



Human Rights amongst COVID-19: CAT Convention

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Abstract

Thailand's strength to uphold human rights remains crucial in developing a positive international standard. However, amid the COVID-19 pandemic, there has been an extensive research debate to ensure human rights' adequateness and protective framework. The objective of this research is to enrich our understanding of the legal frameworks related to the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment of 1984 (CAT), and the Constitution of the Kingdom of Thailand B.E. 2560 (2017), which are significant legal instruments that impact the international and national population. This study adopted a comprehensive SWOT-PESTEL methodology, which involves internal variable assessment through Strength, Weakness, Opportunity, and Threats (SWOT) and external variables, including Political, Economic, Social, Technological, Environment, and Legal (PESTEL). Case studies and the legal positivism approach are integrated to facilitate a comprehensive understanding of international and national legal frameworks. The research findings emphasize the need for Thailand to revise the National Human Rights Commission and relevant laws. Therefore, ensure the conduct of responsible investigations and the creation of a specialized court for protecting human rights, considering the limited availability of experts, specialists, judges, lawyers, prosecutors, researchers, academics, and non-governmental organizations (NGOs).

Keywords:

Universal Declaration of Human Rights (UDHR); International Law; Post-COVID-19; Sustainable Management; Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

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1- Introduction

The devastation caused after the Second World War raised global awareness of barbarism and the inhumanity of torture. As a consequence of barbarism and cruelty, inherent and inalienable human rights and fundamental liberties have been degraded. International legislation, such as the Universal Declaration of Human Rights 1948 and the International Covenant on Civil and Political Rights 1966, has been extensively adopted to identify and protect human rights [1]. Nonetheless, despite protection through international law, human rights breaches exist in practically every corner of the world, specifically the human rights breaches caused by torture and the government's inhumane treatment. Government employees are obsessed with uncovering evidence that contradicts morality. As a result, these occurrences significantly impact the fundamental right to life, body, and dignity.

To strengthen existing legislation and eliminate torture, the United Nations adopted the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). All other cruel, inhuman, or degrading treatment or punishment for which this convention is the first statute defining "torture." [2]. In this regard, torture and ill-treatment are crimes under international law, resulting in the criminalization of all acts of torture regardless of the

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circumstances. This cannot be done or justified even during the war, domestic political instability, or public emergencies. Therefore, contracting parties to this convention must criminalize torture under the CAT in their internal laws.

Sixty million individuals disappeared during the First and Second World Wars. It also affects other human welfare and dignity aspects, including famine, prisoner maltreatment, forced labor, and genocide. As a consequence, following the conclusion of World War II, Member States of the United Nations have pledged to work together to prevent a similar disaster from occurring in the future. As a result, the Universal Declaration of Human Rights was drafted to safeguard all individuals' fundamental rights and liberties. In 1947, a group of eight United Nations Commission on Human Rights members, led by Eleanor Roosevelt, the former first lady of the United States, drafted it. He is the chairman and one of the most influential advocates for approving and adopting the Universal Declaration of Human Rights. In addition, the United Nations General Assembly adopted the Universal Declaration of Human Rights on December 10, 1948, with 48 countries, including Thailand, voting in favor, eight abstaining, and none voting against.

Before establishing the United Nations, the idea of human rights was primarily concentrated on the general public. Subsequently, the idea has spread regionally and globally. At the international level, it has been utilized in the United Nations Charter, which deals with various human rights under the heading "*To Reaffirm Faith in Fundamental Human Rights, in the Dignity and Worth of the Human Person...*". In the context of academia, human rights are the rights that are inherently possessed by all human beings due to the inherent dignity of every individual. Human rights advocates, on the other hand, assert that it is essential for every individual to be a human being, as this enables the individual to endure and reach his maximum potential. Therefore, human rights cannot be transferred between individuals. The Universal Declaration of Human Rights is the historic document establishing the world's first international human rights framework. It serves as the basis of all international human rights legislation and the basis for forming national laws to promote and protect the human rights of their respective populations. The significance of the Universal Declaration of Human Rights is demonstrated by the fact that it has been translated into a large number of languages throughout the globe.

This research investigates ill-treatment and other inhumane punishments to provide suggestions for enhancing the Thai justice system to comply with the convention. Several international human rights treaties were ratified by Thailand [3], including the Cultural Rights (ICESCR), Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Convention on the Rights of the Child (CRC), Convention on the Elimination of All Forms of Racial Discrimination (CERD), Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT), and the Convention on the Rights of Persons with Disabilities (CRPD) [2, 4, 5]. Therefore, Thailand has to consent to be blind to those treaties under the guidance of the United Nations.

The United Nations developed a Handbook on National Human Rights Plans of Action so that each nation can use it as a guide when creating its own plan. ASEAN comprises ten countries: Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand, and Vietnam. The ASEAN communities comprise three interconnected areas, including the Political-Security Community (APSC), Socio-Cultural Community (ASCC), and Economic Community (AEC). In comparison to the ASEAN Constitution, the ASEAN Charter establishes legal and organizational frameworks [6]. The ASEAN Intergovernmental Commission on Human Rights (AICHR) formed the ASEAN Declaration of Human Rights (AHRD) in Phnom Penh to establish the ASEAN framework for human rights cooperation. The AHRD is a non-binding political declaration emphasizing ASEAN's dedication to advancing and protecting human rights.

The problem of extracting confessions through torture in Thailand has been a persistent issue from the past to the present. The Cherry Ann Duncan case (Supreme Court Judgment No. 768/2536) is an example of a troubling practice where the arrest, search, investigation, and detention of individuals within secure government facilities have been used to coerce confessions [7]. There have been reports of torture caused to the accused in the three southern provinces. During their detention, the methods used by the perpetrators were barbaric. As a result, these actions rendered the evidence and the confession of the accused unlawful in court.

The three southern provinces of Thailand are experiencing significant challenges due to religion-based ideologies and culturally diverse Muslims and Buddhists. Since January 2004, these cases, closely related to State security, have shown a high prosecution rate. In July 2012, a total of 7,918 security-related cases were reported, which is a significant number. As a result of the investigation, the investigators' opinions led to 4,686 lawsuits being ordered. Afterward, the prosecution gathered enough evidence to substantiate the charges, leaving only 907 cases to be tried in the Court of First Instance [7]. Several factors contributed to the prevalence of dismissal problems, such as the use of special laws by security officials to detain suspects and reports of subordinate officials using torture to obtain confessions or gather information. Unfortunately, the evidence obtained through those means was presented to the police investigators to be used in criminal justice proceedings.

Throughout history, instances of violence and cruel treatment have been evident in political conflict situations, and these continue to persist even today. The use of violence during political crises is especially significant, especially when

there is a difference in political views between the government and its opponents. These violations directly violate the core values of human dignity. The dispersal of the political strike rally in the Ratchaprasong area in 2010 and the protest dispersal incident during the Asia-Pacific Economic Cooperation (APEC) meeting in 2022 are clear examples of this issue. In addition, it is crucial to tackling the Thai government's declaration of a war on drugs, which led to the unlawful murder of 1,612 individuals who were identified as drug dealers [8]. During that period, there were over 2,400 homicide cases reported throughout the country. However, only 200 suspects were successfully apprehended by law enforcement. It was found that the police were charged with criminal offenses. A total of 255 officers in various parts of Thailand were tortured due to the unlawful use of authority [7]. Numerous additional crimes have been committed to obtain confessions. The suppression of information from torture victims and law enforcement has caused a lot of criticism in Thailand regarding the State's security, both in regular and special law enforcement situations.

Consequently, this research aims to investigate case studies and examine legal concerns regarding the enforcement principles that enable the Thai government to effectively enforce the law. In addition, investigate the extent to which Thailand could meet its international obligations as outlined in Article 25 of the Thai Constitution B.E. 2560 (2017), which addresses personal rights that must be protected even if the individual in question is merely a suspect under the Criminal Procedure Code [9, 10]. The State of press freedom has been criticized, which may raise the issue of communications-related human rights violations. For example, the government recently declared the Emergency Decree on Public Administration, which gives it the authority to restrict print and broadcast media. Additionally, it grants the government the authority to regulate the media when it threatens national security. Furthermore, people claimed the Computer Crime Act violated their free expression rights [11, 12].

According to Article 38, paragraph 1 of the Statute of the International Court of Justice, Thailand is bound to comply with international law (*Pacta Sunt Servanda*) and international customary law (*Opinio Juris Sive Necessitates*). Thailand has ratified these international human rights agreements as a State party [13]. As a result, Thailand is responsible for demonstrating to the global community its commitment to upholding human rights principles. These include ensuring that domestic laws are enforced to protect individualistic human rights, which are accused of being violated by the UDHR under Article 11(1). This is an obligation that every civilized nation on the planet must fulfill. Thailand is responsible for this obligation as it is a member of the United Nations Human Rights Council, which is a part of the United Nations. Similarly, previous studies investigated the impact of news reporting practices, press conferences, and interviews conducted by police officers on the public's perceptions of them [14]. Is it a violation of human rights for the media to publish photographs of the accused and the victim under Thai law? [15]. The Regulation of the Royal Thai Police Title 30 B.E. 2556 (2013) provides police officers the power to produce public relations media regarding suspects in court. It includes press releases, allowing the media to interview suspects, sharing suspicious images, and creating public relations media about suspects. The Royal Thai Police make efforts to ensure that the general public is aware of the results they achieve, which is done to keep them informed. However, implementing such a measure could contradict the human rights principles outlined in Thailand's 2017 Constitution [16]. Moreover, it would violate the rights of both the accused and the victim if police officers exercised their authority under the Criminal Procedure Code before the court made a jurisdictional order. As a result, the universal human rights principles apply to all. However, the ground implications may vary [17].

There is disagreement regarding the conformity regulation of Royal Thai Police Title 30 B.E. 2556 (2013). This law could cause embarrassment and humiliation for the accused and their families. It is particularly concerning in today's society, where information is readily available through various platforms such as online TV channels, social media sites like Facebook, Instagram, and Twitter, as well as newspapers and YouTube. These have further intensified the ongoing debate surrounding human rights [18]. Therefore, the Regulation of the Royal Thai Police Title 30 B.E. 2556 (2013) violates the Thai Constitution B.E. 2560 (2017) and the Universal Declaration of Human Rights in Article 11 [19, 20].

Section 66 of the Criminal Procedure Code provides authorities the right to issue arrest warrants for the accused, which may have repercussions for human rights. The current Constitution of the Kingdom of Thailand, specifically Article 29, Section 2, highlights the presumption of innocence as a fundamental right consistent with universal human rights principles. Given the existing legal hierarchy, these police regulations conflict with the rights of suspects, victims, and their families' reputations. Therefore, it is essential to protect the rights of the accused and the reputations of suspects, victims, and their families. Moreover, it is essential to recognize that the criminal legal procedure is ongoing and that no court judgment has yet been issued. This research article examines international and national legal measures to ensure the enforcement of both police regulations as a government responsibility and public relations as a private sector responsibility and to enhance the media's role in protecting the accused and victims under the principles of respect for human rights enshrined in the UDHR.

This research adopted the Strength, Weakness, Opportunity, Threats (SWOT) and external variables, including Political, Economic, Social, Technological, Environment, and Legal (PESTEL) (SWOT-PESTEL) methodology, to evaluate the Thai police's compliance with the CAT convention's human rights obligations. It emphasizes the significance of implementing administrative, legislative, and judicial measures and other effective actions to prevent and

combat torture under the CAT Convention. Thailand's commitment to the CAT is strengthened by its membership in the convention and participation in ASEAN's conditional assistance program. In addition, the General Assembly of the United Nations, composed of member States that have adopted the UDHR, functions as a fundamental principle for protecting international human rights worldwide. Even though the UDHR is not an international treaty, it is of great significance as a customary international human rights law that States are legally compelled to uphold. Thailand ratified the Universal Declaration of Human Rights in 1948, and the 2017 Thai Constitution established a legal framework for preserving human rights in Thailand.

2- Literature Review

This research study applied the legal doctrine of a positivism approach to comprehend the adherence to human rights in Thailand's legal system. The principles and theories about the prohibition of torture are customary international law doctrines that proscribe torture, including the *jus cogens* principle of absolute law (*jus cogens*) [21]. It is a broad concept acknowledged as having a special status that the State cannot violate or deny. Yet, even though a convention does not bind a State party, this principle might be rejected as the absolute standard in the absence of extraordinary circumstances. It is due to a characteristic of international law: "no hierarchy of international law." As a general rule or under customary international law, there are equal commands and ranks in international law. Because international law has no hierarchy, States could choose international law from any source. Therefore, the concept and theory that States should have sovereign and absolute principles have emerged in international societies. States are prohibited from taking action or enacting any law or regulation contrary to or inconsistent with this principle (*jus cogens*); otherwise, such action is *null* and *void*.

The prohibition of torture is a universally accepted common law that pertains to public order and good morals. The legal prohibition of torture is considered an absolute law by the international community. Nations use international instruments to recognize and bind absolute rights essential to humanity. These rights are mentioned as "non-derogable rights." [22]. The principle of non-diminishing or non-suspending rights, as stated in Article 4(2) of the International Covenant on Civil and Political Rights (ICCPR), is a fundamental right. Furthermore, according to Article 15(2) of the European Convention on Human Rights and Article 27(2) of the Inter-American Convention on Human Rights, the prohibition of torture is a fundamental principle of law that applies to all countries [23]. This principle cannot be violated by any State, even in exceptional circumstances such as a State of war, political instability, public emergency, act of terrorism, or violent crime [24].

Parties are required to adopt legislative, executive, and judicial measures to effectively prevent torture. "*Nullum crimen sine lege* and *nulla poena sine lege*" are the common legal principles of international criminal law regarding the prohibition of torture [25]. The *ex post facto* principle regarding the punishment of criminals and the *ne bis in idem* principle. There are also general legal principles that cover a broad spectrum, including *good faith*, the legal State, and the rule of law, which limits the use of State power by respecting the rights and freedoms of an individual through a legal process.

The prevention of torture requires the implementation of legal development, law acceptance, and legislative reform principles. Various obstacles in law enforcement, such as escalating costs, obsolete legislation, and inflation-related issues, have inspired these principles. As a result, people's rights and liberties are restricted or taken away. In addition, there are excessive legal burdens and limited access to laws that do not meet the requirements of society. Inadequate legal mechanisms and ambiguous language worsen the situation. Therefore, it is essential to uphold the rule of law, including fundamental principles, the State's power separation, and preserving individual rights and liberties.

To encourage public adoption of State regulations, including religion, customs, the philosophy of law, events, and the social or national environment. Therefore, once Thailand becomes a member of the Convention, it will be necessary to develop domestic laws to support the Convention to safeguard the right against torture, namely the people's respect for the law. In addition, the State must consider respecting the law under the rule of law, the principles of suitability, and the degree of misconduct and ensuring that acceptable rules or other legal criteria govern it.

The Thai Constitution has prohibited torture in Thailand since 1997. Later that year, on October 2, 2007, the instrument of accession was lodged, and it was enforced on November 1, 2007. Nevertheless, Thailand has made certain declarations and reservations regarding the definition of "torture," namely establishing "torture" as a criminal offense, liability for attempts, collusion, and participation in torture, jurisdiction over torture's offense, and compliance with the Convention only under the current law. Implementing the CAT Convention, including refusing the recognition of jurisdiction in the International Court of Justice (ICJ), has no substantial effect. Consequently, although Thailand has acceded to the CAT Convention and accepted its obligations, it has not yet enacted domestic laws to support the Convention. This research has anticipated benefits, such as safeguarding human rights regarding torture that occurs and exists in the country's judicial system. In addition, for people to be protected and treated relatively per international standards, foreign countries such as France, the Philippines, the United States, and Thailand must analyze laws comparable to their own to enact domestic laws that support the CAT convention.

The CAT Convention is a United Nations-administered international treaty on human rights. On December 10, 1984, the United Nations General Assembly adopted the Convention's text. It seeks to prevent torture and other acts of cruel, inhuman, or degrading treatment or punishment throughout the globe. The CAT Convention entered into force on June 26, 1987. It is intended to criminalize and eradicate torture and other cruel, inhuman, or inhumane treatment or punishment and to enforce accountability for their use. Currently, 173 parties have joined the convention (refer to Table 1). The Convention is a comprehensive international statement of anti-torture principles and practices. Article 1 of the CAT provides an international definition of torture and requires States to take legislative, administrative, judicial, and other measures necessary to prevent acts of torture. It additionally outlines many additional measures that States have to enforce to effectively prevent, prohibit effectively, and remedy torture.

Table 1. List of the current State Members in CAT convention

No.	State Members	Date of Accession(a), Date of Succession(d), Date of Ratification	Date of Signature
1	Afghanistan	1 Apr 1987	4 Feb 1985
2	Albania	11 May 1994 a	
3	Algeria	12 Sep 1989	26 Nov 1985
4	Andorra	2 Sep 2006	5 Aug 2002
5	Angola	2 Oct 2019	24 Sep 2013
6	Antigua and Barbuda		19 Jul 1993 a
7	Argentina	24 Sep 1986	4 Feb 1985
8	Armenia	3 Sep 1993 a	
9	Australia	8 Aug 1989	10 Dec 1985
10	Austria	29 Jul 1987	14 Mar 1985
11	Azerbaijan	16 Aug 1996 a	
12	Bahamas	31 May 2018	16 Dec 2008
13	Bahrain	6 Mar 1998 a	
14	Bangladesh	5 Oct 1998 a	
15	Belarus	13 Mar 1987	19 Dec 1985
16	Belgium	25 Jun 1999	4 Feb 1985
17	Belize	17 Mar 1986 a	
18	Benin	12 Mar 1992 a	
19	Bolivia	12 Apr 1999	4 Feb 1985
20	Bosnia and Herzegovina	1 Sep 1993 d	
21	Botswana	8 Sep 2000	8 Sep 2000
22	Brazil	28 Sep 1989	23 Sep 1985
23	Brunei Darussalam		22 Sep 2015
24	Bulgaria	16 Dec 1986	10 Jun 1986
25	Burkina Faso	4 Jan 1999 a	
26	Burundi	18 Feb 1993 a	
27	Cabo Verde	4 Jun 1992 a	
28	Cambodia	15 Oct 1992 a	
29	Cameroon	19 Dec 1986 a	
30	Canada	19 Dec 1986 a	23 Aug 1985
31	Central African Republic	11 Oct 2016 a	
32	Chad	9 Jun 1995 a	
33	Chile	30 Sep 1988	23 Sep 1987
34	China	4 Oct 1988	12 Dec 1986
35	Colombia	8 Dec 1987	10 Apr 1985
36	Comoros	25 May 2017	22 Sep 2000
37	Congo	30 Jul 2003 a	
38	Costa Rica	11 Nov 1993	4 Feb 1985
39	Côte d'Ivoire	18 Dec 1995 a	

40	Croatia	12 Oct 1992 d	
41	Cuba	17 May 1995	27 Jan 1986
42	Cyprus	18 Jul 1991	9 Oct 1985
43	Czech Republic	22 Feb 1993 d	
44	Democratic Republic of the Congo	18 Mar 1996 a	
45	Denmark	27 May 1987	4 Feb 1985
46	Djibouti	5 Nov 2002 a	
47	Dominican Republic	24 Jan 2012	4 Feb 1985
48	Ecuador	30 Mar 1988	4 Feb 1985
49	Egypt	25 Jun 1986 a	
50	El Salvador	17 Jun 1996 a	
51	Equatorial Guinea	8 Oct 2002 a	
52	Eritrea	25 Sep 2014 a	
53	Estonia	21 Oct 1991 a	
54	Eswatini	26 Mar 2004 a	
55	Ethiopia	14 Mar 1994 a	
56	Fiji	14 Mar 2016	1 Mar 2016
57	Finland	30 Aug 1989	4 Feb 1985
58	France	18 Feb 1986	4 Feb 1985
59	Gabon	8 Sep 2000	21 Jan 198
60	Gambia	28 Sep 2018	23 Oct 1985
61	Georgia	26 Oct 1994 a	
62	Germany	1 Oct 1990	13 Oct 1986
63	Ghana	7 Sep 2000	7 Sep 2000
64	Greece	6 Oct 1988	4 Feb 1985
65	Grenada	26 Sep 2019 a	
66	Guatemala	5 Jan 1990 a	
67	Guinea	10 Oct 1989	30 May 1986
68	Guinea-Bissau	24 Sep 2013	12 Sep 2000
69	Guyana	19 May 1988	25 Jan 1988
70	Haiti		16 Aug 2013
71	Holy See	26 Jun 2002 a	
72	Honduras	5 Dec 1996 a	
73	Hungary	15 Apr 1987	28 Nov 1986
74	Iceland	23 Oct 1996	4 Feb 1985
75	India		14 Oct 1997
76	Indonesia	28 Oct 1998	23 Oct 1985
77	Iraq	7 Jul 2011 a	
78	Ireland	11 Apr 2002	28 Sep 1992
79	Israel	3 Oct 1991	22 Oct 1986
80	Italy	12 Jan 1989	4 Feb 1985
81	Japan	29 Jun 1999 a	
82	Jordan	13 Nov 1991 a	
83	Kazakhstan	26 Aug 1998 a	
84	Kenya	21 Feb 1997 a	
85	Kiribati	22 Jul 2019 a	
86	Kuwait	8 Mar 1996 a	
87	Kyrgyzstan	5 Sep 1997 a	
88	Lao People's Democratic Republic	26 Sep 2012	21 Sep 2010
89	Latvia	14 Apr 1992 a	

90	Lebanon	5 Oct 2000 a	
91	Lesotho	12 Nov 2001 a	
92	Liberia	22 Sep 2004 a	
93	Libya	16 May 1989 a	
94	Liechtenstein	2 Nov 1990	27 Jun 1985
95	Lithuania	1 Feb 1996 a	
96	Luxembourg	29 Sep 1987	22 Feb 1985
97	Madagascar	13 Dec 2005	1 Oct 2001
98	Malawi	11 Jun 1996 a	
99	Maldives	20 Apr 2004 a	
100	Mali	26 Feb 1999 a	
101	Malta	13 Sep 1990 a	
102	Marshall Islands	12 Mar 2018 a	
103	Mauritania	17 Nov 2004 a	
104	Mauritius	9 Dec 1992 a	
105	Mexico	23 Jan 1986	1 Oct 2001
106	Monaco	6 Dec 1991 a	
107	Mongolia	24 Jan 2002 a	
108	Montenegro	23 Oct 2006 d	
109	Morocco	21 Jun 1993	8 Jan 1986
110	Mozambique	14 Sep 1999 a	
111	Namibia	28 Nov 1994 a	
112	Nauru	26 Sep 2012	12 Nov 2001
113	Nepal	14 May 1991 a	
114	Netherlands	21 Dec 1988	4 Feb 1985
115	New Zealand	10 Dec 1989	14 Jan 1986
116	Nicaragua	5 Jul 2005	15 Apr 1985
117	Niger	5 Oct 1998 a	
118	Nigeria	28 Jun 2001	28 Jul 1988
119	North Macedonia	12 Dec 1994 d	
120	Norway	9 Jul 1986	4 Feb 1985
121	Oman	9 Jun 2020 a	
122	Pakistan	23 Jun 2010	17 Apr 2008
123	Palau		20 Sep 2011
124	Panama	24 Aug 1987	22 Feb 1985
125	Paraguay	12 Mar 1990	23 Oct 1989
126	Peru	7 Jul 1988	29 May 1985
127	Philippines	18 Jun 1986 a	
128	Poland	26 Jul 1989	13 Jan 1986
129	Portugal	9 Feb 1989	4 Feb 1985
130	Qatar	11 Jan 2000 a	
131	Republic of Korea	9 Jan 1995 a	
132	Republic of Moldova	28 Nov 1995 a	
133	Romania	18 Dec 1990 a	
134	Russian Federation	3 Mar 1987	10 Dec 1985
135	Rwanda	15 Dec 2008 a	
136	Samoa	28 Mar 2019 a	
137	San Marino	27 Nov 2006	18 Sep 2002
138	Sao Tome and Principe	10 Jan 2017	6 Sep 2000
139	Saudi Arabia	23 Sep 1997 a	

140	Senegal	21 Aug 1986	4 Feb 1985
141	Serbia	12 Mar 2001 d	
142	Seychelles	5 May 1992 a	
143	Sierra Leone	25 Apr 2001	18 Mar 1985
144	Slovakia	28 May 1993 d	
145	Slovenia	16 Jul 1993 a	
146	Somalia	24 Jan 1990 a	
147	South Africa	10 Dec 1998	29 Jan 1993
148	South Sudan	30 Apr 2015 a	
149	Spain	21 Oct 1987	4 Feb 1985
150	Sri Lanka	3 Jan 1994 a	
151	St. Kitts and Nevis	21 Sep 2020 a	
152	St. Vincent and the Grenadines	1 Aug 2001 a	
153	State of Palestine	2 Apr 2014 a	
154	Sudan	10 Aug 2021	4 Jun 1986
155	Suriname	16 Nov 2021 a	
156	Sweden	8 Jan 1986	4 Feb 1985
157	Switzerland	2 Dec 1986	4 Feb 1985
158	Syrian Arab Republic	19 Aug 2004 a	
159	Tajikistan	11 Jan 1995 a	
160	Thailand	2 Oct 2007 a	
161	Timor-Leste	16 Apr 2003 a	
162	Togo	18 Nov 1987	25 Mar 1987
163	Tunisia	23 Sep 1988	26 Aug 1987
164	Türkiye	2 Aug 1988	25 Jan 1988
165	Turkmenistan	25 Jun 1999 a	
166	Uganda	3 Nov 1986 a	
167	Ukraine	24 Feb 1987	27 Feb 1986
168	United Arab Emirates	19 Jul 2012 a	
169	United Kingdom of Great Britain and Northern Ireland	8 Dec 1988	15 Mar 1985
170	United States of America	21 Oct 1994	18 Apr 1988
171	Uruguay	24 Oct 1986	4 Feb 1985
172	Uzbekistan	28 Sep 1995 a	
173	Vanuatu	12 Jul 2011 a	
174	Venezuela	29 Jul 1991	15 Feb 1985
175	Viet Nam	5 Feb 2015	7 Nov 2013
176	Yemen	5 Nov 1991 a	
177	Zambia	7 Oct 1998 a	

The framework of the Convention is remarkably similar to that of the UDHR, the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR). The CAT comprises a preamble and 33 Articles divided into three sections. Section I (Articles 1 to 16) describes “*torture*” (Article 1). Article 2 of the treaty States that the parties are obligated to take the necessary measures to prevent any kind of torture in any territory or jurisdiction that falls within their respective authority. It involves establishing jurisdiction over acts of torture committed by or against a party’s nationals (Article 5), ensuring that torture is a crime for which an accused torturer may be extradited (Article 8), and providing general authority to judge circumstances involving torture in which an alleged torturer cannot be extradited (Article 5). These provisions can be found in the CAT. Under Articles 12 and 13, each of the parties is responsible for the obligation of an immediate inquiry into any claims of torture.

In addition, Article 14 specifies that anyone who has been tortured or their dependents, if they pass away due to their torture, is eligible to receive compensation if they have been victimized. Furthermore, Article 15 of the Convention requires that parties prohibit using evidence obtained through torture in their courts. Moreover, Article 3 of the agreement States that parties are not allowed to deport, extradite, or refool individuals if there are credible indications that they

(6) Rules, orders, methods, and guidelines for conducting an investigation and all provisions for controlling and treating individuals arrested, detained, or imprisoned in Thailand. As a general norm for the detention of a person apprehended. Like the United States, the Philippines, and France, the Criminal Procedure Code implements Martial Law and the 2005 Emergency Decree.

(7) Investigations and complaint rights, there are agencies and mechanisms at various levels and levels for managing complaints. As in the United States, the Philippines, and France, Thailand has a variety of grievances, including those caused by the actions of government officials to the point of “*torture*,” according to the convention.

(8) Thailand currently lacks legislation that directly compensates torture victims. On the other hand, the 2001 Act on Compensation for Victims and Compensation and Expenses to Defendants in Criminal Cases in Thailand allows victims to seek remedy. In contrast, the United States, the Philippines, and France have enacted special legislation compensating torture victims.

(9) In Thailand, any acts that do not fall under the definition of “*torture*” are classified as acts of violence that cause physical or psychological harm to others. These actions are considered assault offenses and are punishable under the Criminal Code. There have been allegations of misconduct and atrocities committed by government officials within the justice system in the United States. Also, the Philippines’ Ministry of Justice and Human Rights has established regulations and rules to promote accountability. Non-governmental organizations (NGOs) have been actively involved in this process to ensure transparency and address cases of torture. France has implemented legal measures and mechanisms to prevent the torture of public officials during the judicial process.

(10) In the context of regulating and punishing government officials for acts of torture, it has been determined that Thailand’s Criminal Code contains some provisions addressing behaviors approximating torture. However, these provisions are typically formulated as offenses that increase the perpetrator’s punishment instead of being expressly outlined in legislation. It differs from the approach observed in the United States, the Philippines, and France, where specific statutes address torture-related crimes.

(11) Concerning reservations, it has been determined that Thailand takes a circumspect stance to avoid excluding itself from the jurisdiction of the International Court of Justice. Consequently, Thailand reserves the right not to submit disputes relating to the relevant interpretation to the jurisdiction of the International Court of Justice unless a case-by-case analysis deems it appropriate. This strategy differs from France, the Philippines, and the United States.

The CAT Convention has come into force in Thailand since November 1, 2007. As a result, Thailand, as a State party, is obligated to carry out four obligations as follows:

- 1) Ensuring the rights enshrined in the CAT Convention.
- 2) The realization of the rights recognized in this CAT Convention with progress.
- 3) The widespread dissemination of the principles of the rights outlined in this CAT Convention, and
- 4) Reporting the situation and obstacles within Thailand in accordance with the aforementioned convention for submission to the Anti-Torture Convention Committee, in which it acceded to the CAT in Thailand.

Thailand has issued a statement of interpretation regarding its accession to Articles 1, 4, and 5. It made a reservation concerning Article 30, which outlines the definition of “*torture*” and necessitates its interpretation. As per the prevailing Criminal Code, it has been stated. However, examining the Criminal Code, which serves as the primary legal framework for determining criminal responsibility in Thailand. It becomes apparent that the Code does not provide a clear and explicit definition for “*torture*.”. The term “*torture*” has been defined in various legal provisions, including Section 289, Section 313, paragraph 2, Section 340, paragraph 4, and Section 340 bis, paragraph 5, which has not been given a specific definition.

Currently, Thailand’s criminal law can be used to sanction torture by modifying the provisions to be comparable to the offenses in certain sections of the Criminal Code, such as those relating to bodily injury, freedom offense groups, sexual offense groups, and offenses involving officials. However, the penalties for certain offenses in the Criminal Code do not comply with the requirements of the CAT, which mandates that the State party responsible for ensuring torture is a serious State offense. Regarding mental anguish or suffering in particular, Thai courts have always noted that the value of the “*mind*” pertains only to psychopathic or physical harm, excluding emotions that may lead to inconsistency and inaccuracy. It encompasses the definition of “*torture*” in Article 1 of the CAT, which interprets the term in a broader mental sense. If Thailand explicitly incorporates Article 1 of the CAT’s definition of torture into its domestic law, a comprehensive and inclusive framework is required. This definition’s expanded scope assures its applicability to various actions that may constitute torture.

However, the CAT's definition of torture will be broadened to encompass the various acts that may constitute torture. Therefore, there may be a lack of clarity in the definition or meaning itself, which may affect the guarantees in criminal law. Specifically, the principle of criminal law should be formulated so that those subject to it can anticipate which actions or omissions will be illegal. Moreover, assuming that Thailand's definition or interpretation of torture is unclear, that scenario would directly impact officials of the justice system, including police officers, prosecutors, and judicial bodies.

These issues do not contribute to efforts in Thai society to combat torture and other inhumane or dehumanizing treatment or punishment. The absence of such definitions jeopardizes the ability of law enforcement officials to pursue judicial proceedings. Moreover, it poses the question of whether any act constitutes torture within the meaning of the Convention. As in the Philippines, Thailand should continue to implement its obligations under the CAT by defining "torture" as a specific crime and providing examples of conduct that may constitute torture. In addition, the Anti-Torture Act 2022 is enacted under the principles of criminal law and was recently effective on 22nd February, 2023, however, sections 22–25 would be effective on 1st October, 2023. Nevertheless, Thai criminal procedure refers to the stages of Thai criminal procedure legislation. The parties will comply with the Criminal Procedure Code [27]. Section 78 of the Criminal Procedure Code (2009) States that administrative or police officers are not authorized to arrest anyone without a lawful arrest warrant or court order [10, 25].

According to Section 66 of the Criminal Procedure Code, an arrest warrant shall be issued in the following two circumstances:

1. A warrant may be issued whenever there are reasonable grounds to believe that a person will commit an offense punishable by imprisonment for more than three years; or
2. When there is reasonable evidence that an individual has committed a crime and reasonable grounds for suspicion, the individual may attempt to evade arrest, tamper with evidence, or cause other harm.

Basically, the Criminal Procedure Code of Thailand States that the investigating officers and public prosecutors shall submit a case to the court. However, a person who has been accused of being a committed in crime which is called an accused person. In other words, if the matter has not yet been brought before the court, it is referred to as the accused person, whereas if the case has been brought after an investigation procedure, it is called the defendant [28]. The argument can be made that the Criminal Procedure Code, constitutional law, and Article 11(1) of UDHR have carried out measures that protect the rights of both the accused and the victims of a violation. However, legal action has not yet been taken against the defendant. Instead, investigators from the police department have concentrated their efforts in the current investigation on one specific spot. In addition, suspects are always protected from the presumption of innocence until the court reaches a judgment in their case, which might take a very long time.

The Regulation of the Royal Thai Police, Title 30 B.E. 2556 (2013), provides that police have the right to question suspects in the presence of journalists, and the resulting images may be released on television in addition to social media channels. Therefore, the defendant may suffer negative impacts, both physically and psychologically. Furthermore, these actions might affect people who have been wrongfully accused and their families and friends. In some instances, authorities have persuaded victims to identify offenders in front of the media publicly. However, the Court of Justice has yet to decide on the legitimacy of such activities. Moreover, these actions violate the Universal Declaration of Human Rights [9]. These happening cases violate the individual's primary human rights and are considered a violation of Article 11(1) of the UDHR. The person who shot the victim did so because they were displeased with the demand that the police make that they undertake a drug test. The accused person insisted they were innocent and denied participating in the criminal conduct. However, the police conducted a news conference revealing the accused's name, surname, and photographs. As a result, they were held in custody for ten days. Additionally, it was reported that a 17-year-old suspect was allegedly subjected to physical mistreatment by the police while being held at a safe house [7]. The police subsequently apprehended the criminal perpetrator. The police's press conferences caused considerable harm to the accused individuals and their families, as they were publicly perceived as culprits. As a result, they experienced persistent unemployment and harm to their reputation. Undoubtedly, the human rights of the suspects involved were violated by both the police and the media in this case.

In light of Thailand's legal framework, it has been determined that the conduct of the Royal Thai Police is inconsistent with Thailand's obligations under the Universal Declaration of Human Rights, the Constitution of the Kingdom of Thailand, and domestic law. It is essential that everyone, including elected officials, work together to ensure that the laws are more consistent and robust, allowing everyone to uphold and adhere to these principles. Human rights protections are widely acknowledged as the minimum requirement for meeting basic human necessities. Five fundamental principles are incorporated into international human rights instruments: civil rights, political rights, economic rights, social rights, and cultural rights (refer to Table 2).

Table 2. The Universal Declaration of Human Rights (UDHR) and their monitoring bodies related to Thailand (Adapted from United Nation Human Right Office of the High Commissioner [8])

No.	The core scope of human rights	Summary	Articles
1.	Civil Rights	Civil rights are the fundamental rights that every person is entitled to, such as the right to life and physical safety. These rights safeguard individuals from torture, harm, and unwarranted killing. Furthermore, every person is entitled to equal treatment under the law, which encompasses safeguarding against unjustified apprehension or confinement. These rights apply to the justice system. Civil rights guarantee that individuals are entitled to a fair trial in an unbiased court that impartial judges supervise. Civil rights encompass the right to obtain citizenship and protect individuals' freedom to practice their religious beliefs.	Article 2, 9, 13, 18, 19, 20, 22, 25 and 26
2.	Political Rights	Political rights include a variety of fundamental liberties, such as the freedom to choose one's way of life and engage in political, economic, social, and cultural activities. The freedom to pursue one's ideal way of life and participate in political, economic, social, and cultural pursuits are all part of what " <i>political rights</i> " means. They also include the freedom to express one's thoughts and handle one's resources of nature. It additionally allows working with the State on initiatives that benefit society. In addition, political rights include the freedom to assemble lawfully, freely interact with others, and the right to vote in free and fair elections.	Articles 2, 19, 21, 22 and 23
3.	Economic Rights	Economic rights are basic entitlements, including the right to employment, freedom to choose one's profession, and an assurance of fair remuneration for one's work. The United Nations provides for these rights. Furthermore, individuals are granted the right to own properties and the right to an adequate minimum standard of life for themselves.	Articles 23 and 25
4.	Social Rights	Social rights include basic entitlements such as access to healthcare, education, and health insurance. These rights acknowledge the need for special attention to be given in order to safeguard the health of both mothers and infants. Furthermore, social liberties promote the development of a fully realized personality and achieve social stability. Furthermore, they provide the freedom to select a partner and establish a family.	Articles 25 and 26
5.	Cultural Rights	Cultural rights encompass a range of entitlements that promote and protect cultural diversity and creative expression. Everyone has the right to communicate and express themselves using their native language and safeguard and advance their linguistic legacy. Cultural rights encompass the freedom to dress under cultural norms, which allows individuals to maintain their unique identities. Furthermore, these rights ensure the ability to fulfill obligations and duties consistent with one's local culture, promoting cultural sustainability and respecting traditional customs. People can practice their religious beliefs and participate in cultural activities related to performing arts, culture, and entertainment without any pressure or force. It is essential to uphold cultural rights by preserving and honoring diverse cultural expressions and respecting cultural identity and heritage.	Articles 2, 16, 18 and 27

The objectives of the research are as follows:

1. To explore the background and legal framework of the CAT Convention on Thailand's legal measures related to human rights in Thailand after COVID-19.
2. To compare legal measures and analyses of international human rights and human rights in Thailand using case studies and analysis (SWOT-PESTEL) to strengthen human rights in Thailand.
3. To propose a legal framework for preventing torture in Thailand in the future with positivism law theory.

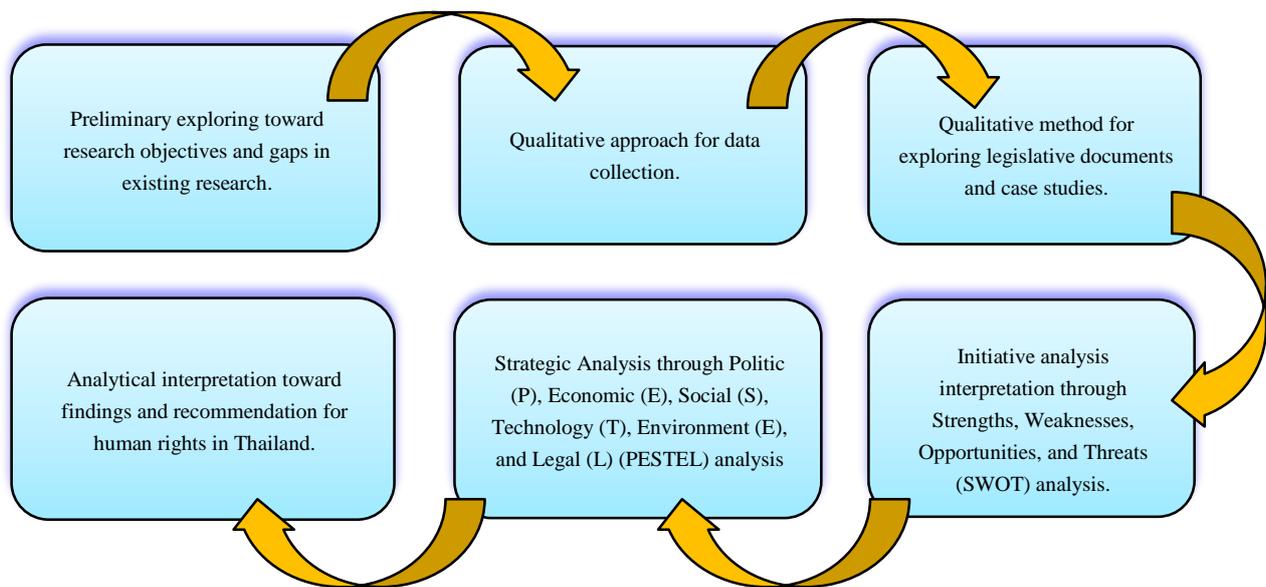
The data pertaining to the human rights report of 2023 depicts the limited protection of human rights for Thai nationals by the current government [29].

3- Research Methodology

The study methodology is based on a qualitative methodology to provide legal documentation such as the CAT convention, international treaty commitments, the Thai Constitution, Acts, and other internal legislation from the Royal Thai Police Office (refer to Table 3). Experts' opinions from the news were collected, including politicians, lawyers, judges, university teachers, researchers, and international organizations (refer to Figure 2). The primary and secondary data collection processes are mentioned in Table 3.

Table 3. Research approach and methodology

Method	Classifications	Details
Qualitative	- Case study - Legal documentation such as the CAT, promulgated the UDHR, international treaty commitments, The Thai Constitution of 2017, Criminal Code of Thailand, Criminal Procedure Code of Thailand, Acts, and other internal legislation from the Royal Thai Police Office. Experts, including politicians, lawyers, judges, university teachers, researchers, and international organizations were collected for the secondary sources.	PESTEL analysis (Initial)
Qualitative	Coding of SWOT	PESTEL analysis (After SWOT)
Qualitative	- PESTEL analysis - Case study - Legal documentation such as the CAT promulgated the UDHR, international treaty commitments, The Thai Constitution of 2017, the Criminal Code of Thailand, the Criminal Procedure Code of Thailand, Acts, and other internal legislation from the Royal Thai Police Office. Experts, including politicians, lawyers, judges, university teachers, researchers, and international organizations were collected for the secondary sources.	Strategic Analysis

**Figure 2. Conceptual Framework**

Theoretically, this study adopted the legal positivism methodology to evaluate the advantages and disadvantages of Thailand's legal compliance with international human rights. According to positivism, law derives from the will of a sovereign or State, emphasizing the process or form of enacting legislation as opposed to its substance or material component. In other words, provisions of the law may be derived from ethical principles, technical concepts, or both, so long as sovereign commands form them. In this respect, the view of law held by the School of Positivism is comparable to that of John Austin, in which law is produced by the *will* or *command* of a sovereign or State and is enforced by penalties in the event of a violation of such a *will* or *command*.

International law is not a positive law, according to Austin [30]. He considered that "*the law obtaining between nations is not positive law; for every positive law is set by a given sovereign to a person or persons in a state of subjugation, its author.*" Thus, according to Austin, positive law pertains exclusively to a State's domestic law, not international law, as international law is merely misnamed legislation enforced by moral punishments. In light of this, it is evident that not even Austin argued that morality could not become legislation. On the contrary, according to his theory, morality could become law if commanded by the sovereign.

Austin limited his doctrine concept to the internal law of a State. However, other positivists expanded the applicability of the *will* theory to international relations from a broader perspective. Therefore, the authority of a State is not limited to the creation of domestic laws but also encompasses the creation of international laws. In this regard, international law could be established as the aggregate will of nations, incorporating human rights principles. International law is considered as the positive law of the international community. It reflects nations' collective will and influences their domestic legal systems. Bentham argued that while rulers had the power to create laws that benefited their citizens, a nation could also establish international laws that applied to itself and included provisions for safeguarding and advancing human rights [28].

International law derives from a State's expressed and acknowledged will and is therefore superior to national laws. The law of treaties depends on this collective will, as conveyed through assent. Jellinek argues that governments demonstrate their commitment to international law by voluntarily limiting their sovereignty and instituting it as positive law (*selbstbeschränkung*) [29]. Notably, international law incorporates the crucial aspect of protecting human rights, ensuring that the collective will of nations includes promoting and preserving fundamental human rights principles [31, 32]. Certain positivists, such as Zorn, regard international law, such as the CAT Convention, to be analogous to a State's exterior public law (*Ausseres Staatsrecht*) and obligatory in all of its manifestations. They argue that no norm of international law can compel a State to comply unless the State voluntarily chooses to be bound by it. This viewpoint emphasizes the voluntariness of State consent in adopting the obligations imposed by international law, including the provisions enumerated in the CAT Convention [33].

The School of Positivism emphasizes the importance of consent in international law, especially regarding the law of treaties. It is a fundamental concept in the field. The Vienna Convention on the Law of Treaties 1969 clearly states in its preamble that the widely accepted concept of free consent, *inter alia*, is among the fundamental principles. According to Article 2, paragraph 1 (g) of the Convention, a party to a treaty is defined as a State that has agreed to be bound by the treaty and for which the treaty is currently in effect. While the establishment of treaties requires explicit consent, certain aspects are required by international custom, as informed by the School of Natural Law. Therefore, it can be challenging to discern any indication of a State's consent to be bound by international customary law in official or diplomatic documents. Consequently, some positivists argue that without formal or diplomatic documents or other evidence of consent to international custom, permission is assumed due to acquiescence. The basis for this implicit consent is the problematic nature of this plan. Anzilotti, an Italian positivist attempted to explain the applicability of implicit assent to international custom by referencing the *pacta sunt servanda* principle, which, according to him, is the basis of every international law norm [34]. However, *pacta sunt servanda* cannot be applied to several other international customs that are not treaties. In addition, applying the *pacta sunt servanda* principle is limited to treaties and cannot be applied to other international customs.

Neither the *Will* theory nor the concept of *Consent* theory can provide conclusive answers concerning the binding force and sanctions in international custom. Nonetheless, both theories must provide convincing justifications for the binding effect of international custom on newly independent nations liberated from colonial powers. The international community assumes that newly independent governments will adhere to preexisting norms, irrespective of explicit agreement. In addition, other governments expect these nations to generally comply with extant international customs, excluding those norms they explicitly reject. When one State invokes a principle of international law against another, it is not necessary to establish the second State's consent to be bound by the principle invoked. Instead, it is sufficient to show that the international legal concept being invoked has achieved universal acceptance among the global community of States.

Although treaties typically require agreement, some legislative treaties are intended to bind governments that have not consented to the accords. One example of the United Nations Charter's provisions is Article 2, which requires the UN to ensure that non-member countries adhere to the principles of the Charter to the extent necessary to maintain global peace and security. The School of Natural Law's thesis on the binding power of international custom is more precise than that of the School of Positivism. The School of Natural Law posits that international custom becomes a binding force when nations firmly believe in the validity of specific rules that have been acknowledged and consistently adhered to by those States. The concept of *opinio juris sive necessitatis* has evolved into a crucial psychological element of global practice. It is acknowledged as one of the fundamental origins of international law, as stated in Article 38, paragraph 1 (b) of the Statute of the International Court of Justice.

One aspect of international law that raises concern is the nature of sanctions imposed on those who violate it. In contrast, a domestic legal system addresses this issue by clearly outlining the consequences of breaking the law. Under domestic law, each State's executive and judicial branches exercise State sovereignty by enforcing the laws approved by the legislative body. Local law sanctions are usually more organized and clear-cut than international law sanctions. The sanctions found in the domestic laws of each State are not present in international law. However, it is important to note that any violation of international law by any entity subject to it does not go unpunished. It is essential to understand that international law operates under its sanctions, which may differ from domestic legal systems.

One may raise a concern regarding the binding nature of international law on States and other topics related to international law, such as international organizations. The School of Natural Law and Positivism addresses this subject using different legal frameworks [35]. Although the solutions provided by each School of thought may differ and have imperfections, they have helped to enhance our comprehension of the compelling force of international law. According to the School of Positivism, the will of States is commonly shared. The international community determines what constitutes international law, specifically treaties. A treaty is legally binding only if the States explicitly agree to it. A treaty cannot be considered binding on the parties involved unless they have given their express approval, regardless of how beneficial or rational the agreement may be. The School of Positivism established the fundamental principle of State

consent, which means that international law, specifically treaties, is binding only on those governments that have explicitly agreed to be bound by them. For a treaty to have binding force on nations, it is necessary to obtain their explicit agreement. It is unacceptable to rely on implied consent from those States to obligate them to comply with the treaty's provisions.

4- Results and Discussions

4-1- Legal Principles

According to the research findings, the Convention includes a content structure that outlines the principles and obligations of parties to Thailand in procedural and substantive ways. The Convention's objective was to prevent and punish torture committed by public officials or individuals acting on their behalf. It includes incitement, consent, or connivance by a public official or their assigned representative. In addition, it encompasses any other kinds of cruel, inhuman, and degrading treatment or punishment. For the convention to come into force, the State's legislative bodies must enact their laws. Although Thailand has over 20 anti-torture laws, these provisions are still inconsistent with the convention [36]. Hence, it is imperative to consistently amend every law, prescribing uniform principles across all laws. In exceptional cases, it may be appropriate to carry out an enactment, but it should only be done if necessary to avoid redundancy. The Act should include guidelines in the substantive section, particularly in measures such as the definition of torture. Additional definitions should be established, specifically regarding the act of torture or involvement in torture and the corresponding penalties that should be imposed.

Thailand has signed various international agreements that safeguard fundamental liberties. The UDHR by the United Nations is the fundamental framework for safeguarding global human rights. It is also the primary and essential treaty in this regard. The content of the law pertains to essential human rights, including the right to avoid being arrested or detained without reason, the right to a just trial with unbiased judges, and the right to be free from any form of torture. Two treaties that are relevant for individuals who have been wrongfully accused of a crime are the International Covenant on Civil and Political Rights (ICCPR) (1966) and the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT) (1984). It is worth noting that Thailand has not signed two crucial international conventions: the International Convention on the Protection of All Persons from Enforced Disappearance (CED) (1990) and the Protection of the Rights of Migrant Workers and Family Members (CMW) [37]. On the other hand, the Thai Cabinet recently approved and passed the Prevention and Suppression of Torture Act, which states that those who go missing must satisfy the minimal international standard.

The concept was entrenched in the International Covenant on Civil Rights (ICCPR), to which Thailand acceded on October 29, 1996, and entered into effect on January 29, 1997. Thailand ratified the ICCPR on January 29, 1997. The International Covenant on Civil and Political Rights (ICCPR) emphasizes civil and political rights such as the right to life, the right not to be tortured, the right not to be arbitrarily detained, and the right to free opinion and expression. As a result, all humans are endowed with inherent and inalienable rights, which are the foundation of freedom, justice, and peace worldwide. In addition, the ICCPR comes to the following conclusions:

1. Article 7 states *"The prohibition of torture or cruel, inhuman, or degrading treatment or punishment is in effect. No one, in particular, shall be subjected to medical or scientific research without his or her free consent."*
2. Article 9 states *"Every individual is entitled to the fundamental human rights of liberty and security. Every individual has the right to be free from arbitrary arrest or detention. Individuals can only be deprived of freedom if legal grounds exist and a proper procedure."*
3. Article 10 (1) states *"Every individual deprived of their liberty must be treated with humanity and respected for their inherent dignity as a human being."*
 - a. Unless there are exceptional circumstances, individuals accused of a crime should be separated from those convicted and given appropriate treatment that recognizes their status as unconvicted individuals;
 - b. Juvenile-accused individuals must be segregated from adults and expeditiously presented for adjudication;
4. Article 14 (1) states that *"Everyone shall be treated equally before the courts and tribunals. Everyone has the right to a fair and public hearing before a competent, independent, and impartial court in determining any criminal allegation brought against him or his rights and obligations in a legal proceeding. In a democratic state, the press and public may be prohibited from attending all or part of a trial if their presence would harm public morals, order, or national security. However, to the extent that the court deems it appropriate in unusual circumstances where publicity could harm the interests of justice, every criminal case or legal matter ruling shall be made public unless the proceedings involve marriage disputes, the guardianship of children, or the interests of minors require otherwise."*

In adjudicating any criminal allegation or legal dispute, every person has the right to a fair and public hearing conducted by a competent, independent, and impartial tribunal established by law. In a democratic society, decorum,

public order, national security, or preserving the parties' privacy may restrict or prohibit the press's and the public's presence in the courtroom. Such restrictions are subject to the court's strict necessity test, particularly in exceptional situations where publicity could be detrimental to the interests of justice. However, any judgment issued in a criminal case or legal dispute must be made available to the public unless there are exceptional circumstances involving the best interests of juveniles, proceedings related to matrimonial disputes, or matters involving the guardianship of children.

5. Article 14 (2) states that *"Everyone accused of perpetrating a crime should have the right to be presumed innocent until their culpability is legally proven."*

Considering the impact on a criminally accused person has been deemed a violation of the International Covenant on Civil Rights (ICCPR) because introducing the accused to the public through mass media without his consent violates a principle that is considered demeaning. In addition, section 9 (1) is also violated because the defendant cannot be arbitrarily arrested. Importantly, if the accused is a child or adolescent, they must be adequately treated, such as not being brought in public before the press, as this would comprise a deprivation of liberty under section 10. Therefore, the police must presume the accused is innocent until he or she is proven culpable according to the law or until the court reaches a jurisdiction.

In light of the convention's principles and the concept and objectives of States Parties to the convention, it was determined that the General Assembly of the United Nations had adopted a resolution to enter into force on June 26, 1987. There were discovered to be 33 provisions constituting the convention's structure. There are three sections containing organized content: (1) the principles and obligations of State Parties, including the definition of torture (Articles 1 through 16), (2) the Committee against Torture (Articles 17 to 24), and (3) the procedure of becoming a party, an effective amendment to the convention, reservation, and dispute settlement (Articles 25 to 33).

Thailand must comply with international law conventions as a State Party. When Thailand enters a treaty, it creates obligations between States to be bound and comply. Internal laws such as the constitution, royal decrees, announcements of the revolutionary council, court rulings, or administrative orders cannot be used to support the non-fulfillment of these obligations. States are required by law to comply with convention's provisions, and therefore, Thailand is obligated to amend human rights laws in response to the post COVID-19 epidemic outbreak.

Thailand ratified the CAT on October 2, 2007. The Convention came into effect on November 1, 2007. This treaty established penalties for the offense of torture and to conform with the principles of universal jurisdiction and extradition. The interpretation of torture in Thailand is based on the penal code, which ensures that it is comparable to the laws of other countries. It is worth noting that the Criminal Code in Thailand lacks a clear and transparent definition of *"torture."* In cases involving torture, relevant factors considered include crimes associated with torture, attempted crimes involving torture, and complicity [38]. To clarify, the Court of Justice will resolve the issue by utilizing a clause that closely resembles the one in question to settle the disagreement. Therefore, Thailand must implement legal provisions that align its domestic laws with the Convention. For example, the Torture Offenses Act, along with the implementation and updating of additional provisions related to the crime of torture in the Criminal Code, would ensure protection for both the accused and victims of abuse in case of any disputes.

According to Article 30 (1) of the convention, any disputes between States or disputes related to the interpretation or application of the Treaty are defined. Therefore, Thailand has the legal authority to negotiate for judicial authorization to interpret legal challenges in various areas, such as conflict law and the legal applicability of a treaty. Although Thailand is eligible to take advantage of this privilege, it is not considered to be bound by the provisions of this statute. Therefore, Thailand utilized its right as stated in Article 30 (2).

The Constitution of Thailand, B.E. 2560 (2017), holds the highest position in the legal structure, making it the most important source of law. It signifies the highest level of legal authority in the country. Article 25 of the Constitution of Thailand requires the acknowledgement of the human rights and freedoms of the Thai people. Therefore, any law that contradicts or deviates from the provisions of the Constitution of Thailand is not permissible. This clause outlines the principles of human rights and freedoms relevant to the rights and liberties of the citizens of Thailand. The rights and liberties being referred to encompass fundamental aspects of life, such as the right to education and the ability to obtain public health and medical care. Furthermore, the clause highlights the importance of having access to public health services and medical care. Therefore, the Constitution is of the utmost importance in ensuring our protection [39]. Unless the enjoyment of rights or freedoms by Thai citizens endangers the rights and freedoms of others or threatens the State's security, public order, or decorum, the Constitution has limited protection of the rights and freedoms of these Thai citizens in this instance.

Section 27 of the Constitution of Thailand B.E. 2560 (2017) stipulates that every Thai citizen has rights and liberties. Notably, Thailand's laws provide equal protection for all citizens. Therefore, it is improper to accuse a person of committing a crime in a criminal case if the police are still investigating the incident, as this would violate Section 29 of the Constitution. According to Constitution's provision, a person accused of a crime by the police must be presumed innocent until the judge has rendered a definitive verdict. Therefore, the Thai government will not consider an individual

a criminal if no court has rendered a jurisdiction in the case. The Legislative National Assembly ratified this portion of the constitution. Its members are selected to represent Thais throughout the nation. Therefore, the requirements of Article 27 shall be governed by both the Universal Declaration of Human Rights and the definition of the accused provided in Section 2 (2) of the Criminal Procedure Code (2009).

Section 32, paragraph 1 of the Constitution of the Kingdom of Thailand B.E. 2560 (2017) pertains to preserving fundamental human rights, including privacy, honor, reputation, and family. On the other hand, the second paragraph clearly states that no action that violates or impacts an individual's rights as outlined in the first paragraph, or the utilization of personal data for any gain whatsoever, should be undertaken unless it is under the legal regulations that mandate it for the greater good of the public. The Constitution of the Kingdom of Thailand B.E. 2560 (2017), being the highest legal statute in the country, establishes the principle of personal data protection. This principle has been further elaborated in the Personal Data Protection Act (PDPA) B.E. 2562 (2019) to provide a broader interpretation [40]. This law intends to reveal personal information. Therefore, these laws should protect any accused person or suspected criminal.

4-2- Comparative Legal Compliance between Thailand and Global Scenarios

Humanity's fundamental rights, including essential freedoms, are inherent to everyone regardless of nationality, culture, or religion. Thailand's continuous dedication to promoting these fundamental rights must still face ongoing obstacles that hinder their protection. This research analyzes and compares the challenges faced by Thai society in its quest for human rights in comparison to other nations. Thailand would enhance human rights protections and its position on the global scenarios through adoption and implementation of the following:

1. **Freedom of Expression:** Thailand's freedom of expression is restricted, whereas countries like the United States, Canada, and the United Kingdom have strong safeguards to protect free speech. The first amendment of the United States Constitution guarantees extensive freedom of speech, safeguarding even controversial or unpopular opinions. Canada protects the freedom of expression as stated in Section 2 of the Canadian Charter of Rights and Freedoms, which grants citizens the right to express their opinions without facing any legal consequences [41]. Similarly, the Article 10 of the Human Rights Act, 1998 in the United Kingdom has a strong history of upholding freedom of speech. However, there have been ongoing global discussions regarding this right's boundaries, particularly regarding hate speech.
2. **Civil Liberties:** Thailand faces difficulties regarding civil liberties, including arbitrary arrests and restrictions on assembly, which can be compared to countries such as Sweden, Norway, and Denmark. These nations boast robust legal systems that prioritize the protection of individual freedoms and rights. For instance, Sweden follows the principle of "*offentlighetsprincipen*," which gives citizens the right to access official documents and information [42]. Norway places a strong emphasis on safeguarding individual privacy rights and has enacted laws to ensure the protection of personal data. Denmark has a long tradition of protecting civil liberties, such as the fundamental rights of assembly and association.
3. **Rights of Ethnic and Religious Minorities:** Thailand's inadequate treatment of ethnic and religious minorities, as demonstrated by the Rohingya refugee crisis and migrant issues, can be compared to the approaches taken by countries such as Germany, Canada, and Australia. Germany has made outstanding advances in fostering the integration and safeguarding of minority communities, focusing on initiatives that assist refugees and migrants. Canada has a rich tradition of multiculturalism and enacts policies to uphold equal rights and opportunities for all individuals, irrespective of their ethnic or religious affiliations [43]. Australia has taken measures to resolve the rights of indigenous peoples and enhance their social and economic conditions, even though it faces challenges as well [44].
4. **Women's Rights:** Thailand's challenges and progress in women's rights can be compared to countries like Iceland, Sweden, and New Zealand. Iceland is widely recognized as a leader in gender equality, with proactive policies promoting equal pay, shared parental leave, and women's representation in decision-making positions. Sweden has implemented comprehensive gender equality legislation, promoting women's rights in the workplace, politics, and society. New Zealand has made strides in closing the gender pay gap and strongly committed to addressing violence against women [32, 45].
5. **LGBTQIA+ Rights:** Thailand's relatively progressive stance on LGBTQIA+ rights can be compared to countries like the Netherlands, Canada, and Uruguay. The Netherlands has pioneered legalizing same-sex marriage and has comprehensive anti-discrimination laws protecting LGBTQIA+ individuals. Canada has implemented similar legislation, providing protections for sexual orientation and gender identity, and has a vibrant LGBTQIA+ community. Uruguay has taken significant steps to advance LGBTQIA+ rights, including legal recognition of same-sex couples and gender identity laws [46]. Thailand faces the consequences and challenges of safeguarding human rights, as evidenced by restrictions on freedom of expression, violations of civil liberties, issues affecting ethnic and religious minorities, women's rights, and LGBTQIA+ rights.

By comparing these challenges with international countries, it becomes evident that Thailand has room for improvement in its human rights landscape (Refer Table 4). Efforts should strengthen legal frameworks, promote awareness and education, and foster a culture of respect and inclusion. The international community should continue to engage with Thailand, offering support and sharing best practices to advance human rights and create a more equitable society.

Table 4. The Comparative Consequences and Challenges of Human Rights Aspect by Countries

Human Rights aspect safeguarded by the legal framework	Thailand:	United States:	Canada:	Sweden:	Germany:
Freedom of Expression	Constitution guarantees human rights but has some limitations and gaps.	Constitution and Bill of Rights protect fundamental rights, including freedom of speech and assembly.	Constitution and Charter protect fundamental rights including freedom of expression and equality.	Constitutional protection of human rights, European Convention on Human Rights.	Constitution protects human rights, European Convention on Human Rights.
Civil Liberties	Restrictions on free speech, censorship laws, limitations on media freedom.	Strong protections under the first Amendment of the U.S. Constitution.	Strong protections under the Canadian Charter of Rights and Freedoms.	Broad freedom of expression.	Strong protections for free speech.
Rights of Ethnic and Religious Minorities	Arbitrary arrests, limitations on assembly and association.	Emphasizes civil liberties, including privacy rights.	Emphasizes civil liberties, including freedom of assembly.	Strong legal framework prioritizing civil liberties.	Policies that protect civil liberties, freedom of assembly.
Women's Rights	Treatment of Rohingya refugees, migrant issues.	Efforts to promote integration of minority groups, welcoming refugees.	Policies supporting refugees and migrants.	Policies promoting integration and protection of minority groups.	Policies addressing indigenous peoples, improving social and economic conditions.
LGBTQIA+ Rights	Gender-based violence, gender pay gap, women's rights.	Progress in promoting gender equality, addressing violence against women.	Promotes gender equality, addressing violence against women.	Proactive policies for gender equality, equal pay, women's representation.	Commitment to addressing violence against women.
	Relatively progressive, but challenges remain.	Varies across States, varying legal protections for LGBTQIA+ individuals.	Comprehensive anti-discrimination laws.	Strong protections for LGBTQIA+ individuals, legal recognition of transgender individuals.	Significant steps in advancing LGBTQIA+ rights, legal recognition of same-sex couple.

For example, according to Royal Thai Police Title 30 B.E. 2556, which regulates the dissemination of news, press conferences, and interviews, police investigators have the authority to present suspects publicly. The regulation grants the media absolute legal authority to disseminate press news. However, only substantial and higher-ranking police officers are permitted entry in this scenario. In addition, senior police officers who were not directly involved in the investigation may issue press releases if the case is of public interest.

Furthermore, it was determined that the State should revise these regulations by instituting specialized training designed to educate citizens on ethical behavior and public inquiry decorum. Failure to do so may result in adverse physical and psychological effects for the suspects. Therefore, the scope of investigations must be limited to ethical concepts, and the police must exercise prudence to not violate the rights of the accused or the victims. For example, they should use neutral language to ensure that neither the accused nor the victims are publicly embarrassed or disrespected.

According to the above police order, specific examples of unlawful discussions violate the accused's rights;

- First of all, any issues that may jeopardize the country's security or international relations according to §1.2.2.1.
- Secondly, any issues that could harm the government, according to §1.2.2.2.
- Thirdly, any issues concerning orders to complete duties in an internal order, as well as any orders or processes considered confidential information according to §1.2.2.3.
- Fourthly, any matters that damage human right reputation or benefit to others, for example, in the case of crimes relating to sex offences, miscarriage offences, defamation offences, and other similar matters according to §1.2.2.4.
- Fifthly, any matters that may affect or damage the cases, especially those that are still under investigation or investigations are not yet complete. For example, disclosures about techniques and procedures that should be kept secret, investigative approach, arrest approach and collecting evidence in every step, etc. according to §1.2.2.5.
- Finally, any inappropriate events or information that, if revealed to the public, may be linked to copycat crimes. For instance, §1.2.2.6 concerns suicide crime conspiracies, fraud indicators, and other criminal offences.

It is acknowledged that officers authorized to conduct interviews with victims, suspects, or witnesses must obtain consent from a higher-ranking officer, typically in writing. Without such authorization, case-related information cannot be shared with the press, and the goal must be to serve the public interest. Therefore, it is essential to comprehensively examine each media interview, including the queries, responses, and framing, to ensure compliance and prevent rights violations against suspects. In this instance, the Prime Minister permitted the suspect to be excused from appearing before the press and speaking with journalists.

According to the Royal Thai Police Regulation Title 30 B.E. 2556 (2013), certain situations permit the victim, accused, or witness to engage in public discussion. There are certain circumstances under which an individual may be unable to consent. These include being under 18 years of age, being a monk, novice, ascetic, or priest, being a victim of sexual harassment, or if all three parties involved are under 18 years of age. It is essential to guarantee that the private information of these individuals is not revealed to the public in such situations. The police and the media both violate the rights of the accused by making public statements that violate journalistic ethics. These actions violate the rights of the accused, the victims, and the innocent. In addition, it has been determined that while police directly violate the rights of individuals charged in criminal cases, media organizations do not have the same direct impact. However, they continue to violate all accused people's rights, whether directly or indirectly affected.

It is important to analyze the practice of police press conferences that disseminate information about the accused individual through various media channels such as newspapers, television, and online platforms while considering the advantages and disadvantages. The current laws that regulate this issue are well-defined and constantly developing. It has been discovered that the Royal Thai Police, under the Prime Minister's command, need to establish clear ethical guidelines for how suspects are presented to the press. The guidelines should not only mandate strict adherence to regulations but also necessitate that the designated spokesperson undergoes pertinent ethics training. This requirement ensures that ethical considerations are maintained with the already stringent regulations.

It is essential to select police officers based on their skills, age, and maturity to prevent news conferences from causing unwarranted damage or distress. Despite this, police continue to present suspects to the media for various reasons, including senior officers wishing to showcase their work. These contribute to this practice's persistence. Moreover, police personnel confront intense competition for public attention. Therefore, the authorities and the media must handle suspects respectfully and impartially. For instance, allowing suspects to record television programs multiple times demonstrates concern for their well-being.

The Amnesty group filed a complaint with the National Human Rights Commission (NHRC), an independent constitutional agency, seeking representation and proposing revisions to regulations that violate the accused's rights. On two fronts, they are concerned about potential violations of the rights of criminally accused individuals. First, they emphasize the emotional impact of the events, even before the court has determined the accused's culpability. Second, they express concern regarding the police's coercive reenactment of criminal demonstrations, essentially fabricating scenarios where the accused may be implicated against their will. In addition, when the press arrives on the scene, the police may have failed to secure the cords, leading to further confusion among observers upon seeing a suspect in handcuffs. Therefore, a manual delineating the proper procedure for organizing press conferences at actual locations is required. Possible measures include holding press conferences at night or instituting exclusive media-only access restrictions.

In addition, journalists and police officers often go unpunished for violating the rights of suspects due to their unlimited societal power, which is a result of their destitution and strong governing influence. Consequently, the fairness of the accused's treatment may be compromised. Moreover, individuals accused of crimes who lack legal knowledge may struggle to submit complaints when their rights are violated. Even though recourse through government agencies has the potential to safeguard the rights of the accused, corruption within these agencies may cause delays and inadequate responses to complaints. Therefore, law enforcement officials treat suspects unequally. If an accused person fails to file a claim and is subsequently convicted, their rights may not be protected.

In particular, the regulations regarding preserving the human rights of the accused, victims, and witnesses are not widely understood in Thai society, nor are they adequately incorporated into the curricula of many educational institutions. These are especially evident in countries with strict human rights laws like the United States. As a result, journalists who lack empathy for the individuals they cover may inadvertently violate human rights laws or regulations. Therefore, institutions in Thailand entrusted with regulating the mass media should implement training programs and maintain strict control over professional licenses in mass communication.

Reporters who violate the rights of the accused or engage in other criminal and civil law violations should face appropriate repercussions, such as the termination of their professional media license. Media organizations can play a crucial role in upholding ethical standards by ensuring that reporters and photographers adhere to principles of respect when covering the accused, victims, and law enforcement. Journalists, photographers, and reporters who fail a media ethics course should be prohibited from responding to police inquiries, including those regarding misconduct allegations.

Technological advancements have increased the demand for active field journalists compared to previous eras. However, the expansion of online media outlets has created new potential problems, such as the public's ability to violate journalists' aural and video rights by remarking on and sharing press photographs. To protect the privacy of suspects and victims, individuals must refrain from disseminating potentially false news images and videos of journalists. Schools are crucial in instilling awareness and social responsibility in adolescents. This requirement is demonstrated by the public's use of social media platforms such as Facebook, Instagram, and Twitter to express disapproval of journalists who engage in an unlawful activity and by instances in which journalists contribute to such issues.

Human rights violations against the accused and victims are not solely attributable to the actions of the police or the media but also the actions of civilians, particularly adolescents, according to the analysis. Their dissemination of false information via various digital media platforms is frequently motivated by their lack of knowledge, qualifications, and maturity. Therefore, it is crucial to impart a profound comprehension of human rights and the significance of accountability in children from a young age, with the family and the school system bearing this responsibility. These measures not only contribute to the protection of those who have been falsely accused, but they also instill a sense of social responsibility in the younger population.

The Directive 95/46/EC of the European Data Protection Directive, 1995 was adopted in Europe to eradicate personal information from Internet searches and other sources, particularly for suspects, victims, and offenders. This concept has developed and been adopted by numerous nations, including the United Kingdom, France, the Philippines, and Argentina. Instead of asserting the right to be forgotten, the European data protection regulations seek to guarantee the right to erasure, protecting potentially detrimental personal information. The right to be forgotten stems from the UK Offender Rehabilitation Act, which proposed that once a criminal's sentence has been served, their criminal record should be expunged. Despite the comparatively recent origin of the term, on May 13, 2014, the European Court of Justice recognized the *"right to be forgotten"* as a human right in the Costeja case.

Similarly, Directive 95/46/EC further strengthened human rights law to regulate acquiring, using, and disclosing personally identifiable information. Google views itself as a company that accumulates and analyzes media-related data. According to a European Union judge ruling who is neither a journalist nor a photographer, Google is a *"data controller"* [47]. This means that Google is required to get rid of data that is inappropriate to journalistic work. This requirement is of global importance, especially in cases involving controversies and the rights of defendants and their families. To avoid misunderstandings, it is essential in Thailand to protect these individuals from persistent stigmatization, particularly when they seek employment. Sometimes, individuals have misinterpreted a candidate's image due to press accusations, causing unwarranted concern. In addition, concerns have been expressed regarding the impact on freedom of expression, privacy, education, and wagering and pornographic content on various online platforms.

4-3-SWOT Analysis

The SWOT analysis provided a comprehensive understanding of the critical issues related to human rights and how future policy implications can improve and protect human rights in Thailand. The SWOT analysis examines the current frameworks aimed at protecting human rights and promoting the well-being of vulnerable populations (Refer to Figure 3). Focusing on Thailand allows for identifying gaps and loopholes in governance frameworks at all levels.

Strengths: Human protection is enabled in Thailand under several regulations and the adoption of international norms. One of the biggest strengths is the existence of both international conventions and domestic human rights law frameworks in Thailand. The departmental regulations at the national level, such as police regulation, are in line with the Thai constitution and international directives. The will to attain sustainable management at every level of policy-making and implementation could also be observed at all departmental levels. The focus is more on the national level policies, but it is essential to adopt and further develop at the ground levels in the future.

Weaknesses: The significant weaknesses lay in the inadequate implementation of laws, especially at the provincial, district, and community levels. The governance suffers from a strict top-to-bottom approach, so attaining sustainability becomes lengthy and complex. Therefore, the government's directives and regulation adaptations vary at the national and local levels. The non-inclusion of previous court cases in the current legal dispute resolution at the local level encompasses inadequate governance. These inadequacies are further a hurdle towards attaining sustainable management. These weaknesses are deeply embedded in the legal and political frameworks in Thailand.

Opportunities: Thailand, the region's leader, could transform the opportunities to ensure and adopt human rights preservation at the ground level. Community-based protection frameworks for vulnerable populations must be adopted at all levels of governance. Strengthening departmental, sectorial, and community-level guidelines, regulations, and ordinances will provide holistic and comprehensive governance. The absence of balanced policies and legal frameworks to ensure equal human rights and resilient and sustainable growth is to be adopted.

Threats: The ratification of CAT still undermines the adequate implementation of human rights protection and prompts legal actions. The unstable political and gaps in the adoption of law at all governance levels threaten to achieve adequate legal protection. Absence of political will to develop all sections of the society as the focus remains on the vote banks, corruption at all levels, and several politically instigated groups. These threats further act as barriers to ensuring the safeguarding of human rights.

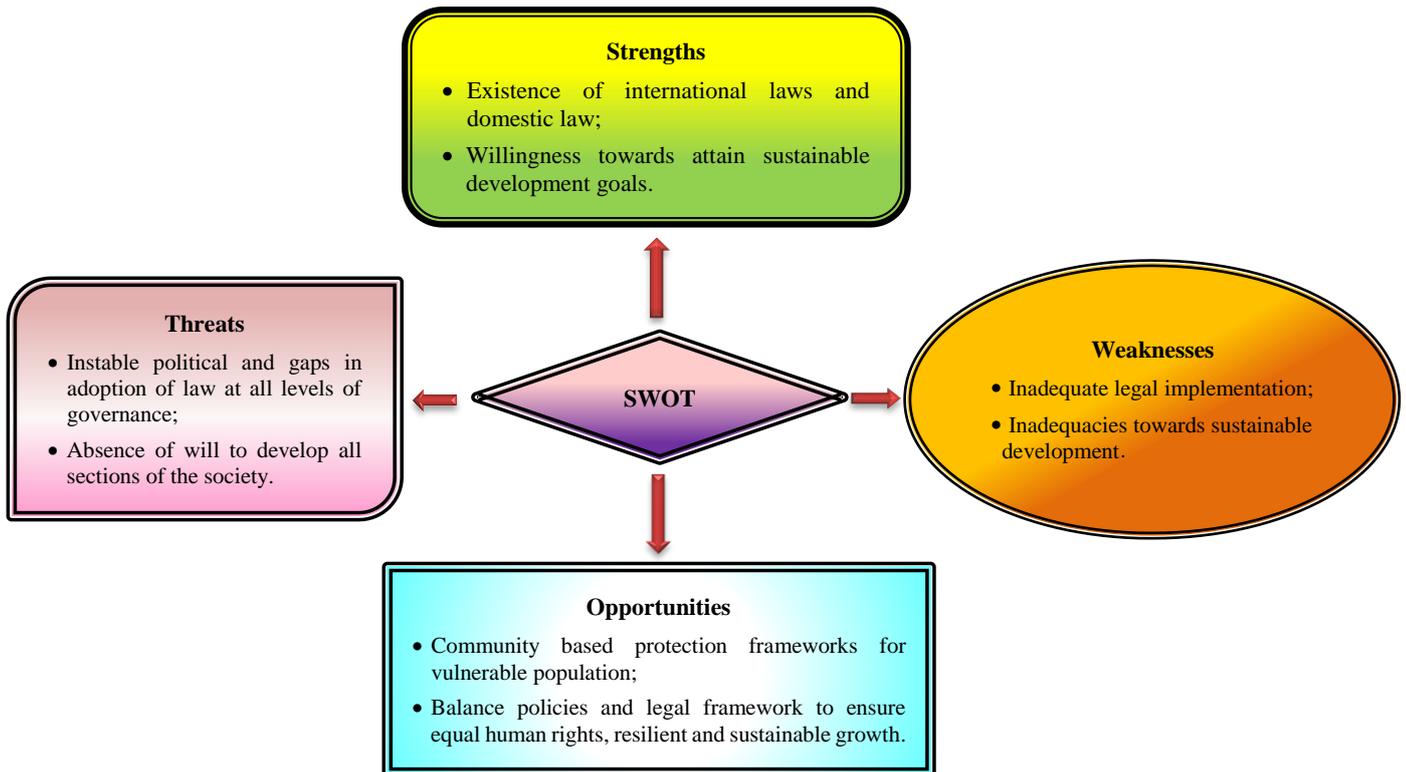


Figure 3. SWOT analysis for the study

4-4-PESTEL Analysis

This research includes an in-depth study that utilizes the PESTEL analysis, which stands for Politic, Economic, Social, Technological, Environment, and Legal (PESTEL). The PESTEL framework is utilized to analyze the effectiveness of operations within a legal organization. Future trends are determined by analyzing the changes in external factors [48]. After Thailand ratified the CAT, there are various barriers and hurdles regarding implementation in the Thai legal system in the following details of each aspect (Refer to Figure 4):

Politic (P): Protection and advancement of human rights within Thailand's political system require substantial improvement. Political dynamics directly influence human rights activities, including issues of government security, prospective legislative amendments, and the resulting global impact and viability of political rights. Moreover, the policies and management practices adopted by the government have far-reaching effects on the economy and numerous industry sectors. When delving into these numerous issues, a perceptive analysis of the nation's political landscape is indispensable. In addition, efforts involving international organizations committed to sustainable management, intergovernmental organizations, and non-governmental organizations (NGOs) are required to tackle these challenges.

Thailand should provide strategies prioritizing effective disease control while upholding fundamental human rights in response to the COVID-19 pandemic. Improving the implementation of human rights frameworks at the local level is crucial, particularly in light of the ongoing crisis. Notably, the swift passage of the Anti-Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment Act is of the utmost importance, as it would provide a solid legal foundation for the judiciary's accurate interpretation and application of the definition of torture. Nonetheless, it is regrettable that the pandemic has caused significant delays in parliamentary sessions, as the implementation of social distancing measures has prevented the House [49] of Representatives from convening and approving legislative measures.

Unfortunately, due to the COVID-19 pandemic, there have been significant restrictions on political expression and the exercise of political rights [50]. It has resulted in limitations on public discourse and demands for democratic principles that the 2017 Constitution protects. Maintaining stability and protecting the right to peaceful assembly are ongoing difficulties in Thailand. Due to the current COVID-19 situation, necessary legislative actions such as the Same-Sex Marriage Act and the recent leader of the Move Forward Party have been delayed.

Economic (E): The human rights movement's impact on economic expansion significantly shapes the implementation of various monetary policies, such as adjusting interest rates, exchange rates, and foreign investment strategies. These factors significantly affect employment rates. For example, when a government decides to lower interest rates, it can result in increased inflation. These can have an impact on consumer purchasing power and can also alter the demand for goods. Therefore, it is essential to consider the current level of consumer confidence.

The COVID-19 pandemic has led to a significant increase in unemployment among Thai citizens, highlighting the importance of economic rights in distinguishing individuals based on their employment status. The unfortunate reality in Thailand is that it tends to dehumanize people based on their social status, position, and wealth because Thai economy places great importance on these factors. Unfortunately, this perspective focusing solely on the economy leads to unfair discrimination against people's human rights during the pandemic. The country needs to shift its mindset and prioritize valuing individuals as human beings, regardless of their economic status. The impact of COVID-19 goes beyond Thailand's citizens and affects expatriates' economic rights. The rights included in this category are freedom of work, the ability to choose employment based on qualifications, fair wages, property ownership, and adequate compensation in line with Thailand's cost of living. For instance, the Thai government increases the electricity cost, which impacts the economic human rights system.

Social (S): In the aftermath of the COVID-19 pandemic, social factors influence the expansion and improvement of human rights within social systems. Society incorporates various domains, such as social trends, cultural influences, income distribution, and demographic factors. Before instituting specific human rights laws, Thailand must therefore consider the impact of its culture on societal behavior and indicators such as the birth rate when formulating legislation regarding the age range of kindergarten and primary school children.

The post-COVID-19 era has witnessed a greater emphasis on health awareness, which has implications for the right to education, as students at all levels have been forced to rely on online platforms such as ZOOM, WebEx, and MS Teams. As a result, students of varying grade levels have had their social liberties restricted. In addition, during the political protests, most protesters were young people. They impacted not only the right to political freedom but also the right to treatment in the public hospital. Nonetheless, expectant mothers and children receive specialized care to meet their treatment requirements. As a result of the pandemic, the entitlement to social security, which includes professional advancement, has also been compromised. In addition, the suspension of public transportation for commuting to work has resulted in restrictions on the right to personal development to protect passengers' safety. Moreover, individuals' freedom to choose partners, establish families, and indulge in marriage and family planning has been delayed, resulting in unequal rights.

Technology (T): Technological innovation and advancement profoundly impact particular mass communication markets, media related industries and human rights. It incorporates multiple aspects, including product design, digitalization, production, logistics, and distribution networks. In light of this, the technical analysis evaluates the potential for innovation and development and the relative capacities of these advancements concerning protecting human rights.

Thailand has a glaring absence of collaborative approaches to implementing fair and lawful policies, especially concerning specific population segments. This deficiency became evident during the civil disobedience campaign in Bangkok, the nation's capital, in 2020, and the subsequent inadequate response by public services and law enforcement agencies, which came under intense scrutiny. During the impasse between the Thai populace and the police, the protection of human rights retreated into irrelevance.

In addition, the use of technology by political parties during the election of 2023 has substantially improved the efficacy of democratic processes, effectively reducing the need for traditional village campaigns and the risk of COVID-19 transmission. By utilizing technologies such as Artificial Intelligence (AI) on mobile phones and devices, candidates can efficiently introduce themselves to the public, promoting equality in human rights and ensuring rapid access to justice for urban and rural populations. Nevertheless, despite the positive impact of technology, the widespread implementation of lockdowns and curfews in numerous regions of Thailand caused significant disruptions in the administration of justice. The transition of courts to online platforms was significantly delayed, requiring several months to actualize, and the National Legislative Assembly (NLA) had to postpone its meetings repeatedly. Consequently, these extensive delays have directly and negatively influenced individuals' access to justice, impeding their ability to exercise their fundamental human rights effectively.

Environment (E): Environment rights refer to safeguarding and conserving the natural environment, ensuring its availability for current and future generations. Nonetheless, there have been persistent difficulties in maintaining these rights. During the COVID-19 pandemic, the degradation of natural resources and ecosystems is a significant issue. Deforestation, unsustainable agricultural practices, and pollution have caused biodiversity loss and habitat deterioration. The impact of this issue is not limited to the environment alone, as it also threatens the rights of communities that depend on these ecosystems for their sustenance. The blending has led to a decrease in environment rights in Thailand.

However, it is important to continue enforcing environment laws effectively, raise public awareness and participation in environmental decision-making processes, and promote sustainable practices that safeguard the environment and uphold environment rights for all individuals and communities in Thailand. It is crucial to acknowledge that the human rights situation in Thailand is subject to change and requires further examination through reliable sources and reports from reputable organizations that monitor human rights issues in the country.

Legal (L): To ensure the implementation of human rights in Thailand, it is the responsibility of organizations accountable for realizing human rights to ensure that this occurs. Establishing legal rights in a nation's constitution, laws, or fundamental policies is essential for a robust framework for protecting human rights. Legal human rights incorporate essential facets, such as protecting individuals from wrongful arrest or detention, ensuring everyone has access to a fair prosecution, and granting individuals the right to acquire citizenship. In addition, Thailand must employ a collaborative strategy to guarantee the implementation of fair and legal practices and resolve the concerns of marginalized populations. For example, the civil disobedience movement in Bangkok in 2020 drew significant criticism due to inadequate responses from the civil services and law enforcement. Unfortunately, human rights were neglected due to the Thai populace's conflict with the police.

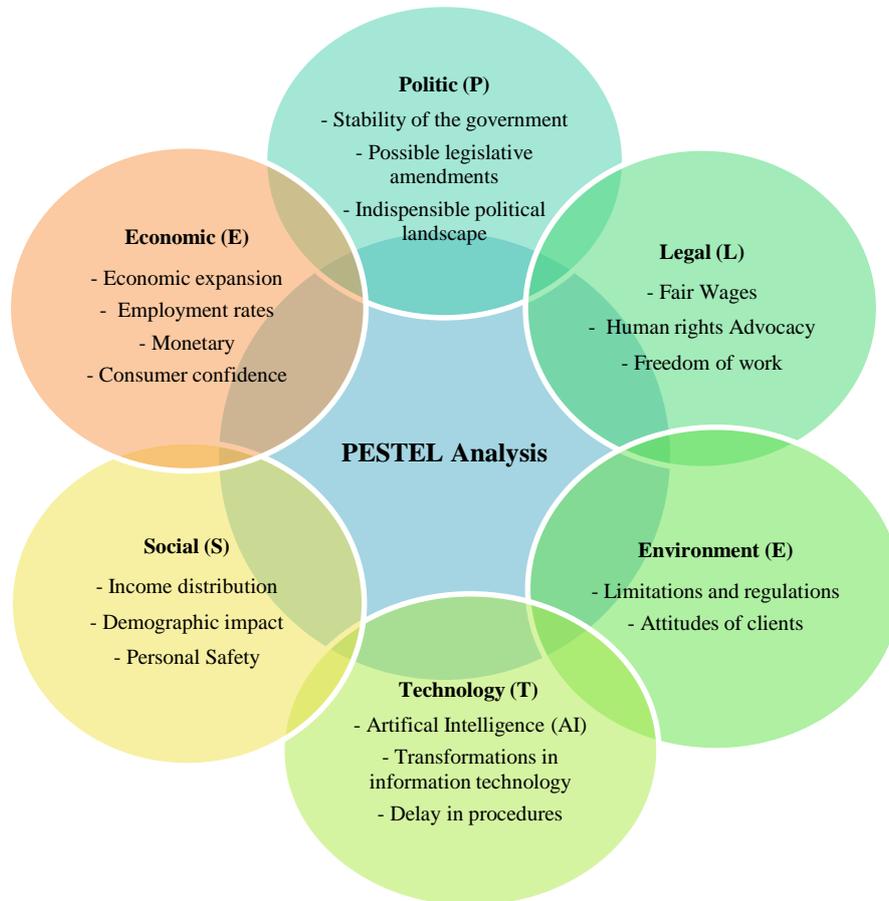


Figure 4. PESTEL analysis for the study

For example, the coerced disappearance of a renowned human rights advocate in 2004 is notable [7]. The advocate was a prominent attorney specializing in cases involving allegations of police misconduct. The disappearance of the individual drew attention to the difficulties encountered by human rights advocates in Thailand and cast light on the issue of perpetrators of such violations being able to act without fear of punishment. Another example is that the Rohingya crisis has significant human rights implications, notably concerning Thailand's treatment and repatriation of Rohingya refugees. In addition, there are concerns regarding the treatment of individuals and whether or not international human rights standards are being adhered to. The last example, the *lese majeste* law, is a notable example of how freedom of speech has been restricted and criticism of the monarchy repressed. There are severe penalties for perceived insults or defamation of the royal family, resulting in self-censorship and a stifling of free speech.

These instances illustrate some human rights cases that have brought attention to Thailand's difficulties and violations. Therefore, in Thailand, it is necessary to consult credible and current sources, such as human rights reports and organizations that monitor human rights in the country. Thailand and its governing bodies must assume responsibility for assuring the protection of human rights and provide evidence of their implementation. Establishing laws based on the rule of law is essential for every nation. It ensures that the law is applied fairly and that people can access justice-seeking channels easily. The legal system should be equitable, straightforward, and transparent, ensuring all parties are subject to the same laws. The COVID-19 pandemic exacerbated the situation, resulting in

taxation delays, fewer examinations of the fiscal system, and a widening disparity between individuals. The imposition of lockdowns and curfews in various regions of Thailand significantly impacted the judicial system, resulting in significant delays in the administration of justice. It took the courts several months to reinstitute online court proceedings.

In conclusion, the results of studies on the impact of COVID-19 on the CAT Convention and human rights will continue to evolve as the pandemic develops and efforts to protect human rights advance (refer to Table 5). The CAT Convention is a global human rights treaty to prevent and address torture and other cruel, inhumane, or degrading treatment or punishment. Globally, the COVID-19 pandemic has significantly impacted human rights, particularly the enforcement and implementation of the CAT Convention [53]. The following analysis and interpretations discuss the effects of the aftermath of the CAT Convention and the COVID-19 pandemic on human rights in Thailand:

1. Impact on accused person/ prisoner: The COVID-19 pandemic has brought attention to the deplorable conditions in numerous prisons and detention centers worldwide, focusing on Thailand. The risk of torture and ill-treatment has increased due to overcrowding, a lack of access to healthcare, and inadequate sanitation measures [54]. There is an immediate need to strengthen the implementation of the CAT Convention to protect the rights of detainees in times of health emergency crises.

2. Increased vulnerability of marginalized groups: The pandemic has disproportionately impacted marginalized communities, such as migrants, refugees, and impoverished individuals, making them more vulnerable. These marginalized communities are frequently more susceptible to torture or ill-treatment, and the COVID-19 pandemic has exacerbated their vulnerability [55]. It is imperative for governments to identify and tackle the current inequalities and uphold their obligations under the CAT Convention to protect the rights of all individuals, regardless of their economic or social standing.

3. Restriction of civil liberties: In light of the pandemic, the Thai government has implemented measures restricting civil liberties and human rights, including limitations on freedom of movement, assembly, and expression. Whereas it is essential to take the necessary measures to protect public health, finding a careful equilibrium between these limitations and upholding the fundamental human rights of individuals is crucial [56]. The CAT Convention requires the States to ensure that any restrictions they apply are necessary, proportional, and in compliance with their commitments.

4. Surveillance and privacy concerns: There are concerns about privacy rights due to the use of surveillance technologies for tracking the virus's spread and enforcing quarantine measures [57]. It is crucial for governments to guarantee that their surveillance measures align with internationally recognized human rights standards and the absolute prohibition of torture and ill-treatment. Measurements of this nature ought to be temporary, freely communicated, and subject to independent oversight.

5. Access to justice and accountability: The COVID-19 pandemic has made it challenging to ensure that everyone has fair access to justice and that those responsible for human rights violations are held accountable. The limited availability of courts, restricted access to legal assistance, and long legal processes have made it difficult for individuals who have experienced torture or mistreatment to obtain justice [58]. It is imperative for governments to take the necessary actions to uphold the accessibility of justice systems and strengthen accountability mechanisms as mandated by the CAT Convention.

6. Mental health and psychosocial impacts: The COVID-19 epidemic has significantly impacted the mental wellness of individuals and their psychological well-being worldwide. Isolation, fear, and high-stress levels all increase the probability of being subjected to ill-treatment or torture [59, 60]. Governments must give utmost importance to mental health support and guarantee that adequate services are readily available under the provisions of the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT).

7. Strengthening international cooperation: The CAT Convention highlights the need for international collaboration to prevent and prosecute acts of torture. The aftermath of the COVID-19 epidemic calls for enhanced coordination between States, organizations of civil society, and international organizations to cope with the challenges to human rights that have surfaced due to the crisis. The implementation of the CAT Convention can be made more effective through the sharing of best practices, the exchange of information, and the provision of technical help, among other possible contributions.

Table 5. SWOT-PESTEL Analytical interpretations (Adapted from [51, 52])

SWOT/PESTEL	S	W	O	T
P	Amalgamation of international and national policy making mechanism.	Inadequate implementation, especially, at the local level where the government infrastructure lacks the linkage between local communities.	Political will towards growth-oriented protection of legal rights and adoption of sustainable management at ground level policy making mechanisms.	Instability of government and swopping of government policies with each change in the government regimes.
E	Economic growth-oriented approach along with inclusion of human rights protection.	Economic status considered higher than humanitarian valuation.	Enhanced consumer confidence and protection, employment rates, especially during disruptive events such as COVID-19 pandemic.	Enhanced cost of living, focus on economic status and inadequate mindset towards equal human rights.
S	Social and cultural trends growing towards appreciating the value of human rights.	Demographic inadequacies adversely affect the overall social and cultural systems in Thailand.	Inadequate social, medical and cultural protection and absence of policies focusing upon the society as a whole.	COVID-19 pandemic exposed the inadequacies and non-protection of basic human rights which is overlooked by the Thai governance.
T	Inclusion of technological advancement at all levels of the governance.	Local and ground level spread of technological advancement lacks the development-oriented approach.	Protection of human rights with including technological advancement and awareness generation for the vulnerable populations.	Dependence on the technology withdraws the human touch from all levels of governance; Also, the literacy rate is 94.10% in Thailand.
E	Acceptance of environment factors being crucial at the governance level.	Environment degradation and negligence at the ground level and communities being neglected.	Amalgamation of community, geological, demographic and environment-based development at all levels of governance.	Deforestation, waste dumping, lack of policies to strengthen the environment factors in all the provinces.
L	International human rights protection under Article 3 and 17 of CAT and Thai Constitution protects the human rights under the Article 29.	National legal framework lacks the apt jurisprudence.	Enhanced legal protection with stringer implementation of international laws in the domestic laws. Strengthening of the legal framework.	Inadequacies of legal framework, throughout COVID-19 pandemic.

5- Conclusions and Recommendations

Although there is no universally accepted definition of “*human rights*” in legal context. However, most countries adhere to the United Nations human rights principles. These principles would support the establishment of the National Human Rights Commission and the National Human Rights Plan to protect the Thai people, particularly when communicating with persons accused in criminal cases. Thailand has to promptly review pertinent literature from various sources, such as the Universal Declaration of Human Rights, the ASEAN Community’s National Human Rights Plan, and other States’ National Human Rights Plans. It should refer to the Thai Constitution B.E. 2560 (2017), which contains laws related to human rights issues. Thailand is currently revising the 5th National Human Rights Plan (2023-2027) to ensure that it is suitable and in line with the current circumstances. The proposed amendment would entail implementing measures, particularly the upcoming new government elected in the election of May, 2023, such as developing a conceptual framework, improvising the existing legal framework, and revising the political and regulatory framework at all levels of governance. An example would be establishing goals to evaluate the well-being, accessibility, and equality of human rights. Furthermore, the legislative standards should support the Human Rights Plan on information and communication technologies. Such assistance is focused on specific target groups, including accused criminals, victims in criminal cases, children and youth, women, and LGBTQIA+ group.

Thailand has adopted several international human rights treaties to protect suspects under constitutional and legislative standards [61]. Consistent action is necessary to solve the trouble that arises from factors such as the police, journalists, and vested interests. The severity of the problem is highlighted by corruption within Thailand’s police force, the media community, and the general public. Particularly, law enforcement personnel must follow regulations and support legal reforms that can enhance the protection of suspects and victims. Educating young people about respecting the privacy of criminal suspects and victims at home and school is important. These will help them avoid unintentionally violating their rights.

The Thai government should legally act to provide the collation between both police and the media because the police’s promotion-driven distribution of suspects’ news and the media’s disdain for immediate action is required. Legal reforms and resilient enforcement are required to preserve the privacy rights of both the accused and the victims. Furthermore, news organizations are responsible for developing particular criteria for supervisory training courses that go beyond the jurisdiction of the police. It is proposed that continuous training be made necessary for certification, with the threat of license revocation if not completed.

Furthermore, the police must issue a warning and act quickly to remove from all social media platforms young people and residents who distribute false material that infringes the rights of suspects. These are required because such activities might have negative repercussions. For example, as the number of virtual accounts, search engines, and social media platforms that publish information on individuals accused of crimes or reintegrating into society grows, these platforms

must examine the possible consequences of their acts. These platforms must recast themselves, particularly in order to appeal to the younger generation. Respect for the law must be instilled in families and educational institutions. Governments worldwide, not only in Thailand, should uphold the UDHR principles. Additionally, Thailand must strengthen its national legal commitment and mechanisms to achieve human rights ambitions compatible with sustainable development and growth.

The study provides the following recommendations:

- Adequate implementation of the legal regulations at the local and national level.
- The dispute resolution and dispute prevention of legal human rights and safeguarding the infringing of human rights should be adopted by creating a specialized court.
- Civil judicial procedures and evidence-based proceedings must be under the direct surveillance of human stakeholders. There must be *factum probandum* but must not be *Inaudita altera parte*.
- There must be a creation of a common platform with all the concerned departments related to torture, both physical and mental, for both plaintiff and defendant and/or alleged assailant (accused individual; perpetrator or offender); to ensure the prevalence of justice.
- Thailand must establish a specialized court of justice at all levels; a specialized human rights court of the first instance, the specialized human rights court of appeal, and the Supreme Court for filing exclusive human rights cases.
- *De minimis* intrusion to the legal framework from disruptive events such as the COVID-19 pandemic.
- The administrative actions must take other related actions, such as announcements or publications in official books for dissemination to the public. Judicial action means that the application of the law or the judicial interpretation of the law must be consistent with the treaty's provisions.
- Thailand must revise the National Human Rights Commission of Thailand's Regulations on Criteria and Procedures for Investigating Human Rights Violations by adding more forms and details related to torture and other ill-treatment or cruel punishment.
- Thailand should establish an independent agency or organization to be responsible. Investigate torture without interrogation by the police or public authorities. In this regard, the investigation and investigation, as prescribed by criminal law, shall apply to the National Human Rights Commission's Regulations on Criteria and Procedures for Investigating Human Rights Violations B.E. 2545 as a guideline for fact-checking.
- Thailand must enforce cruel punishments, degrading human dignity, including arresting government officials who commit crimes under a judicial process that meets internationally accepted standards.
- The Ministry of Justice is responsible for carrying out this Act and has the power to appoint competent officials. In addition, it has the authority to issue ministerial regulations, orders, and announcements to support the implementation of the Act. One measure that can be taken is to prepare a comprehensive report on Thailand's compliance with the convention. This report aims to conduct comprehensive research and collect relevant information from appropriate agencies and official documents.

In the future, this research will focus on the study of ill-treatment and other cruel punishments in order to suggest ways to improve the Thai justice system to comply with the convention, such as the proposed Legislative measures, through the enactment of the Prevention and Suppression of Torture Act, to ensure that the protection of the rights and freedoms of the people of Thailand is consistent with the obligations of the convention. Adopting an international convention of accession without amending domestic law would pose difficulties for law enforcement. Due to its dualist legal system, if Thailand intends to sign any international convention, it must first implement domestic law under this convention. Before signing the convention, it would be detrimental for Thailand to accept its obligations without amending the relevant law or enacting a specific statute to facilitate the convention. Therefore, the executive, legislative, and judicial branches should make the necessary provisions to implement the convention to have a substantial impact.

6- Declarations

6-1-Author Contributions

Conceptualization, S.P. and S.L.; methodology, S.P. and S.L.; software, S.P. and S.L.; validation, S.P. and S.L.; formal analysis, S.P., A.C., and S.L.; investigation, S.P. and S.L.; resources, S.P. and S.L.; data curation, S.P. and S.L.; writing—original draft preparation, S.P. and S.L.; writing—review and editing, S.P., A.C., and S.L.; visualization, S.P. and S.L.; supervision, S.P. and S.L.; project administration, S.P., A.C., and S.L.; funding acquisition, S.P. and S.L. All authors have read and agreed to the published version of the manuscript.

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Not applicable.

6-7-Conflicts of Interest

The authors declare that there is no conflict of interest regarding the publication of this manuscript. In addition, the ethical issues, including plagiarism, informed consent, misconduct, data fabrication and/or falsification, double publication and/or submission, and redundancies have been completely observed by the authors.

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