

# Justice and Peace

Newsletter of the Catholic Commission for Justice and Peace (Thailand)

2007 Issue #2

## Table of Contents

CCJP On The Move ..... 1 - 5

Feature :

Report on 10 Progresses and 10 Declines in Human Rights Situation in Thailand for 2007 ..... 6  
Internal Security Action??? ..... 8



The JP Newsletter is published twice a year by the Catholic Commission for Justice and Peace, Thailand (CCJP.) It features the work of the CCJP and of the human rights situation in Thailand. Bylined articles do not necessarily reflect the official position of the CCJP.

2492 Prachasongkroh 24 Road  
Huaykwang, Bangkok  
10400 Thailand

Telephone : (66 2) 277.4625  
Fax : (66 2) 692.4150  
E-mail : [jpthai@jpthai.org](mailto:jpthai@jpthai.org)  
Website : <http://www.jpthai.org/>

### Editorial Working Group:

Achara Somsaengsuang  
Thanyalak Navalaksanakavi

## Case Study on 'Impacts of Mainstream Development Policies on Human Development Based on the Teaching of the Church' on the occasion of the 40th anniversary of Papal encyclical 'Populorum Progressio' in 2007

The staff members of Catholic Commission for Justice and Peace (CCJP) and Catholic Commission for Human Development (CCHD) have visited communities of Baan Kokesa-ard at Kusumal District, Sakonnakhon Province, Baan Khunpae at Chomthong District, Chiangmai Province, Tha Pakchi at Wangnamyen District, Srakaew Province, and Baan Thung Maprao at Kraburi District, Ranong Province. They have gathered information on physical characteristics, history, economic, social, political, religious and cultural conditions. They have also gathered information on situation and problems of the communities from the past up to present, the introduction of development work promoted by diocesan social action centres (DISACs), state agencies and other non-government organisations, as well as impacts of various development projects. After obtaining the information, the staff has analysed impacts of development policies of the state on local communities and relationship of the community members to draw lessons on social development promoted by the Church for local communities and DISACs as direction for development and improvement of the work of DISACs.

The result of this study was then presented in an annual seminar on the occasion of the general assembly of CCHD on August 14, 2007 at Baan Phu Waan, Sampran District, Nakhonpathom. The study has found that the mainstream

(continue to next page)



Ms. Achara Somsaengsuang, secretary general of CCJP (right) and the staff (left) present result of the case study that CCJP mutually conducted with CCHD



Bishop Banchong Chaiyara, chairperson of CCJP, celebrates the Holy Mass of Thanksgiving for Life.

(continue from firstpage)

development policies based on liberal economy or capitalism, have pushed the people to be badly indebted. This indebtedness is the weakness of community. At the same time, it also reflects weaknesses of the work of DISACs. This community study helped DISACs to discover that development work should give a priority on awareness raising in local communities. It was also an opportunity to look back, review, reflect and improve the work and vision of the organisations.

1. Fr. Vacharin Samanchit, spiritual director of CCJP, presents reflection on 'the case study on 4 communities'.

2. Fr. Payont Sansanayouth, DISAC director of Chantaburi (left), and Fr. Jaturong Sarakhun, DISAC director of Ubolratchathani (right) give report on activities of DISACs.

3. Participants of the general assembly of CCHD who are directors and staff from 10 DISACs, religious women and delegates of member organisations of CCHD.



## The Second Human Rights Camp for Youth



CCJP has organised the second human rights camp for youth on October 4-7, 2007 at Khao Laemya-Samed National Park in Rayong Province, with an aim to provide knowledge on human rights to Thai youth. In this camp, a total of 39 students at grade 3-6 of secondary education from various schools in Bangkok and other provinces took part in different camp activities that provided knowledge and fun as well as the concept of human rights that they could apply in their daily life, in their higher study and future jobs. In organising this human rights camp for youth, CCJP aimed to introduce the concept of human rights to young people of the country so that they would be aware of the human value and dignity in themselves and in other people. It wanted the young people to learn their roles and be aware that they would not violate the rights of others, not be indifferent in helping the socially less-fortunate, but take part in building community of equal human rights in Thai society.

What these young people learned from the human rights camp include: **the concept of human rights and dignity**, Universal Declaration on Human Rights and the Convention of the Rights of the Child, which was given by Ms. Achara Somsaengsuang, secretary general of CCJP. The activity on 'human rights walk rally' helped the young people understand various rights through human rights stations. For example, the station 'where is my banana?' gave the ideas that we should not look at one another from their physical appearances, because all people have equal human dignity. The station 'my imagination' helped

Take part in activity providing knowledge on Universal Declaration on Human Rights and Convention on the Rights of the Child



Youth taking part in Human Rights Walk Rally Activities.



"Where is my Banana" station



Colour of Unity



"Ladder of Life ... My Rights" station

the young people to realise the unique values of each human being who have their own ideas, capability and imagination. The station 'gap between social classes' helped them to understand that social status resulted in different social opportunities for development with different economic and educational position. However, this difference must not be used for discrimination in society. The station

'Mobius Star' helped the young people to understand their own rights and the rights of others. If there is a conflict, they have to mutually search for solution to that conflict. The last station of 'Ladder of Life: My Rights' helped the young people to learn what rights each one has, and gain knowledge and understanding on **rights of the children at present**, which was led by Mr. Nuttawut Buapratoom, a

resource person from Foundation for the Protection the Rights of Children who shared experience from his work in assisting children who were sexually abused and tortured by their employers. This sharing helped the young people to know that there were still many problems in society, especially children whose rights were violated.

Furthermore, the young people were also aware of **rights of community** from their field visit to Mabtapud Community with special resource persons from the Network of Eastern People which has protested against construction of a coal generated power plant of IRPC. The resource persons were Mr. Rachayout Wongputchong and Ms. Ganit Pongnawin, grassroots leaders. They shared their experience and accompanied the youth group to visit areas affected by pollution discharged by factories in Mabtapud and other Industrial Estates in Rayong Province. This pollution causes cancer in people in Rayong, which is one of the provinces in the country with highest number of people with cancer, especially in lung. There is also the highest rate of suicide of the country and a fastest rate of newborn babies with abnormalities in the past decade.



## Human Rights Education Project

CCJP organised workshops on human rights education in Catholic schools for teachers at all levels, including staff members and nannies working in schools, to provide knowledge, promote understanding and raise awareness on human rights, and respect to human dignity and values in educational institutions, as well as concretely integrating human rights in teaching activities and plan. As a result, administrator of each school realised the importance of teaching human rights and, thus, fully supported the workshop. The teachers who took part in the workshops have understood related human rights, such as origin of human rights, Universal Declaration on Human Rights, and Convention on the Rights of the Child. They have also practised drafting human rights lesson plans for each subject at different levels. In October 2007, CCJP has organised workshop in 4 Catholic schools.

**Lambert Pitchayalai School in Chantaburi** is a school under the supervision of the Sisters of the Lovers of the Cross of Chantaburi. The workshop was held on October 9-10, 2007 for 75 teachers at the level of kindergarten to junior secondary education.

**Phra Haruthai School in Nonthaburi** is a school under the supervision of the Sisters of the Sacred Heart of Jesus of Bangkok. The workshop was held on October 18-19, 2007 for 176 teachers at the level of kindergarten to senior secondary education.

**Maephra Prajak School, Bangkok** is a school under the Catholic Education Desk of Archdiocese of Bangkok. The workshop was held on October 21-23, 2007 for 55 teachers at the level of kindergarten to junior secondary education.

**Phra Haruthai School at Pattanaves** is a school under the supervision of the Sisters of the Sacred Heart of Jesus of Bangkok. The workshop was held on October 26, 2007 for 50 teachers at the level of kindergarten to senior secondary education.



1



2



3



4

### Lambert Pitchayalai School, Chantaburi

1. Teachers at the level of kindergarten-junior secondary education level
2. Teachers help draw human rights lesson plans
3. Ms. Wasana Kaonopparat, a resource person from the Foundation for the Protection of the Rights of Children
4. Teachers take part in activity providing knowledge on rights of the child



5



6



7



8

### Phra Haruthai School, Nonthaburi

5. Ms. Achara Somsaengsuang, secretary general of CCJP and the staffs.
6. Teachers in workshop drawing human rights lesson plans.
7. Associate Professor Dr. Walai Na Pombejr, chairperson of the human rights education committee of CCJP talks with teachers on their significance in caring for children at kindergarten.
8. Teachers present a teaching plan integrating human rights for kindergarten with children demonstrated as sample.



9



10



11



12

### **Maephra Prajak School**

9. Teachers of Maephra Prajak School.

10. Activity on search for news on violation of the rights of children for mutual discussion.

11. Mr. Nuttawut Buapratoom, a resource person from the Foundation for the Protection of the Rights of Children provides knowledge on rights of the child.

12. Teachers at each level present their lesson plans.



13



14



15



16

### **Phra Haruthai School, Pattanaves**

13. Mr. Pitak Gerdhom, a resource person on human rights shares knowledge on human rights related laws.

14. Search for information on Universal Declaration on Human Rights for use in drawing lesson plans.

15. Teachers present their teaching plan.

16. Teachers, sisters and resource persons in group photo.

## Report on 10 Progresses and 10 Declines in Human Rights Situation in Thailand for 2007

On December 10, 2007, human rights organisations, namely Committee for Human Rights, a Working Group on Justice for Peace, Association of Union of Civil Liberty, Amnesty International Thailand, the Working Group for the Protection and Struggle for Human Rights, have held a press conference on the International Human Rights Day to report on '10 Progresses and 10 Declines of Human Rights Situation' for 2007 at the October 14 Memorial Statue on Ratchadamnern Avenue, Bangkok.

### The 10 progresses in human rights situation in Thailand are listed below.

1. The court ordered commanders of army provinces to stop vocational training and attitudinal adjustment, which is in fact a detention of people who were suspected as related to unrest, as filed by relatives of the detainees. At the end, these people were released. This ruling reflects that there is still justice in the judicial procedures for the people.
2. The court has dismissed the case on protest against Thai-Malaysian gas pipeline project.
3. A law on promoting and developing quality of life of the disabled has been passed and become effective from September 27, 2007.
4. The extraordinary killing of drug suspects was reinvestigated by a newly set up independent committee which is assigned to investigate, study and analyse the formulation of a policy on suppression of drugs that led to damages on life, bodies, prestige and properties of the people.
5. Compulsory licensing on drug patents in Thailand was declared, especially on 2 anti-retroviral medicines and a drug for the prevention of coronary thrombosis.
6. There was modification of civil and commercial codes (no. 16) 2007 for the protection of equal rights of women.
7. A law has been passed to protect victims of family violence.
8. Thailand has become a state party to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which has become effective from November 1, 2007.
9. Extended benefits for terminal kidney patients are covered.
10. The National Legislative Council has unanimously approved the bill on prevention and suppression of human trafficking, which would be promulgated as a law later on.



www.focuspaktai.com






www.matlong



amnesty international



## The 10 Declines in human rights situation in Thailand are listed below.

1. The bill on internal security provides too much power to military, and it would be a continuity of power from the coup without any balance and check.
2. Violation of community rights to participation in systematic management of natural resources, the environment and biodiversity.
3. The provincial internal security operation command of Chiangmai has banned Northern community radio stations to air their programs in tribal languages.  [www.thaingo.org](http://www.thaingo.org)
4. The bill on modification of the nationality law does not recognise personal status. It does not recognise the rights of children born in Thailand. Although they are innocent, but become illegal immigrants bearing a criminal offence since their birth. There is no recognition of gender equality and the bill does not give back nationality to Thai displaced people.  [www.newsppnn.com](http://www.newsppnn.com)
5. A murder of Ms. Rawiwan Setarat, an activist struggling for the rights of consumers who was affected by surgery.  [www.archanwell.org](http://www.archanwell.org)
6. An order banning home returning was issued by army commander region 4 who did not allow people to live in Yala, Pattani and Narathiwat and in areas under emergency law for 6 months. The ban prevents 384 people from going into their home communities.
7. A regulation was issued by a governor on measure on organisation of undocumented foreign workers, which bans these migrant workers from leaving their accommodation from 20.00-06.00 of the next morning. They are not allowed to use mobile phones, ride motorbike or cars, nor gathering.
8. Two Internet users were arrested on the charge of lese majesty. The government exercised its power provided by the act on offence in computer 2007. In this case, the accused did not get the right to contact their relatives after reporting to the police. Thus, their relatives did not know their where about. Until today, they are afraid to disclose themselves to the public for they felt unsafe.
9. Freedom of gathering without arms was not guaranteed. The Democratic Alliance Against Dictatorship which took to the street to drive out dictatorship. According to the law, all people have the right to gathering without arms. However, officials chose to dismiss the demonstrators and took legal action against only leaders of the demonstrators without taking any action against police. This is a discriminatory enforcement of the law.
10. Mr. Jaran Ditthaa-apichai was removed from the National Human Rights Commission on the charge of being not neutral and taking action without considering national interest.

## Internal Security Action???

*Edited by  
Patipat Phaitrakulpong*

Looking at the situation at the end of 2007 there was nothing more important than the general election held on December 23, 2007. Election campaign of each political party and new campaign tactics in buying votes. This election campaign was in the eyes of the main media of television and newspaper, which overshadowed some other main incidents amidst the widespread discussion on which party would win the election and form a new government. One of these main incidents was the attempt of the National Legislative Council (NLC) to push for several key bills that would affect life of the people and their rights and freedom, such as the bill on water resources, the bill on privatisation, the bill on privatisation of public university. Another important law that if passed would seriously and inevitably affect all the people, is the bill on internal security.

This issue of JP Newsletter presents the main contents of the act on internal security, which has already been approved by the NLC on December 20, 2007 so that the readers would know how it would affect the people.



www.smilesquare.com



photo by: j1\_dongphoto



photo by: j1\_dongphoto

### What is the Act on Internal Security?

The Act on Internal Security, or in full the Act on Maintenance of Internal Security of the Kingdom is the law introduced by the National Security Council. It was introduced with an argument that the current situation of the country was facing the problem of security. The country was at stake of violence and complexity, and could yield adverse effects on a wide circle and might cause unrest and affect law and order in the country as well as threatening peace of the people and national sovereignty. Therefore, there should be a main body responsible for internal security of the Kingdom so to be able to prevent and curb possible dangers in normal and extraordinary situation in time. This law has passed the approval in principle from the Cabinet on June 19, 2007. It has been drafted as a bill and endorsed by the Council of State and passed the first reading of the NLC on November 8, 2007 with the votes of 101 and 20 against (with 127 members absent). Most of those who votes in favour were mainly military members of the NLC who argued with various reasons that in the present situation it was necessary to have this law. At the same time, the minority votes against the law gave the reasons that the NLC should not accept the bill because the contents of the law violated many rights of the people. Civil society groups also came out to protest against this law. They were non-government organisations (NGOs), scholars, university lecturers, youth and students. NGOs in the name of Thai NGO Co-ordinating Committee on Development (NGOCOD), confederations of trade unions,

www.oknation.net



council of networks of people's organisations of Thailand, network of teachers and national students federation of Thailand and popular sector have come out for a rally in front of the Parliament demanding the NLC to stop considering different bills including this bill and wait for the new government to deal with them. However, **this move was not successful because the NLC has already approved the bill.**



www.oknation.net

## Concept and Origin

*This internal security law has the aim to expand power of the National Internal Security Operation Command (ISOC). This ISOC is a body of the army established during the period of the war against communists since 1965. It has the main role and task of preventing and suppressing communism. When the act on communism was lifted, ISOC's role has significantly diminished. During Chuan's administration, ISOC had the task of taking care of borders and minorities. During Thaksin's administration, ISOC was assigned to take care of the problems in the South. During the administration of General Surayuth Julanonda, the role of ISOC has again expanded to take care of the environment, poverty, development, drugs, and so on. Afterwards, there was an attempt to support ISOC to maintain its role with an introduction of the bill on internal security to maintain the role of military in Thai society through the power of ISOC.*



At present, Thailand has two laws related to internal security, namely martial law, which entrusts the army with power over civil servants in maintaining security in areas in time of war or other serious incidents, and the royal act on administration in time of emergency 2005, which centralises administrative power in the hand of Prime Minister to declare the state of emergency. The enforcement of both laws is centralised under certain conditions and time. In other words, if there is a serious situation, there is a need to declare areas under absolute power, beginning and end of the use of this power. *When that serious situation is over, the administration would return to normal. While this act on internal security does not requires the beginning and end of the use of this absolute power. It allows the use of this power all across the country. The passing of this law means that Thailand is always under the 'abnormal' situation. It also allows the army to intervene in all areas of the country.*

## Contents of the Act that would affect the people

- 1) This law empowers ISOC to issue orders that restrict rights of the people in many areas, such as curfew, no entry area, no gathering, ban on use of roads and vehicles, order on state officials to take or refrain from taking action (article 17). This means that ISOC could act as a legislative body.
- 2) This law expands power of the army to take care of security issue in many aspects. It expands power of the army over politics, regardless of whether it was a normal situation or not. The law says that the army could take action for the people to live their life peacefully. *The army would make the people to be proud of being Thai people. And the army could take action for people of all groups to be united. It also entrusts the power to the army commander as the deputy director of ISOC. If he sees that any area is under threat, he could order all bodies related to security, transfer and appoint officials, and set up structures overlapping those of the government,* such as central and regional ISOCs including provincial ISOCs. This implies that provincial governors, regardless of whether s/he is elected or not, are all under the command of the army commander. The army commander could also transfer local officials out of the areas in a short notice.
- 3) This act provides that orders, announcements, regulations or actions under this law do not fall under the legality of the laws on administrative procedures and the laws on establishment of administrative court and administrative case procedures (article 22). *Therefore, it is impossible to check if the issued orders were valid or contradictory to the rights and freedom or not.* It completely cuts off of the power of assessment of validity of such actions and honesty in the exercise of such power.
- 4) This act supports offence of the officials without being liable to punishment. The law provides that *any action along this internal security law is exempted from legal criminal, civil and disciplinary action* if such action is done with honesty and due rationality but without discrimination (article 23). For example, when an official arrests anyone and during the course of arrest, there might be killing, which normally requires investigation by criminal court for the case of killing people. However, this law provides that official is not punishable. Similarly, if there is a civil damage, the official does not have to be responsible. The official will not be responsible for disciplinary measures. The official is exempted from all responsibilities. It is the lifting of all judicial procedures. This implies that ISOC takes up the role of the court of justice.
- 5) The definition of 'threat to internal security' according to this law is not clear, but very vague. *If an official consider the case without clarity what is 'security', there would be a question of violation of rights.* For example, if people affected by various projects come out for a rally and officials consider that the rally creates insecurity, he might exercise his power to stop them. For example, when villagers of Pak Mun prepared to come to Bangkok, they were stopped by officials by holding their driving license. The empowerment enables ISOC (armies) to take action on any incident in a wider scale. It entrusts power in advance before the situation occurs. This kind of power is easier for the army to be drawn into politics, or military suppression could happen easily, which might be a political problem in the future.