ Any interpretation of this principle needs to be consistent with the rights enshrined in the CRC.¹⁴⁰

6.2 CHILDREN’S RIGHTS IN THE CHILD JUSTICE SYSTEM

Under international human rights law, no one, including children, should be charged, prosecuted, or punished for protesting peacefully. However, if children end up in conflict with offenses recognized under international and domestic laws, Article 40 (1) of the CRC stipulates that they must be “*treated in a manner consistent with*

¹³² Human Rights Committee, General Comment No. 34: Article 19: Freedom of opinion and expression., para 38.

¹³³ CRC Committee, General Comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3 para.1), 29 May 2013, UN Doc. CRC/C/GC/14, para 54.

¹³⁴ UN HRC, Joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies, 4 February 2016, UN Doc. A/HRC/31/66, documents-dds-ny.un.org/doc/UNDOC/GEN/G16/018/13/PDF/G1601813.pdf?OpenElement.

¹³⁵ Convention on the Rights of the Child (CRC), Article 3 (1).

¹³⁶ CRC Committee, General Comment No. 13 (2011) on the right to protection from all forms of violence, 18 April 2011, UN Doc. CRC/C/GC/13, Para 61.

¹³⁷ CRC Committee, General Comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3 para.1), para 14 (previously cited).

¹³⁸ CRC Committee, General Comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3 para.1), para 18 (previously cited).

¹³⁹ CRC Committee, General Comment No. 13 (2011) on the right to protection from all forms of violence, Para 61 (previously cited).

¹⁴⁰ CRC Committee, General Comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3 para.1), para 51 (previously cited).

the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society."¹⁴¹

In particular, children are entitled to the protection of their rights to fair treatment and trial under Article 14 of the ICCPR and Article 40 (2) (b) (iii) of the CRC. For example, every child (and their parents, if appropriate) should be informed promptly and directly of the charges brought against them.¹⁴² Authorities should also help the child understand the charges, options, and processes with an oral explanation that is child friendly.¹⁴³ The state must ensure the protection of these rights for those experiencing communication barriers. For example, children who cannot speak the language used in the justice system should receive free interpretation at all stages of the process.¹⁴⁴

Thailand's current focus on behavioural changes and rehabilitation, instead of punishment, for children entering the justice system aligns well with the general principles laid out in the United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules").¹⁴⁵ However, additional domestic mechanisms established for the child justice system, such as the counselling services at the juvenile detention centres or the juvenile and family courts, should operate in line with international human rights laws and standards, and more importantly, in the best interests of all children from diverse backgrounds. According to the CRC Committee's General Comment No. 24 (2019) on children's rights in the child justice system, states have the obligation to provide "continuous and systematic training of professionals in the child justice system" in order to guarantee these rights.¹⁴⁶ Importantly, the CRC Committee affirms the importance of safeguarding children from discrimination in the justice system and protecting "children who are discriminated against on the basis of sexual orientation or gender identities".¹⁴⁷

Under Article 12 (2) of the CRC, children above the minimum age of criminal responsibility have the right to be heard and to participate in the justice system, including during court proceedings, by expressing their views freely.¹⁴⁸ The children's views should be respected and implemented at every stage of the child justice system.¹⁴⁹ To guarantee this right, the state must ensure the use of child-friendly language, attire, and layouts of interviewing spaces and courts, as well as support from appropriate adults.¹⁵⁰

The Committee in several iterations provides that child justice hearings should be "conducted behind closed doors" to fully respect the child's privacy.¹⁵¹ However, exceptions may be made in a limited manner if it is clearly outlined in national legislation and serves the best interests of the child.¹⁵² Considering the principle of the right to be heard mentioned above, the court can exercise its discretion to allow for limited court observation by appropriate adults upon free, prior, and informed consent by the child offender if the child believes that their presence in the courtroom is in their best interests.

6.3 POSITIVE OBLIGATIONS OF THE STATES

While international human rights law recognizes children as competent to express views and participate in decision-making in accordance with their evolving capacities, it also acknowledges their vulnerabilities and the risks associated with the exercise of their right to peaceful assembly. Accordingly, states are not only prohibited from violating children's right to peaceful assembly. They also have positive legal obligations to protect children from the violations of their right to peaceful assembly, as well as facilitate their exercise of such rights to the full extent.

States should remove constraints posing obstacles to children's enjoyment of their right to peaceful assembly to meet this obligation. For example, legislation prohibiting children from joining protests or criminalizing expression should be amended or repealed in accordance with international human rights laws and standards.

¹⁴¹ CRC, Article 40 (1).

¹⁴² CRC Committee, General Comment No. 24 (2019) on children's rights in the child justice system, 18 September 2019, UN Doc. CRC/C/GC/24, para 47-8

¹⁴³ CRC Committee, General Comment No. 24 (2019) on children's rights in the child justice system (previously cited)

¹⁴⁴ CRC Committee, General Comment No. 24 (2019) on children's rights in the child justice system, para 64 (previously cited)

¹⁴⁵ United Nations Standard Minimum Rules for the Administration of Juvenile Justice, para 1.2-1.3.

¹⁴⁶ CRC Committee, General Comment No. 24 (2019) on children's rights in the child justice system, para 39 (previously cited)

¹⁴⁷ CRC Committee, General Comment No. 24 (2019) on children's rights in the child justice system, para 40 (previously cited)

¹⁴⁸ CRC Committee, General Comment No. 12 (2009) on the right of the child to be heard, 20 July 2009, UN Doc. CRC/C/GC/12, para 57.

¹⁴⁹ CRC Committee, General Comment No. 12 (2009) on the right of the child to be heard (previously cited)

¹⁵⁰ CRC Committee, General Comment No. 24 (2019) on children's rights in the child justice system, para 46 (previously cited)

¹⁵¹ See for example CRC, Article 40 (2) (b) (vii) which has been expanded in the CRC Committee, General Comment No. 12 (2009) on the right of the child to be heard, para 61 and CRC Committee, General Comment No. 24 (2019) on children's rights in the child justice system, para 66

¹⁵² CRC Committee, General Comment No. 12 (2009) on the right of the child to be heard, para 61 (previously cited)

In the Thai context, such laws may include criminal provisions used for targeting child protesters, such as the lèse-majesté law, the sedition law, or the Computer Crimes Act. Children facing violence either by state or non-state actors in the context of public assemblies should also receive active protection by states.¹⁵³

Moreover, it is important for states to set up independent and transparent oversight bodies that can investigate violations and provide remedies to children in protest. The CRC Committee recommends that states should “provide mechanisms for complaints of breaches of children’s rights of peaceful assembly, provide assistance and ensure effective remedies where their rights are violated.”¹⁵⁴ The UN Human Rights Committee states in its General Comment No. 37 states: “States parties must ensure independent and transparent oversight of all bodies involved with peaceful assemblies, including through timely access to effective remedies, including judicial remedies, or to national human rights institutions, with a view to upholding the right before, during and after an assembly.”

The CRC Committee further instructs that public officials should receive adequate training on children’s rights in public assemblies. Importantly, the management of public assemblies by law enforcement authorities should take into account children’s rights at all stages of planning and decision-making. Such training should enable the authorities to provide protection and facilitate children’s full enjoyment of their rights to participate in peaceful assemblies.

¹⁵³ Committee on the Rights of the Child, Comments on Human Rights Committee’s Revised Draft General Comment No. 37 On Article 21 (Right of Peaceful Assembly) of the International Covenant on Civil and Political Rights, p. 6 (previously cited)

¹⁵⁴ Committee on the Rights of the Child, Comments on Human Rights Committee’s Revised Draft General Comment No. 37 On Article 21 (Right of Peaceful Assembly) of the International Covenant on Civil and Political Rights, p. 6 (previously cited)

7. CONCLUSION AND RECOMMENDATIONS

Between 2020 and 2022, the Thai authorities perceived child protesters as “troublemakers” and resorted to various means of repressing children’s right to peaceful assembly. Amnesty International found that children were targeted before, during, and after their participation in protests. Before protests, they were subject to combined pressure from the authorities and parents to stay away from protests. At the protests, they often faced high risks of violence, particularly during police crackdowns. Many children faced charges for their involvement in peaceful assemblies, including of serious criminal offenses that can result in more than ten years of imprisonment. Moreover, the criminal justice procedures for children did not always serve the children’s best interests and protect them from violations of their right to peaceful assembly. Amnesty International also documented various cases of intimidation and surveillance of child activists by the authorities.

Thailand’s existing domestic institutions could not protect children from these human rights violations, nor provide them with effective remedies, as shown throughout this report. Moreover, Amnesty International recorded one incident in which child protection powers were exercised by the authorities to curb children’s right to peaceful assembly. Furthermore, most children interviewed by Amnesty International reported distrust in government mechanisms for child protection.

These findings reflect that Thailand is not fully compliant in its international human rights obligations to respect, protect, and fulfil children’s right to peaceful assembly. To address key issues presented in this report, Amnesty International makes the following recommendations to the Government of Thailand, including all law enforcement agencies, the Ministry of Social Development and Human Security, the Ministry of Education, and the National Human Rights Commission of Thailand. These recommendations should be implemented without undue delay to ensure effective protection of children’s right to peaceful assembly in Thailand.

7.1 TO THE THAI GOVERNMENT

- Ensure a consistent national approach in protecting, respecting, and fulfilling children’s interlinked rights contributing to their abilities to participate in peaceful assemblies in line with international human rights law;
- Ensure that law enforcement and other relevant officials are trained on children’s rights in peaceful assemblies;
- Ensure children are actively protected from any harm in the context of public assemblies, through nuanced and innovative approaches rather than unnecessary restriction of their rights;
- Amend or repeal problematic provisions of laws used to target peaceful child protesters, including the lèse-majesté law (Article 112 of the Criminal Code), the sedition law (Article 116 of the Criminal Code), the Public Assembly Act, and the Computer Crimes Act. In case of

amendment, the laws should contain safeguards against potential abuses that can affect children's right to peaceful assembly and be in line with international human rights law;

- Provide effective remedies to the child protesters who were victims of unlawful use of force or harassment, intimidation, and surveillance by law enforcement authorities;
- End criminal proceedings against child protesters charged for their participation in peaceful assemblies or for the exercise of their right to freedom of expression.

7.2 TO ALL LAW ENFORCEMENT AUTHORITIES

- Protect children exercising their right to peaceful assembly and facilitate the full enjoyment of their rights;
- Refrain from arresting and prosecuting children for their participation in peaceful assemblies;
- Ensure that protesters receive treatment in line with international human rights laws and standards;
- If specific children are reasonably suspected of having perpetrated violence, they should be dealt with in conformity with child justice processes according to international standards, including the principle that the arrest or detention of a child must be used only a measure of last resort and for the shortest possible time;
- Investigate and prosecute law enforcement officials suspected of responsibility for unlawful use of force, as well as harassment, intimidation, and unlawful surveillance of child protesters, in proceedings that accord with international fair trial standards;
- Provide appropriate training and protocols to all officers for dealing with child protesters in line with international human rights standards;
- Refrain from using the Child Protection Act to charge parents as a way to prevent children's participation in protests.

7.3 TO THE MINISTRY OF SOCIAL DEVELOPMENT AND HUMAN SECURITY

- Promptly and effectively investigate allegations of any ill-treatment of children involved in protests by state officials and non-state actors through Bangkok and provincial child protection committees per Section 20 of the Child Protection Act;
- Provide financial and housing support for children facing domestic violence due to their involvement in protests and prosecute parents who committed the violence;
- Establish child-friendly, easily accessible channels for reporting ill-treatment and domestic violence for children involved in protests. These channels must guarantee the protection of privacy and personal data of children who reported the violations to prevent potential reprisals;
- Carry out awareness-raising activities for families whose children are involved in peaceful assemblies to assist them in their role of protecting and empowering children;
- Never use child protection mechanisms for discouraging or preventing children from joining peaceful assemblies and investigate misuse of child protection powers that violate children's right to peaceful assembly;
- Ensure the accountability, including through investigating and taking disciplinary and other legal actions, against the ministry's officials who violated children's right to peaceful assembly.

7.4 TO THE MINISTRY OF EDUCATION

- Carry out civic education initiatives to ensure that children, parents and teachers are aware that children have a right to participate in peaceful assemblies, including by integrating the promotion of children's right to peaceful assembly into mandatory school curriculum;

- Civic education should also ensure that children are aware of the risks to being involved in peaceful assemblies, especially that public protests can turn violent, so they can make informed decisions whether to participate;
- Carry out more outreach to raise awareness about the ministry's existing complaint mechanism;
- Ensure the accountability, including through investigating and taking disciplinary and other legal actions, against the ministry's officials, teachers, and school authorities who violated children's right to peaceful assembly

7.5 TO THE NATIONAL HUMAN RIGHTS COMMISSION OF THAILAND

- Investigate individual cases of child protesters facing criminalization, unlawful use of force or harassment, intimidation, and surveillance by law enforcement authorities in order to make additional concrete recommendations to address these ongoing human rights issues;
- Continue carrying out active monitoring and evaluation of recommendations on children's right to peaceful assembly made to other government agencies and ensure outcomes are publicly available and accessible;
- Carry out awareness raising so that children are aware of the NHRCT's complaint mechanism.

ANNEX A: GOVERNMENT AGENCIES' RESPONSES

Amnesty International views the Thai government as an important partner for collaborating to ensure that Thailand meets its international human rights obligations with regards to children's right to peaceful assembly. This report aims to serve as a bridge for Amnesty International to begin an open and constructive dialogue with relevant government agencies to address ongoing human rights violations and strengthen Thailand's protection of children participating in peaceful protests. Upon completing this research report, Amnesty International, on 19 December 2022, wrote to six government agencies, including the Office of the Prime Minister, the Royal Thai Police, the Ministry of Justice, the Ministry of Education, the Ministry of Social Development and Human Security, and the National Human Rights Commission of Thailand. Each letter provides detailed findings of the research, including specific recommendations to each government agency, as well as offered an opportunity for the Thai authorities to provide additional explanation and information about their roles in protecting children's right to peaceful assembly and/or any relevant official commitments.

Three government agencies which include the Prime Minister Office, the National Human Rights Commission of Thailand and the Ministry of Justice, responded to Amnesty International's letter. Amnesty International has translated the responses into English and included them in the annex below:

The Office of the Permanent Secretary, Prime Minister's Office



REF: Nor Ror 0105.05/40021

The Office of the Permanent
Secretary, The Prime Minister's Office,
Government House, Bangkok 10300

5 January 2023

Subject: Recommendations to the Royal Thai Government to take action regarding protection of children's rights to peaceful assembly

To: Mrs. Meg de Ronde

Reference: Your petition dated 19 December 2022

In reference to your petition dated 19 December 2022 regarding recommendations to the Royal Thai Government to take action to protect children's rights to peaceful assembly, details as you are aware of.

The Office of the Permanent Secretary under the Prime Minister's Office has forwarded your case to the Ministry of Justice and the Royal Thai Police, which are tasked and authorized to be responsible for the issues contained in your petition. This is for their information in consideration of taking any further action.

For your kind acknowledgement.

Yours sincerely,

(Ms. Naline Mahakhan)

Director, Center of Public Service
for Permanent Secretary for the Prime Minister's Office

Center of Public Service

Tel.: 0 2283 1271, The Government's hotline: 1111

Fax: 0 2283 4525, Email: ccc_opm@opm.mail.go.th

Coordinator: Mr. Mathurose Mooyai, REF: Nor Ror 01650004802

Department of Rights and Liberties Protection, Ministry of Justice



REF: Yor Tor 0405.05/0199

Rights and Liberties Protection
Department
404, Chaengwattana Road,
Thung Song Hong Subdistrict,
Lak Si District, Bangkok, 10210

9 January 2023

Subject: Additional information for Amnesty International's report about protection of children's rights in peaceful protest in Thailand

To: Director, East Asia and Southeast Asia and the Pacific Regional Office, Amnesty International

Reference: Letter TG ASA 39/2022.3651 dated 19 December 2022 from East Asia and Southeast Asia and the Pacific Regional Office, Amnesty International

In reference to your letter, you have notified the Ministry of Justice about your findings re protection of children in peaceful protest in Thailand. You have also requested the Ministry of Justice to provide additional information concerning its operations in relation to such findings, details are you are aware of.

On behalf of the Ministry of Justice, the Rights and Liberties Protection Department would like to inform you as follows:

1. Operational framework to promote and protect the rights in peaceful protest: Thailand attaches importance to the promotion and protection of human rights, including the people's freedom of opinion, expression and assembly given these are fundamental rights for the democratic society, as enshrined in the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR). Further, Thailand guarantees these rights in the 2017 Constitution. Additionally, the Rights and Liberties Protection Department works on behalf of the Ministry of Justice to formulate 5th (draft) human rights action plan (2023 - 2027). To draw a framework to facilitate the promotion and protection of human rights for various agencies, we incorporate the human right plans on politics and governance to promote and protect the right to participation in public decision-making together with the human right plan on child protection and development.

2. Knowledge and understanding enhancement about the rights in peaceful protest: The Ministry of Justice by the Rights and Liberties Protection Department continuously disseminates human rights knowledge as well as freedom of opinion, expression and assembly to all sectors in different forms i.e. conferences, trainings, seminars, communication materials, and online media, etc. The purposes are to educate and build an understanding for law enforcement agencies about best practices in handling protest situations in accordance with international standards, particularly, a guarantee of the rights of the protesters during arrest, detention and trial including restrictions of the rights in peaceful protest and duties and authorities of law enforcement agencies, hoping that all agencies would apply these as guidelines in their operations. The Rights and Liberties Protection Department has a plan to disseminate knowledge regarding international standards on best practices in handling protest situations to the law enforcement officers in the regions of Thailand.

3. Prosecution against children participating in protest: Charges, prosecution and application on provisional release are proceeded based on legal basis, without a purpose to restrict rights and liberties or abuse to target the dissidents. All prosecutions against the offenders have been proceeded after investigation and evidence gathering to prove guiltiness as alleged in allegations. Furthermore, the trials are in line with the due process of law. Like other criminal cases, the alleged offenders are entitled to the same rights, including the right to appeal and submit a petition for a royal pardon. Regarding a provisional release, the right to bail or provisional release during trial prior to final verdict announcement is a human right as enshrined in the 2017 Constitution which stipulates that detention of the alleged offenders or defendants shall be permitted only if necessary and to prevent escape. These rights are also enshrined in the Criminal Procedure Code. The provisional release is subject to the Court of Justice's discretion. The drastic or abated charge will significantly be taken into the Court's adjudication. In case of dismissal of an application for provisional release, the applicants are eligible to file an appeal or re-apply for provisional release.

4. Assistance and remedies for the victims: Section 25, paragraph 4, Chapter III on Rights and Liberties of the Thai People, Thailand's 2017 Constitution, stipulates that "Any person injured from the violation of his or her rights or liberties or from the commission of a criminal offence by another person, shall have the right to remedy or assistance from the State, as prescribed by law." Hence the injured persons or disable persons, resulted from the officials' protest crackdown, are eligible to pursue financial support or compensation. Consideration of damages is in accordance with the criteria, methods, conditions and relevant legal provisions e.g. the "Damages for the Injured Persons and Compensation and Expenses for the Accused in Criminal Cases Act B.E. 2544" and the "Justice Fund Act B.E. 2558".

For your kind acknowledgement.

Yours sincerely,



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Additional information about Amnesty International's findings, according to the NHRCT's role to protect, monitor and promote human rights

1. During 2020 – 2022, the NHRCT constantly received the complaints requesting for investigation concerning alleged human rights violations occurred in the people's political demonstrations and children's freedom of expression. In this regard, the NHRCT carried out thorough investigations by observing at the protest sites and gathering relevant information and evidence. Based on the petitions received between 2020 and 2022, an overall situation was the government and state agencies, as the complainees, have abused their power to intervene and restrict the people's freedom to peaceful assembly i.e. enforcement of special laws during the protests, use of violence to control and crackdown on protests, use of violence to arrest and apprehend the protest leaders without concerning about their rights as stipulated by law, violation of the people's right to privacy in many cases, etc. Children or youth leaders also filed their complaints e.g. representatives from Coalition of Salaya for Democracy, KU Daily and Democracy Restoration Group.

2. Apart from receiving the complaints, the NHRCT also monitored and followed the situations of political demonstration closely. We observed the political demonstrations at the protest sites with the Reconciliation Committee on 24 June 2021 in front of the Government House, as well as protest sites across Bangkok. We also observed the protest site at Din Daeng Junction on 7 August 2021 and 13 September 2021 accordingly.

On 31 October 2021, we observed "The People's demand to abolish 112" political demonstration at Ratchaprasong Intersection, Pathumwan District, Bangkok. Prior to the protest took place, the NHRCT made an inquiry to the police authority about their guideline in managing the protest and underlined international standards and human rights principles. Moreover, the NHRCT had a chance to talk with and receive information from the volunteers from Amnesty International Thailand's "Child in Mob" project. The volunteers were responsible for security surveillance and distribution of wristbands as children and youths symbol, in order to secure a safe space for exercising freedom of peaceful assembly for children and youths.

In monitoring and following the protest situations, whenever the NHRCT found potential human rights violations caused by actions or refrain from certain actions, the NHRCT undertook examinations of such incidents together with complaints and produced the outcomes in one report. Between 2020 and 2022, the NHRCT published five reports relating to political demonstrations, namely investigation reports no. 89-97/2564, 184-185/2564, 203-214/2564, 6/2565 and 114-115/2565. Please scan QR Codes for more details.

	Investigation report no. 89-97/2564 http://docs.nhrc.or.th/uploads/63911-4.pdf
	Investigation report no. 184-185/2564 http://docs.nhrc.or.th/uploads/21756-2.pdf
	Investigation report no. 203-214/2564 http://docs.nhrc.or.th/uploads/21185-1.pdf
	Investigation report no. 6/2565 http://docs.nhrc.or.th/uploads/44720-6_2565-104_2564.pdf
	Investigation report no. 114-115/2565 http://docs.nhrc.or.th/uploads/71051-3.pdf

3. On 30 August 2021, the NHRCT organized a public consultation on “Children rights and the protest situations”, to exchange information on situations, challenges and solutions to address violations against children’s rights including the protection of human rights and safety for children in the protest situations, to be in compliance with the Convention on the Rights of the Child or CRC. The participants were from all sectors: government, civil society, media, academic as well as psychologists. On 10 September 2021, the NHRCT proposed summary and recommendations resulted from the consultation to relevant agencies such as the Royal Thai Police, the Ministry of Justice, and the Ministry of Social Development and Human Security. The purposes were to collectively find solutions and open a space for exercising rights and liberties; formulate decent practices and approaches towards children treatment and youths in the protest sites; establish appropriate preventive measures by considering safety in exercising the freedom of assembly; clearly separate groups of protesters resorting violence and non-violent protesters; carry out trainings for the crowd-controlling police to perform their duties in line with international standards with specific practices that are responsive to children and youths; monitor, prevent and protect dissemination of information concerning privacy of children aged below 18; and establish preventive measures against stigmatization, bully and online hatred targeting the dissidents.

4. On 2 November 2021, the NHRCT had a meeting with the representatives from various agencies participating in aforementioned public consultation to follow-up on the implementation progress of the

NHRCT's recommendations. The representatives expressed their opinions in consistent with the recommendations previously recommended by the NHRCT. The meeting also covered a discussion on potential collaborations among relevant agencies to protect the right to peaceful protest and children's safety in the protest sites.

5. In term of assessing the outcomes, the NHRCT has a mechanism through the "NHRCT Regulation Assessing Outcomes of Human Rights Implementation B.E. 2564" which contains measures, procedures and timeframe in following up on human rights implementation. Additionally, the NHRCT establishes a working group to follow up on the implementation of the relevant agencies based on measures or recommendations produced by the NHRCT and the working group on report writing on human rights implementation. The purposes are to recap and analyze the NHRCT's progress on human rights implementation, as well as produce a report on the progress of human rights implementation on yearly basis.

6. The NHRCT takes action to promote and raise awareness about its roles, duties and achievements through a weekly press briefing, dissemination of statements and public relations as well as cooperation with the network by signing the Memorandum of Understanding (MOU) between the NHRCT and UNICEF Thailand to establish a cooperative mechanism to promote and protect the children's rights e.g. information exchange on the situations of children's rights, trainings and curriculum development on children's rights, communication materials on knowledge enhancement and other activities — for knowledge and understanding enhancement and awareness raising to promote and protect children's rights.

International Human Rights Obligations and Standards Subdivision
International Human Rights Affair Bureau
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“WE ARE RECLAIMING OUR FUTURE”

CHILDREN’S RIGHT TO PEACEFUL ASSEMBLY IN THAILAND

We Are Reclaiming Our Future examines key human rights issues and obstacles impeding children’s full enjoyment of their right to peaceful assembly for in the context of nationwide demonstrations across Thailand between 2020 and 2022. Amnesty International found that children continued to experience criminalization intimidation, surveillance, and other forms of violence due to their involvement in protests. Meanwhile, domestic child protection mechanisms remained ineffective and lack independence in carrying their works to uphold children’s right to peaceful assembly.

In light of these findings, the Thai government must step up its efforts to protect children in protests and strengthen its domestic laws, mechanisms, and institutions to ensure justice, provide remedies, and foster a safe and enabling environment for children to exercise their right to peaceful assembly in line with international human rights laws and standards.