

The Most Pressing Concern in International Human Rights Law

As a part of International Human Rights Law, The International Convention on Civil and Political Rights (ICCPR) has contributed a great deal of opportunity to the international community in raising awareness on cultural and political rights. However, for certain state parties, the efficacy of its enforcement does not seem domestically successful despite their rectification, for example, Thailand.

As a military-ruled country where democracy has not been completely recognised or supported, political conflict seems to be a daily event between old and new power. Pro-democracy activists and political parties are attempting to liberate themselves from a dictatorial confinement which is represented by an already powerful junta and the elites who are doing their best to resist and hold on to their position as much as they can. With such strong tension, the elimination of the pro-democracy furtherance, no matter what it takes, is performed by the junta and, in one of the worst cases, can finally lead to forced disappearance.

In the late December 2018, two corpses washed up on the Thai side of Mekong in Nakhon Phanom. It was confirmed that the two victims were Thai pro-democracy activists who had been exiled to Lao after the Red Shirt movement in Thailand. It was stated that a few weeks before, the two were still alive but disappeared without any traces and then later showed up dead. Such tragedy has left an utterly shocking and horrifying mark to the rest of pro-democracy activists who are still active both in Thailand and overseas, especially those in Lao. It can be seen that forced disappearance is still a practice, used by the old power as to remind Thais what the price of disobedience is and to keep them under control.

Another circumstance that has accorded is that the rest of the world has already moved on to raise awareness on climate change and environment. However, Thailand is still struggling over political rights. The junta, elites and many other Thais seem not to understand that political freedom is actually one of the basic human rights. One shall not be threatened, persecuted, abducted, nor murdered for expressing or having a different political point of view, especially in a developed country. However, many of Thai citizens are still not concerned or even display any compassion towards the victims. They also think, unfortunately, it is justified due to their negligence and ignorance regarding human rights which are rarely endorsed by the country through general education. Moreover, many of the pro-junta Thai population have also begun to adopt a violent approach, as known as *Witch Hunting*, by harassing or assaulting those who do not share a mutual belief.

It can be perceived that the matter of political rights in Thailand, which has been a state party of the ICCPR since 1996, is stagnate and does not seem to be advancing any time soon. Many Thai people still have no idea how important it is to understand and secure basic human rights such as political freedom which is the foundation of all human rights. Instead, they deem it a threat and find it acceptable to be violent against it and others. This has brought an opportunity allowing the old power to remain above the law without being questioned for these Thais are willing to support them and forced disappearance will continue to be a successful way to keep the country silent as well as preventing these human rights from flourishing.

As mentioned that the issue is the lack of knowledge among Thai people, it is utterly concerning and questionable why the ICCPR has failed to be useful in the country. It appears that the mere acknowledgment of these rights in the Constitution or through legislative process is not enough. To produce a domestic achievement, ideally, the ICCPR should be more detailed and more demanding regarding '*the necessary steps*' in Article II, which a state party must undertake in order to give effect to such treaty. For example, it can be that a state party shall provide education in regards of human rights as a required subject at school or university. This will allow more citizens to learn more about their rights and how to protect them from being violated by the government or other rulers. Leaving a state party to liberally interpret or define the term '*necessary*' can be quite problematic for the interpretation can be distorted or biased, particularly when a military dictator rises into power and writes his own Constitution. In conclusion, it is the ICCPR that should be playing the role of guidance to a state party, showing what the standard is in realising these rights domestically.

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