

ABSTRACT

This thesis aimed at studying the restrictions of right of peaceful assembly (hereinafter called “right of assembly”) under the International Covenant on Civil and Political Rights, 1966 (hereinafter called “Covenant”) set in Article 21 in that State Parties must recognize this right to its own civilians, and cannot intervene the exercise of the right by issuing rules, order, or having sentence that violates the right, but is able to restrict the right by law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others. The State Parties cannot use other claims besides the Covenant specified to restrict this right.

Besides, in case where some circumstances threaten the life of the nation that would make it necessary to have special measures to eradicate such danger, the provision in Article 4 of the Covenant allows the State Parties to be able to derogate some rights and freedoms provided that it must not be discrimination solely on the ground of race, colour, sex, language, religion or social origin, and must not interfere the non - derogable rights which are right to life, prohibition of torture or cruel, inhuman or degrading punishment, or of medical or scientific experimentation without consent, prohibition of slave – trade and servitude, prohibition of imprisonment because of inability to fulfil a contractual obligation, the requirement of both criminal liability and punishment being limited to clear and precise provisions in the law that was in place and applicable at the time the act or omission took place, the recognition of everyone as a person before the law, and freedom of thought, conscience and religion must be protected and recognized completely; therefore, right of assembly may be derogated for the benefit in eradicating emergent danger.

Thailand has become party to the Covenant; so, it must respect and fulfil the obligations; the Constitution of Thailand B.E. 2550 Article 82 sets the foreign policy in that the state must comply with treaty on human rights that has been into the parties including the obligation done with international countries and international organizations.

According to the study, it was found that for Thailand, the assembly is liberty. The Constitution provides and recognizes in Article 63 on this right that a person shall enjoy the liberty to assemble peacefully and without arms. The restrictions on such right shall not be imposed except by virtue of the law specifically enacted for the purpose of public assembling and for securing public convenience in the use of public places or for the maintenance of public order during the time when the country is in a state of war, or when a state of emergency or martial law is declared. After considering and contrasting, the restrictions of right of assembly under the Covenant have wider scope than the Constitution of Thailand. And in practice, while Thailand has not yet had law on the assembly, it was found that the people have not yet understood the principle to exercise this right, and the state itself does not treat the people with sufficient consideration on human rights in many past circumstances.