

[Statement] Thailand: Immediately Repeal the Draft Act on Associations and Foundation 2024

The undersigned organisations express concern over the Thai Government's recent attempt to pass the **Draft Act on Associations and Foundations 2024**, which, if adopted, would lead to violations of the right to freedom of association and further undermine democracy in the country.

We call on the Thai Government and Parliament to scrap the Draft Act at once and instead prioritize efforts to protect civic space and promote democracy in the country.

A Threat to Freedom of Association

The Draft Act on Association and Foundation 2024 was introduced to the public by the Government of Thailand in October 2024. Similar to its predecessor - **the Draft Act on the Operations of Not-for-Profit Organizations**, which was suspended by the Thai Parliament in 2022 - the current Draft contains [numerous provisions](#) that contravene international human rights law and standards. Among its contentious measures, the Draft mandates the registration of all associations and foundations (Section 6), requires a minimum of at least 30 members to establish an association (Section 12) and imposes mandatory reporting of foreign funding (Section 8).

Furthermore, the **Draft Act** grants unfettered powers to the authorities to dissolve or suspend foundations and organisations whose activities are deemed to violate the law, against public morality, threaten national security, or disturb public spaces without due process of law (Section 26, 31, 48). Organizations may also be dissolved or suspended on minor grounds, including having fewer than thirty members and allowing "another person who is not a director of the association to make a statement"(Section 31). The establishment and objectives of associations as well as the qualifications of members, must comply with public morality and national security. (Section 14,17,34). The vague terms and onerous requirements places undue burden on civil society organisations, particularly those advocating for human rights and democracy.

Targeting Civil Society as "Foreign Influence" and "Threats to National Security and Stability"

If passed, the Draft Act would perpetuate a securitization and negative narrative against civil society, portraying its actions as foreign interference/foreign influence. In addition to requiring the reporting of foreign funds (Section 8), the Draft Act uses vague grounds such as national security and economic interest to restrict registration and the activities of civil society (Section 26, 31, 48). It also imposes disproportionate reporting requirements and allows authorities to inspect organisations without prior notice, significantly undermining the right to privacy for both organisations and individuals involved.

Such provisions, justified under the pretext of combating foreign influence, foreign money laundering and counter-terrorist financing, have been deemed a misinterpretation of recommendation 8 of the [Financial Action Task Force \(FATF\)](#) – the anti-money laundering intergovernmental watchdog which Thailand is a member. Recommendation 8 and its interpretative note explicitly stipulates that "measures adopted by countries to protect the NPO sector from terrorist abuse should not disrupt or discourage legitimate charitable activities." Rather than adopting a blanket

approach, FATF suggests a -targeted and risk-based strategy that ensures civil society can continue to thrive.

Lack of transparency and public participation

The Thai government's disregard for civil society input is evident in the current draft of the Act, which retains the most egregious provisions from the previous version. Despite widespread objections, restrictive measures that undermine the independence and operations of civil society groups remain unchanged. While the government invited public feedback to the Draft Act from October 28 to November 26, 2024, it remains uncertain whether these inputs will be thoroughly considered or adopted. In response, the National Human Rights Commission of Thailand, NHRCT, organised a public consultation on the 8th November, where CSOs unanimously recommended the Draft Act to be repealed in its entirety. Their concerns included the flawed drafting process which lacked public consultation/hearing, the potential harm posed by ambiguous terms such as public morality and national security, as well as the disproportionate criminal sanctions and punishments against the organizations and individuals involved.

Thailand's (lack of) Commitment as Human Rights Council (HRC) Member

As a recently elected member of the HRC for 2025, Thailand must lead by example and align its domestic laws with the highest international human rights standards. However, the Draft Act clearly violates the right to freedom of association guaranteed in international law and standards, including the right for civil society organisations to freely exercise the rights to association and expression, including through activities such as seeking, obtaining and disseminating ideas and information. The international human rights law and standards also recognise the crucial role of civil society in advocating for human rights; engaging in governance and the conduct of public affairs; and accessing and communicating with international human rights bodies, among other issues.

International human rights law and standards also affirm that these rights must be guaranteed for all organisations, regardless of [their registration status](#). Thailand's adherence to these principles is essential to uphold its commitments as a HRC member.

In 2021, three UN Special Rapporteurs- on the rights to freedom of peaceful assembly and of association; the promotion and protection of the right to freedom of opinion and expression; and on the situation of human rights defenders) sent a [communication](#) to the Royal Thai Government raising expressing concerns about the previous draft. The communication, along with advocacy efforts made by civil society to [call for the repeal](#) contributed to the Thai parliament's decision to suspend the Draft in 2021. If the current draft is passed in its current form, it will further highlight Thailand's failure to comply with international and universal human rights standards.

Call for Action

As the public consultation closes on 26 November 2024, we urge the Government and Parliament of Thailand to halt discussions and repeal the 2024 Draft Act in its entirety. Passing this Draft Act will further erode civic and democratic space in the country.

We emphasize that Thailand, as a member of the UN Human Rights Council must honor its commitment to uphold international and universal standards of human rights.

Additionally, we call for the international community to closely monitor the process to ensure transparency and accountability.

Signatories:

1. ALTSEAN Burma
2. Asia Democracy Network
3. Asian Forum for Human Rights and Development (FORUM-ASIA)
4. Association of Women for Awareness and Motivation (AWAM Pakistan)
5. Bytes For All, Pakistan
6. Cambodian Human Rights and Development Association (ADHOC)
7. Cambodian League for the Promotion & Defense of Human Rights (LICADHO)
8. Centre for Human Rights and Development
9. Centre for the Sustainable Use of Natural and Social Resources (CSNR)
10. CIVICUS: World Alliance for Citizen Participation
11. DAKILA
12. Defence of Human Rights
13. Dignity, Mongolia
14. ENLAWTHAI Foundation (EnLAW)
15. Equality Myanmar (EQMM)
16. Fortify Rights
17. Forum for Dignity Initiatives
18. Human Rights Alert
19. Human Rights Now
20. Human Rights Online Philippines (HRonlinePH)
21. ILI Foundation
22. KHIS - Korean House for International Solidarity
23. Madaripur Legal Aid Association (MLAA)
24. Maldivian Democracy Network
25. National Commission for Justice and Peace, NCJP
26. PBHI Indonesia
27. Peoples Empowerment Foundation (PEF)
28. Protection International
29. Psychological Responsiveness NGO
30. Pusat Komnas
31. Refugee and Migratory Movements Research Unit (RMMRU),
32. Suara Rakyat Malaysia (SUARAM)
33. Thai Lawyers for Human Rights
34. Think Centre, Singapore
35. YLBHI (Indonesia Legal Aid Foundation)