

**Understanding the Security Community in Thailand: How to  
Improve Human Rights Education for Thai Security  
Personnel**

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## **Abstract**

# **Understanding the Security Community in Thailand: How to Improve Human Rights Education for Thai Security Personnel**

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This research critically engages challenges for the integration or incorporation of human rights issues and values into education and training for Thai security personnel. Concerned stakeholders, both public and private, have been invested in human rights education and training within the security sector, especially for authorities working in the Southern Border Provinces of the country, where violent incidents sporadically occur and the situation of human rights violations, including by state authorities, is of concern. However, limited research and attention has been paid on how such interventions have their effects on learners. With the Accountability – Professional Development Model as the main conceptual framework of this study, it draws on empirical evidence and comparative examples from different human rights education and training programs in different parts of the world and further delves into the subjective experiences of both trainers and participants engaged in the training, especially in the context of Southern Border Provinces. This study reveals both contextual challenges and practical difficulties at every stage of the training, from design and implementation to follow up and evaluation. Critical obstacles that hinder the efforts of the human rights training revolve around the problem of organizational and learning culture of the security forces, skepticisms, and resistance of learners toward human rights ideas and organizations in the area, the distinctive characters, and irrelevancy of the training contents as deemed by learners, among others. Despite the prevailing challenges, the research sheds light on several cases where learners demonstrate how the training made a meaningful contribution to their professional roles and empowered their intrinsic advocacy for human rights. By tapping on opportunity suggested by these cases, the study proposes thoughts and ways forward for the improvement of education and training efforts to achieve the ultimate goals in putting an end to human rights violations by security personnel.

**Keywords:** Human Rights Education and Training, Security Sector Reform, Law Enforcement, Military and Security Personnel, Southern Border Provinces of Thailand

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## List of Acronyms

CAT: Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

CSOs: Civil society organizations

HRE: Human Rights Education

HRET: Human Rights Education and Training

ICCPR: International Covenant on Civil and Political Rights

ICESCR: International Covenant on Economic, Social and Cultural Rights

ICRC: International Committee of the Red Cross

ISOC 4: The Fourth Region Internal Security Operations Command

MFA: Ministry of Foreign Affairs

MOJ: Ministry of Justice

NGOs: Non-Governmental Organizations

NHRC: National Human Rights Commission of Thailand

NIA: National Intelligence Agency

NSC: Office of the National Security Council

RTA: Royal Thai Army

SBPs: Southern Border Provinces

SSR: Security Sector Reform

## Chapter 1: Introduction

“Humanity will not enjoy security without development,  
it will not enjoy development without security,  
and it will not enjoy either without respect for human rights.”

In Larger Freedom: Towards Development, Security and Human Rights for All  
Report of the Secretary-General

In the human rights realm, the State remains the primary duty-bearer in respecting, protecting, and fulfilling the rights of its people. State action or inaction could determine the destiny of their people’s lives and rights to either be respected or violated. Responsibility of the State in this sense is not only limited heads of governments, lawmakers, or top policy advisors but all state agents and employees, including law enforcement agencies and security forces. However, reality suggests that given the hazardous nature of the work of security personnel, they may have to face challenges or dilemmas between adhering to their obligation to protect human rights on one hand and responsibility to ensure security on the other.

Therefore, it is unfortunate but not beyond our expectation that, in every corner of the world, especially in fragile, violent, or conflict-affected contexts, we have witnessed state officials committing brutality and grave violations of human rights despite their obligations to respect them. However, this does not change the fact that they are a crucial factor and a solution to the guarantee of the rights of individuals and the security of the public. Thus, in parallel with the development of international and domestic legal frameworks as well as activism which gear toward accountability of human rights violations, advocacy for education and training to specific professionals, especially police and armed forces whom human rights violations seen as inherent to their roles, has also gained momentum.<sup>1</sup>

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<sup>1</sup> Danielle Celermajer and Kiran Grewal, “Preventing Human Rights Violations ‘From the Inside’: Enhancing the Role of Human Rights Education in Security Sector Reform,” *Journal of Human Rights Practice* 5, no. 2 (July 1, 2013): 1, <https://doi.org/10.1093/jhuman/hut012>. ; Felisa Tibbitts, “Revisiting ‘Emerging Models of Human Rights Education,’” *International Journal of Human Rights Education* 1, no. 1 (October 16, 2017), 5-6, <https://repository.usfca.edu/ijhre/vol1/iss1/2> ; Felisa Tibbitts, “Understanding What We Do: Emerging Models for Human Rights Education,” *International Review of Education* 48, no. 3 (July 1, 2002): 165.

On the one hand, to ensure that law enforcement officers and security forces respect human rights, it is crucial to provide education and training to equip law enforcement officers and security forces with adequate knowledge and capacity that conform with their human rights obligations. On the other hand, past experiences suggest that educational efforts, in fact, form an essential element to prevent systematic human rights violations as relying only on traditional legal and monitoring mechanisms and reform are insufficient to affect “attitudinal and behavioral change” of state officials to abide by human rights norm.<sup>2</sup> In this regard, emphasis on education for such duty-bearer has become one of the core contributions to the prevention of human rights violations as well as parts and parcels of the development of systems, mechanisms, means, and methods designed to promote and protect human rights.

In the case of Thailand, although the country has experienced human rights abuses and violations by security forces, especially during political protest and uprisings, official recognition of the need for education on human rights among state security personnel came in 1992 as the aftermath of a political crisis in May 1992. During the disturbances, it was reported that police and military officers involved in resolving the situation undertook excessive use of force and violence against protestors, resulting in high numbers of injuries and casualties.<sup>3</sup> In order to prevent future brutalities, the then Cabinet approved the recommendations of the Committee Reviewing Fact-Finding Reports of the Incident which put forward that:

“...courses on basic human rights should be incorporated into the curriculum for police, military, and governing officers at different levels to raise their awareness on human right values and how to perform their duties according to such values...”<sup>4</sup>

It has been almost thirty years since the recommendation to provide education on human rights to Thai security personnel was put forward in which then followed by human rights issues being introduced and incorporated into education and training for the target professions. However, despite the existing educational intervention, we have

<sup>2</sup> See more at Celermajer and Grewal, “Preventing Human Rights Violations,” 244.

<sup>3</sup> The political crisis, commonly known as Black May or Bloody May, took place during May 17 – 20 The demonstrators involving over a hundred thousand people protested against Prime Minister Suchinda Kraprayoon, an army general who had led a coup in 1991 and publicly disavowed any intention of becoming Prime Minister but later assumed the position. See more at Asia Watch and Physicians for Human Rights I “Bloody May: Excessive Use of Lethal Force in Bangkok the Event of May 17-20, 1992,” accessed August 30, 2019, <https://webcache.googleusercontent.com/search?q=cache:jAcEBXpoSPcJ:https://www.hrw.org/sites/default/files/reports/THAILAND.PDF+&cd=1&hl=en&ct=clnk&gl=us>.

<sup>4</sup> Human Rights Center, Ministry of Justice, *ความรู้ด้านสิทธิมนุษยชน* [Human Rights Factsheet], n.d, accessed August 30, 2019, <http://www.humanrightscenter.go.th/HRK/ความรู้สิทธิมนุษยชน.pdf>



continued to witness ongoing human rights abuse and violations committed by security personnel. Problems and concerns over the accountability and responsibility of Thai security personnel of human rights violations have continued to be part of public discussion and conversations of both international human rights organizations and domestic human rights movements. There have been reports on, for example, numbers of casualty and injury of protestors during political protests in 2010 and 2013<sup>5</sup>; human rights abuses, including extrajudicial killing, during Thailand's 'War on Drugs'<sup>6</sup> in 2003; restrictions on freedom of expression and freedom of assembly; and accusation of human rights violations (e.g., torture, ill-treatment, excessive use of force and enforced disappearance) in Southern Border Provinces (SBPs) where sporadic violent incidents prevail. Nevertheless, studies that mainly focus on preventive efforts of human rights violations in the context of Thailand are still limited, especially studies that mainly focus on human rights education and training for concerned security authorities.

In response to the ongoing concerns of human rights violations by security authorities which affect lives of the people on one hand and continued efforts to provide human rights education and trainings by concerned stakeholders on the other, this study aims to critically engage with the existing gaps and challenges for the integration or incorporation of human rights issues and values into education and training for Thai security personnel. The study hopes to provide a more critical understanding of the situations of human rights abuses in Thailand as a result of the activities and behaviors of security personnel and to what extent human rights education and training have been contributing to the prevention of human rights abuses.

Guided by "the Accountability – Professional Development Model"<sup>7</sup> as the main conceptual framework, this study initially draws on empirical evidence and comparative examples from different human rights education and training programs with law enforcement and security forces in different countries which have experienced brutalities and human rights abuses committed by the security sector. With the analytical framework and past empirical researches in mind, the study further delves into the subjective experiences of both trainers and participants engaged in human rights education and training, especially in SBPs, which one of the most vulnerable and challenging working settings in the country. With a better understanding of the

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<sup>5</sup> Human Rights Watch, "World Report 2013: Rights Trends in World Report 2013: Thailand," Human Rights Watch, January 10, 2013, accessed August 31, 2019, <https://www.hrw.org/world-report/2013/country-chapters/thailand>.

<sup>6</sup> Human Rights Watch, "Thailand's 'War on Drugs,'" Human Rights Watch, March 12, 2008, accessed August 31, 2019, <https://www.hrw.org/news/2008/03/12/thailands-war-drugs>.

<sup>7</sup> Hereinafter Accountability – Professional Development Model shall also be referred to as the Accountability Model.

experiences and struggles of these groups of target audiences and their contact with human rights education and training, this study hopes to contribute to the improvement of human rights education for security personnel working in either more or less intense or dangerous work environment both in Thailand and beyond.

## Chapter 2: Security Sector and Human Rights Education: What have we learned from the past?

### ***Security Sector Reform (SSR)***

After the end of the Cold War, the concept of ‘Security Sector Reform’ emerged against the backdrop of the evolving nature of security challenges and the changes in concepts of development and security, especially in the developing and transitional countries in the global south.<sup>8</sup> Since its emergence, security sector reform has been part of the agenda of organizations and donor states, especially those from the global north (e.g., the United Kingdom, France, the United States) to reform and rebuild security sectors in conflict-affected, post-conflict or insecure states.<sup>9</sup> In 2014, the UN Security Council officially adopted the term ‘Security Sector Reform (SSR)’ in its first-stand-alone Resolution. In the Resolution 2151 (2014), it stresses not only the importance of SSR “...in post-conflict environment to the consolidation of peace and stability, promoting poverty reduction, rule of law and good governance, extending legitimate State authority, and preventing countries from relapsing into conflict” but also how it “is critical to addressing impunity for violations and abuses of human rights and violations of international humanitarian law, where applicable, and contributes to the rule of law.”<sup>10</sup>

Through the SSR efforts, including their specific components such as police reform, prison reform, and defense sector reform, human rights education and training constitute a crucial part and parcel in reforming the whole sector. Despite subjected to specific criticisms and difficulties, training to police and military as part of the SSR efforts in some countries shown signs of positive development (e.g., Liberia, Colombia). For example, Columbia is the first Latin American country to incorporate issues of sexual and gender-based violence in the military and police training as part of its comprehensive policy.<sup>11</sup> The Colombian Ministry of Defense (MoD) indicated a sharp reduction of complaints against the armed forces as “a positive impact” of such policy,

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<sup>8</sup> Nicole Ball, “The Evolution of The Security Sector Reform Agenda,” in *The Future of Security Sector Reform*, ed. Mark Sedra (Ontario: The Centre for International Governance Innovation, 2010), 29-31.

<sup>9</sup> Paul Jackson, “Introduction: Second-Generation Security Sector Reform,” in *Journal of Intervention and Statebuilding* Vol 12, No 1, (March 21, 2018): 3. <https://doi.org/10.1080/17502977.2018.1426384>

<sup>10</sup> Security Council resolution 2151 (2014), S/RES/2151 (2014) (28 April 2014), available from [https://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/2151\(2014\)&referer=http://www.un.org/en/sc/documents/resolutions/2014.shtml&Lang=E](https://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2151(2014)&referer=http://www.un.org/en/sc/documents/resolutions/2014.shtml&Lang=E)

<sup>11</sup> International Security Sector Advisory Team (ISSAT), “Human Rights Accountability in the Colombian Military Armed Forces,” International Security Sector Advisory Team (ISSAT), accessed September 8, 2019, <https://issat.dcaf.ch/Learn/Resource-Library/Case-Studies/Human-Rights-Accountability-in-the-Colombian-Military-Armed-Forces>.

including the educational intervention efforts, despite criticisms over transparency due to MoD self-monitoring and processing of such complaints.<sup>12</sup> In response, the MoD showed its openness by cooperating with different stakeholders (e.g., the UN agencies, civilian agencies) to ensure a more transparent complaint system and resolve issues of accountability.<sup>13</sup> Therefore, scholars argue that in order for human rights education and training program to succeed, it should be embedded and coordinated with other structural and institutional reforms, including transparency of processes, accountability mechanisms, oversight, and control institutions that are democratic, participatory, and under the rule of law.<sup>14</sup>

### ***Human Rights Education (HRE)***

Since around the 1990s, when the promotion of human rights standards has started to take root through the adoption of human rights milestone documents,<sup>15</sup> human rights education (HRE) began to emerge as practical means to foster understanding and respects for human rights. While "the education is identified as instrumentally connected to the UN Charter task of promoting human rights,"<sup>16</sup> the importance of human right education was emphasized in the UDHR as it recognizes "... a common understanding of rights and freedom as the greatest importance for the full realization of such pledge." Thus, the longstanding goal of HRE is to promote respects for human rights standards and foster human rights values outlined in those documents.

As the HRE field has continued to gain its momentum among the global human rights movement with the period of 1995 - 2005 proclaimed by the UN as the Decade of Human Rights Education, the UN adopted the Declaration on Human Rights Education and Training in 2011 which invited relevant stakeholders to "intensify their efforts to promote universal respect and understanding of human rights education and training (HRET). While the Declaration reaffirms the UN's longstanding definition of HRE<sup>17</sup>, scholars draw attention to the importance of its extended definition in Article 2, where

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<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

<sup>14</sup> See more at Michael Brzoska, "Development Donors and the Concept of Security Sector Reform," *Geneva Centre for the Democratic Control of Armed Forces (DCAF) Occasional Paper no. 4*, 2003: 31. accessed September 8, 2019, <https://pdfs.semanticscholar.org/8d43/d514d835ec8b9b2167f757d9ae911424063c.pdf> ; and, Celermajer and Grewal, "Preventing Human Rights Violations," 246-47.

<sup>15</sup> For example, UN Charter, Universal Declaration of Human Rights (UDHR), and relevant international legal instruments.

<sup>16</sup> George J. Andreopoulos and Richard Pierre Claude, eds., *Human Rights Education for the Twenty-First Century*, Pennsylvania Studies in Human Rights (Philadelphia, Pa: University of Pennsylvania Press, 1997). 3.

<sup>17</sup> Article 1 of the Declaration on HRET states that HRE comprises educational, training, and other learning activities to promote and observe respect for human rights

HRE encompasses education *about, through, and for* human rights.<sup>18</sup> By defining HRE to encompass such three dimensions, HRE aims to gear toward changes of knowledge and understanding (about human rights), values, and attitudes (through human rights) as well as skills, capacities, and actions (for human rights) of HRE learners.<sup>19</sup> With the ultimate goal of HRE to prevent violations of human rights, the theory of change of such prevention strategies oriented toward learners' actions to reduce human rights violations.

Amidst the growing global attention on HRE for people at every level in formal, non-formal, and informal settings, security forces are among the prominent target groups that require adequate training and education in human rights.<sup>20</sup> Against this backdrop, discussion, models and training manual revolving around HRE for professionals have been developed among international organizations (e.g., the United Nations, the Council of Europe, Organization for Security and Co-operation in Europe: OSCE, ICRC) and scholars.<sup>21</sup> They point out the importance of HRE, especially for specific professional groups, as their duties not only revolve closely around issues of human rights (i.e., administering of legal protection and public order, fighting in legal combat) but may also be vulnerable to their potentials to commit human rights violation while undertaking the tasks. Thus, HRE plays an essential part in the promotion of human rights values and contributions to long-term prevention of human rights abuses. Also, there has been a growing importance of the involvement of non-governmental organizations (NGOs) in providing education and training to local law enforcers around the world.<sup>22</sup>

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<sup>18</sup> Tibbitts, "Revisiting 'Emerging Models,'" 4-6.

<sup>19</sup> Ibid., and Celermajer and Grewal, "Preventing Human Rights Violations," 252.

<sup>20</sup> The need to provide HRE to law enforcement and security forces is emphasized clearly at the international level, including in the UN World Program for Human Rights Education (2005 - ongoing) and the United Nations Declaration on Human Rights Education and Training (2011).

<sup>21</sup> George Andreopoulos, "Human Rights Education and Training for Professionals," in *International Review of Education*, 48, no. 3/4 (2002); and, Volker Lenhart and Kaisa Savolainen, "Human Rights Education as a Field of Practice and of Theoretical Reflection," in *International Review of Education*. 48. 2002.

<sup>22</sup> Richard Pierre Claude, "Human Rights Education: The Case of the Philippines," *Human Rights Quarterly* 13, no. 4 (1991): <https://doi.org/10.2307/762304>. ; Marc DuBois. "Human Rights Education for the Police," in *Human Rights Education for the Twenty-First Century*. Ed. George J. Andreopoulos and Richard Pierre Claude. Philadelphia, Pa: University of Pennsylvania Press, 1997) ; and, Rachel Wahl, "Learning World Culture or Changing It? Human Rights Education and the Police in India," *Comparative Education Review* 60, no. 2 (May 2016): <https://doi.org/10.1086/685581>.

### ***Case studies on the implementation of HRE: Practices of Success and Failure***

Among the numbers of literature and research delving into HRE for security personnel in different settings, two critical pieces devoting to this field of study include one documented by Edu Kaufman in 1997 and another by Katharine Teleki published a decade later. Kaufman draws upon a compilation of data of various HRE programs and suggests list of practices and objectives to be included in the HRE for security sectors, for example, emphasizing on the universality of human rights without ideological restrictions to wither right or left, regarding HRE as an effort toward society at large and ensuring that learners know their own rights within their respective organization, including issues of due obedience to illegal orders, among others.<sup>23</sup>

Teleki introduces a research report drawing upon both literature and evaluation reports of 26 human rights training for adults in 22 different countries.<sup>24</sup> The findings of her report suggest that there is a clear need to incorporate participatory methods into the human rights training curriculum. By drawing from challenges to translate understanding of theories into practices, her findings further suggest recommendation of best practices, especially during the designing stages of adult training, which need to deliver interactive, experiential, and transformative adult education methodologies. The best practices involve (1) incorporating participants' daily challenges and life experiences into training while applying adults education theory, including participatory methods at the center of training: (2) conducting contextual analysis of overall political and social environment in which the process takes place: (3) using self-reflective methods and avoiding reproducing stereotypes, discrimination or power dynamic, in which she suggests that these types of "transformative" learning experiences can be one of the most potent elements of a human rights training that can empower participants "to make changes in their own lives, as well as in their families, communities, and institutions around them."<sup>25</sup>

Among various literature investigating different case studies of HRE programs for security forces, this thesis builds upon findings of researches that examining into

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<sup>23</sup> See more at Edy Kaufman, "Human Rights Education for Law Enforcement." In *Human Rights Education for the Twenty-First Century*. Ed. George J. Andreopoulos and Richard Pierre Claude. Philadelphia, Pa: University of Pennsylvania Press, 1997), 290-91.

<sup>24</sup> Katharine Teleki. "*Human Rights Training for Adults: What Twenty-six Evaluation Studies Say About Design, Implementation and Follow-Up*". Research in Human Rights Education, Series, No. 1 (Amsterdam/Cambridge: Human Rights Education Associates, 2007).

<sup>25</sup> Tibbitts cited in Teleki, "*Human Rights Training for Adults*,"14.

countries with similar context and structure as Thailand (e.g., Philippines<sup>26</sup>, India<sup>27</sup>, Costa Rica<sup>28</sup>, and Zimbabwe,<sup>29</sup> among others). Findings of the current literature on HRE for security forces suggest that essential factors and challenges that needed to be investigated and considered when designing, incorporating, and implementing HRE to these professional groups are as follows:

**(1) Context and structure contributing to human rights violations:** Within the contexts of the non-western developing countries, political and cultural structure as well as perception of security personnel towards values of human rights play an important role in constraining the diffusion of human rights norms and determine how one should design HRE in order to provide meaningful and sustainable outcome. Scholars point out essential challenges at the structural level that may hinder the ability of HRE to influence acts of officers to adhere to such values. For example, DuBois suggests that in countries that once experienced repressive period or human rights violations, there are so-called “hangover effects” (e.g., culture of impunity) that support the ongoing human rights abuses regardless of changes of governments or laws.<sup>30</sup> Wahl similarly argues this in the case of India. Circumstances where politicians assigned police officers to provide security services and use violence against politicians’ enemies undermine not only officers’ faith in the rule of law but also attempts to diffuse human rights norms into officers’ professional roles.<sup>31</sup> In this regard, these structural factors should be examined and addressed carefully and thoroughly.

Scholars also found that seniority of officers in the chain of command can play both supporting and detrimental roles to HRE. On the one hand, Eijkman suggests that due to the obedience of the strong hierarchy and leadership of senior police, senior officers in a particular unit play an essential role in influencing the actions of other police in adhering or opposing human rights norms.<sup>32</sup> On the other hand, Pradeep shows that

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<sup>26</sup> Claude, “Human Rights Education.”; and Paulynn P Sicam. “*Human Rights Education for the Police and Military: A Government and NGO Experience*”, FOCUS December 1998 Volume 14, accessed September 8, 2019. <https://www.hurights.or.jp/archives/focus/section2/1998/12/human-rights-education-for-the-police-and-military-a-government-and-ngo-experience.html>

<sup>27</sup> Rachel Wahl. “*Protecting Rights through Violating Them: Law Enforcement and Doubts about Democracy in India*.” American Political Science Association Annual Meeting Paper, New Orleans, 20 August–3 September 2012, [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2108883](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2108883) ; and, Rachel Wahl, “Policing, Values, and Violence: Human Rights Education with Law Enforcers in India,” *Journal of Human Rights Practice* 5, no. 2 (July 1, 2013), <https://doi.org/10.1093/jhuman/hut008>.

<sup>28</sup> Quirine Andrea Martine Eijkman, “We Are Here to Serve You! : Public Security, Police Reform and Human Rights Implementation in Costa Rica,” in *School of Human Rights Research Series, Vol. 24*. (Antwerpen: Intersentia, 2007). <https://www.narcis.nl/publication/RecordID/oai:dspace.library.uu.nl:1874%2F22944>.

<sup>29</sup> DuBois. “Human Rights Education for the Police.”

<sup>30</sup> DuBois. “Human Rights Education for the Police,” 320-321.

<sup>31</sup> Wahl, “*Protecting Rights through Violating Them*,” 18-19.

<sup>32</sup> Eijkman, “*We Are Here to Serve You*,” 267-68.

senior and experienced officers in India tend to be less sensitive on observing human rights values compared to those newly recruited as, through their experiences in the actual working field, adherence to human rights norms are observed as being soft on crime.<sup>33</sup> However, he views these as also an opportunity that can be tapped for the benefit of the HRE programs, where experiences of senior police personnel concerning the upholding of human rights norms would be utilized.

**(2) *Skepticism toward human rights ideology:*** Understanding how the ideology being perceived or criticized within the society or among target audiences where HRE programs are to be implemented should be a mandatory requirement for those providing the programs. Human rights ideology, perceived as a western-oriented or imperialist ideological framework of western imperialists, is among other fundamental concerns and critiques of that scholars have been paying attention to.<sup>34</sup> Such challenging factors that could hinder the HRE efforts are, for example, evident in the case of training for officers in the Philippines. Claude found that many police and military trainees in the Philippines demonstrated their negative predisposition to HRE as they conceived that “human rights teaching involved externally imposed standards just to make Westerners and United Nations types feel good.”<sup>35</sup> In other cases where the implementation of HRE faces difficulties is due to negative perceptions of military elites toward human rights as the weapon used against them by the opposition.<sup>36</sup> Thus, this research investigates into resistance, predisposal and skepticism of the security agencies and those participating in HRE training toward the ideology of human rights to understand challenges of incorporation and implementation of HRE within these professional target groups.

**(3) *Incompatibility between ultimate goals of HRE and professional goals:*** One of the most common challenges that trainers and educators face when incorporating and implementing HRE to training of security personnel or law enforcers is that the values of human rights are not only incompatible with their professional goals but, in certain occasions, obstruct them to work effectively.<sup>37</sup> Thus, rather than mere delivery and insertion of knowledge and information on human rights values or law, trainers should use a more practical approach. Scholars suggest practical ways of framing human rights goals according to professional goals, for example, by using HRE means to

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<sup>33</sup> N. Chaitanya Pradeep, “Human Rights Education for Police: A Study of Police Academy in South India,” in *Political Crossroads*, Volume 22, Number 2, 2015: 32. , <https://doi.org/info:doi/10.7459/pc/22.2.03>.

<sup>34</sup> Michalinos Zembylas, “Peace and Human Rights Education: Dilemmas of Compatibility and Prospects for Moving Forward,” *PROSPECTS* 41, no. 4 (December 1, 2011): 569–70, <https://doi.org/10.1007/s11125-011-9212-8>.

<sup>35</sup> Claude, “Human Rights Education,” 513.

<sup>36</sup> Kaufman, “Human Rights Education for Law Enforcement,” 278.

<sup>37</sup> See more at Wahl, “Policing, Values, and Violence.”; and, Pradeep, “Human Rights Education for Police.”



enhance their capacity, make a persuasive case that respect for human rights may enhance discipline in the armed forces within their hierarchical structure and strict discipline context, or encourage respect for human rights as a matter of honor and institutional dignity while directed toward changing law enforcement participants' perception of honor and duty when they conflict with human rights.<sup>38</sup>

**(4) Participation of non-state actors in HRE efforts:** Past literature has underscored trainers as important factors that determine the effectiveness of HRE for security officials. However, the roles of HRE trainers for security officers are not limited solely in the hands of government agencies, as DuBois suggests the importance of employing a multidisciplinary team with both uniformed officers and other human rights experts.<sup>39</sup> In this regard, members of civil society organizations have increasingly played an important role in providing HRE for security personnel. In successful cases of the Philippines, assistance and cooperation of outside groups with human rights expertise (e.g., ICRC and human rights NGOs) in their capacity of both trainers and equal partners have supported HRE efforts for police and military personnel.<sup>40</sup> However, DuBois also points out that although NGOs' cooperation in this regard would allow opportunities for them to be watchdog from the inside, on the one hand, they might face, on the other hand, difficulty in playing both the role of watchdog and educator.<sup>41</sup> He refers to the case of Zimbabwe as an example where government agencies discontinued in the workshops of one human rights NGO in retaliation of the NGO's criticisms of the agencies' actions. In the context of this study, on the one hand, human rights organizations (e.g., IGOs, NGOs, CSOs) play an increasing and vibrant role, both in terms of effort to hold security personnel accountable for alleged human rights violations and to engage with them on preventive efforts through HRE intervention. On the other hand, the relationship between security personnel and human rights organizations is not always smooth and cooperative. Thus, dilemmas and difficulties facing by human rights organizations, especially ones that could potentially affect HRE efforts, are among the critical issues of investigations of this research.

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<sup>38</sup> Kaufman, "Human Rights Education for Law Enforcement," 284.

<sup>39</sup> DuBois. "Human Rights Education for the Police," 326.

<sup>40</sup> Sicam, Paulynn P. "*Human Rights Education for the Police and Military.*"

<sup>41</sup> DuBois. "Human Rights Education for the Police." 328.

### **Chapter 3: Guiding Conceptual Framework, Significance of the Study and Research Methods**

Drawing from HRE practices, either success or failure, outlined in the previous section, they are parts and parcels of key features and components of “the Accountability – Professional Development Model.” Published by Tibbitts, this is a conceptual framework of the HRE model to be particularly carried out with members of professional groups, including law enforcement offices and security forces.<sup>42</sup>

This model provides an analytical framework for designing and implementing HRE to improve monitoring capabilities and develop strategies to ensure that respective professions fulfill their responsibilities that protect and not violate human rights. In sum, this model is based on the theory of change that linked with individuals and their professional roles while essential components that should be considered include; (1) nature and commitment of sponsoring organizations (both government agencies and non-governmental organizations); (2) a core focus on the learner as a human being by allowing learners to bring their own experiences, values, vulnerabilities, and aspirations to HRE; (3) teaching and learning strategies that consist of participatory and instrumentally empowering rather than didactic methods, among others. In this regard, features of “Accountability – Professional Development Model” are utilized to guide an analysis of the existing landscape and challenges of HRE for Thai security personnel in order to understand whether the existing HRE programming is compatible with practices and preconditions as suggested by this Model.

Under the guidance of such a conceptual framework, this study tries to critically engage with existing gaps and challenges that prevail in practice while at the same time attempting to spot the lights of opportunities in which one should seize to further improve HRE efforts and collaboration both within different government agencies and between governmental and other human rights stakeholders. Hopefully, this research would serve as preliminary work to provide a better understanding of the existing challenges and opportunities for the implementation of HRE for security forces in the actual context in Thailand. Thus, it would benefit future works of those involved or

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<sup>42</sup> Tibbitts first published this conceptual framework in 2002 under the name “the Accountability Model.” Fifteen years later, in 2017, she revisited the framework and extended the scope and title of the model to be named “the Accountability – Professional Development Model” to make it clearer as this model revolves around the aim to build capacities and motivate learners from professional groups to adhere to human rights values pertaining to their professional roles.

attempt to involve in resolving issues of human rights violations by security forces, especially through the HRE intervention.

This research draws on both qualitative interviews and documentary analysis methods. I conducted interviews in a semi-structured and in-depth manner with relevant stakeholders who have been parts of HRE and training for Thai security personnel, both as trainers and participants. On the trainer's side, the interviews were conducted with twenties relevant government officials, e.g., Ministry of Defense (MOD), Ministry of Justice (MOJ), Ministry of Foreign Affairs (MFA), National Intelligence Agency (NIA) and Office of the National Security Council (NSC), as well as other national and international human rights stakeholders. The interviews were also conducted with ten security personnel from different ranks who have participated in HRE and training. To ensure the privacy of the participants, I conceal their names and cite their interviews with initials, their ranks, respective organization, or localities of their works.<sup>43</sup>

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<sup>43</sup> While initial 'T' referred to HRE trainers (where some of them are also involved in designing and organizing training programs), initial 'P' is given to indicate interviewees who participated in the HRE and training program as learners.

## **Chapter 4: Security Community and Human Rights Education for Security Personnel in Thailand**

Report of the Secretary-General on SSR defines the security sector as “...a broad term often used to describe the structures, institutions, and personnel responsible for the management, provision, and oversight of security in a country.”<sup>44</sup> In the report, security actors cover a wide range of officials from law enforcement agencies, defense, intelligence services, border management, customs, and civil emergencies to those working in a specific aspect of the judicial sector and non-state actors, including civil society. However, core security actors refer particularly to armed forces, police officers, paramilitary forces, intelligence, and security services, among others.<sup>45</sup> Thus, the core security actors could be referred to those who are working at the operational level or working at the frontlines.

The term security sector, which is also referred to as security community, in Thailand covers a broad range of relevant Government agencies, from the NSC overseeing security issues at the policy level, the NIA, the MOD, the Royal Thai Police, to other relevant ministries overseeing or responsible for specific aspect of security issues, including the Ministry of Interior, the MFA, the MOJ, among others.<sup>46</sup> However, this study mainly focuses on the role of military personnel as important actors of a broad definition of security personnel. Military personnel, as the main subject of this research, serve as an interesting example in the landscape of security community and security forces in Thailand. To illustrate, they have been playing a crucial role in supporting law enforcement agencies (e.g., police) while, in certain circumstances, they play a leading role (e.g., where special laws are enforced).

Thai military personnel play a distinct role due to their additional responsibility on law enforcement as designated by the Cabinet or specific legislations in addition to their

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<sup>44</sup> United Nations, General Assembly, Security Council, *Securing peace and development: the role of the United Nations in supporting security sector reform: report of the Secretary-General*, A/62/659-S/2008/39 (23 January 2008), available from <https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/SSR%20S%202008%2039.pdf>.

<sup>45</sup> Organisation for Economic Co-operation and Development and Source OECD (Online service), eds., *The OECD DAC Handbook on Security System Reform: Supporting Security and Justice* (Paris: OECD, 2007).

<sup>46</sup> Sapon Sirigam. “การปฏิรูปความมั่นคงของไทยในศตวรรษที่ 21” [21The Revolution of Thailand National Security in the 21<sup>st</sup> Century], in NDC Security Review Vol. 6. (2017): 10-11.

primary role of security defense.<sup>47</sup> Their responsibilities may involve the prevention and suppression of illicit drugs, trafficking in persons, and maintaining security and order in the Southern Border Provinces (SBPs) of Thailand, among others. Law enforcement tasks by nature involve interactions between people and officers and, in certain circumstances, involve dangerous situations that could lead to excessive use of violence, abuse of power, and violations of human rights. What is more concerning when the military assumes law enforcement duties is due to the different practices and principles underlying the use of force and the use of a firearm during fighting in the battlefield as distinct those during law enforcement duties. Therefore, it is of utmost importance that military personnel acquire a reasonable level of understanding regarding their law enforcement duties, rules, relevant legislation, and regulation as well as principles and standards, including human rights principles, which govern their work.

The accusation of excessive use of law enforcement powers and violations of human rights by security personnel, especially the military officers, have still been reported by international entities as well as foreign and local media (e.g., torture, ill-treatment, restriction on freedom of expression and opinion), including in the context of the SBPs.<sup>48</sup> These concerns were also expressed in the concluding observations of the Human Rights Committee on the International Covenant on Civil and Political Rights (ICCPR) during the second periodic report of Thailand. In this regard, the Committee also called upon Thailand to reinforce the training of relevant officials on full respect for human rights and ensure that all training materials are in line with the Covenant and the UN Basic Principles on the Use of Force and Firearms for Law Enforcement Officials (2017). Calling for the need to promote HRE in Thailand, particularly for law enforcement officials, also coincided with recommendation put forward by several countries (e.g., Armenia, the Philippines, Egypt) during the first and second cycles of Thailand's Universal Periodic Review (UPR), in which Thailand has accepted such recommendation and incorporated them into its implementation action plan. Concerns of human rights violations by security personnel and the need for HRE have also been raised at the national level. Thailand's National Human Rights Commission (NHRC) regularly received complaints on practices of ill-treatment by security personnel. For example, according to its 2017 annual report, NHRC indicated that out of 530 petitions on human rights violation, there were 174 petitions concerning the violations of rights

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<sup>47</sup> Krisna Bovornratanaraks, “ทหารกับการทำหน้าที่บังคับใช้กฎหมาย “[Military and Law Enforcement]. In *Draft Curriculum on Military and Law Enforcement*. (Bangkok, Ministry of Defense:2013).

<sup>48</sup> See more at U.S. State Department. “*THAILAND 2017 HUMAN RIGHTS REPORT*,” 2017, accessed May 10, 2019, <https://www.state.gov/documents/organization/277365.pdf>. ; and, Amnesty International. “*Thailand 2017/2018*,” 2018, accessed May 10, 2019, <https://www.amnesty.org/en/countries/asia-and-the-pacific/thailand/report-thailand/>.

related to judicial process in which a large proportion of the complaints against public officials involved rights of those accused, detainees, victims and access to justice system.<sup>49</sup> Most of the petitions related to the torture filed during 2007 – 2013 were those accusing involvement of security personnel in the SBPs in such practice. NHRC also recommend the need for relevant government agencies to incorporate education on human rights into different training or seminar for concerned agencies.

To date, there have been numbers of human rights education and training for security personnel offered by both government agencies, the NHRC, International Committee of the Red Cross (ICRC), as well as human rights civil society organizations (CSOs). However, interviews with relevant military trainers indicated that, currently, there has neither formal human rights education or training curriculum and manual for military personnel, proper evaluation and follow up process nor systematic or continuous training cycles in place. In 2012, with the support of Friedrich Ebert Stiftung (FES) foundation, there has been an attempt to develop official and model training manuals, especially on HRE and on law enforcement for the military. However, the curriculums and manuals drafted by relevant agencies (the MOD, MOJ, and the NHRC) have been pending for approval and have not been implemented so far.<sup>50</sup> Therefore, the primary responsibility to provide human rights training for military forces as required by the Cabinet since 1992 rests with respective units that provide regular military training to their armed forces and the Judge Advocate General's Department under the MOD, which oversees legal issues.

However, due to the vulnerable and concerning situation in SBPs and large numbers of complaints on human rights violations committed by security personnel, relevant agencies (e.g., government agencies, national and international human rights organizations) have prioritized HRE and training to be invested with the target audience (i.e., law enforcement agencies and security forces) working in the area. Therefore, with the variety and intensity of human rights training have been implemented in the area with a large number of participants involved, I view trainers and learners of HRE and training under this context a legitimate population that could contribute to a better understanding in this regard. Compares to those implemented in other areas of the country where problems, target audiences, and training goals are less prominent, HRE programming in SBPs, where issues of human rights explicitly inherit to the work of security forces, serves the purpose of the research's aim to engage with the existing challenges and gap of HRE implementation.

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<sup>50</sup> Interview with T5.

## **Chapter 5: Human Rights Education and Training in the Southern Border Provinces (SBPs)**

### ***Overview Situation in Southern Border Provinces (SBPs)***

The Southern Border Provinces (SBPs) is the area in three southernmost provinces of Thailand including, Patani, Narathiwat, Yala, and four adjoining districts in Songkhla. The populations who reside in the area are the Malay Muslims who form the majority along with other Thai and ethnic Chinese populations. The area has been affected by violent incidents and tensions between the State and local resistance groups. Such incidents have occurred over several periods, including during the 20th century and the latest and ongoing round of violent incidents that have been taking place since 2004.<sup>51</sup> The root causes of the problems are a complex mix of historical, socio-cultural, ethical factors which also fueled by local political and illegal activities. Local extremist groups and separatist movements have sporadically perpetrated violent incidents (e.g., assassinations, bombings, roadside attacks, arson attacks, indiscriminate attacks against innocent people, and attacks on military installations) as demonstrations of their resistant to and tension with the Government. At the same time, the situation in the SBPs involves mass mobilization by both the Government and the opposing groups who are fighting for achieving the ultimate goal of separation of Thailand or at least “sizable autonomy.”<sup>52</sup> Since the violence spurred in 2004, the Government has deployed numbers of security forces, including military personnel, including paramilitary, police, governing officers, as well as civilian and local volunteers, to maintain safety and security in the area.

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<sup>51</sup> Adam Burke et al., *The Contested Corners of Asia: Subnational Conflict and International Development Assistance: The Case of Southern Thailand*, 2013: 11, accessed August 22, 2019, <https://asiafoundation.org/resources/pdfs/SouthernThailandCaseStudyFullReport.pdf>.

<sup>52</sup> Srisompob Jitpiromsri, Napisa Waitoolkiat, and Paul Chambers, “Special Issue: Quagmire of Violence in Thailand’s Southern Borderlands Chapter 1: Introduction,” *Asian Affairs: An American Review* 45, no. 2 (April 3, 2018): 48, <https://doi.org/10.1080/00927678.2018.1555924>. ; and, “Muslim in Thailand,” Royal Thai Embassy, Riyadh, Kingdom of Saudi Arabia, accessed May 8, 2019, <http://www.thaiembassy.org/riyadh/en/organize>.

Moreover, the Government declares three special laws to be enforced in the SBPs, namely the Emergency Decree, the Internal Security Act, and the Martial Law. Such special laws aim to equip authorities to efficiently conduct their duties within a high-security context by granting the officials with additional authorities given in normal situations. For example, Martial Law permitted military personnel to have authorities over police and to detain suspects up to seven days without an arrest warrant, or the Emergency Decree provides safeguards for government officials as far as they exercise their power and carry out their duties in good faith, without any discrimination and not exceeding the reasonability or necessity of the circumstances. However, such provisions have been criticized as problematic and could create perceptions of authorities as provided with legitimate yet excessive power that could amount to violations of human rights.

For example, research by the Center for Conflict Studies and Cultural Diversity (CSCD), Prince of Songkla University, suggests that the enforcement of the Emergency Decree not only fell short as it resulted in the authorities exercising excessive power and violating human rights but also fueled resentment among innocent people affected by its enforcement. Thus, the authorities are perceived as failed to guarantee safety and security for the general public.<sup>53</sup> However, the research further suggests that the negative impact derived from the enforcement of such law was often a result of the misconduct of the authorities rather than the letter of the law itself.<sup>54</sup>

Therefore, in the context where special laws endorse authorities to work in vulnerable context like SBPs, either traditional military and law enforcement training or specific training as HRE for security forces should emphasis on their central and crucial elements of equipping learners with knowledge and understanding about their power authorized by the law while addressing their misperception and prejudice on excessive use of power which could affect the rights of the people. Moreover, as military forces in the context of SBPs include professional military, conscripted military, and paramilitary forces, the paramilitary or ranger force (*Thahan Phran*) are among other types of security forces which subject to criticisms over human abuses.

Security forces in SBPs rely on paramilitary forces, which are a legitimate organization under the Royal Thai Armed Forces. The reliance on such special forces is due to

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<sup>53</sup> “พ.ร.ก.ฉุกเฉินฯ...จากใต้ถึง กทม .ยังไม่ซัดกันอีกหรือ?[Emergency Decree, from the south to Bangkok, haven't we learned the lessons?],” *Isra News Agency*, January 23, 2014. [https://www.isranews.org/content-page/67-south-slide/26760-emergency\\_26760.html](https://www.isranews.org/content-page/67-south-slide/26760-emergency_26760.html).

<sup>54</sup> “รายงาน: เปิดบันทึก สอ.บต.ความเห็นต่อ ‘กฎหมายพิเศษ’ ที่ชายแดนใต้ [Report: Disclosing SBPAC's observations on special laws in the south],” *Prachatai*, January 4, 2011. <https://prachatai.com/journal/2011/01/32523>.



structural and practical factors, including flexibility of command structure that requires a lower budget for training and deployment. Moreover, as paramilitary forces are recruited from local people residing in the area, they are more familiar with the language, culture, and local context. However, they are criticized as being “poorly trained and loosely supervised,” amounting to the problem of human rights violations and fueled mistrust and fear among locals on the ranger forces, thus, could be an important factor that undermines the overall effort to solve the problem in SBPs.<sup>55</sup> As paramilitary forces constitute a majority of HRE learners who participated in this research, their experiences in contact with HRE and human rights issues would contribute to a better understanding of existing challenges concerning their duties and the situations.

### ***Human Rights Education and Trainings in SBPs***

In response to concerns over human rights violations by security forces, relevant government agencies, NHCR, human rights NGOs, and various partners, including the UN agencies, have been working to support the government’s efforts to promote human rights through education and training. As for the government’s part, human rights education and training have been organized by the military (e.g., MOD, Royal Thai Army (RTA), The Fourth Region Internal Security Operations Command or ISOC 4) and non-military agencies (e.g., NSC, NIA, MOJ, MFA). At an early stage (after 2004), when concerns over violations were highly rampant, interviewed trainers from relevant organizations indicate that they strongly felt the need to work in support of knowledge and capacities for security forces on human rights issues. Therefore, they have witnessed each organization organized a wide range of education and training sessions related to their responsibilities and under their purview while trying to include topics and knowledge about human rights into their respective training.

For example, MFA in cooperation with RTA and ISOC conducted human rights training with a focus on the rights of the child, prohibition of torture and Thailand’s role regarding human rights issues at the international level;<sup>56</sup> MOJ’s trainings in relation to Thailand’s obligation under international human rights treaties, especially CAT; MOD and RTA on human rights in relation to the use of force, rules of engagement, and the military’s role in law enforcement. At the same time, relevant independent organizations like NHRC

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<sup>55</sup> See more at International Crisis Group, “Southern Thailand: The Problem with Paramilitaries,” in *Asia Report N°140 – 23 October 2007*, accessed May 20, 2019, <https://d2071andvip0wj.cloudfront.net/140-southern-thailand-the-problem-with-paramilitaries.pdf>.

<sup>56</sup> “กระทรวงการต่างประเทศดำเนินการเชิงรุกในการเผยแพร่หลักสิทธิมนุษยชนสากลแก่เจ้าหน้าที่ในจังหวัดชายแดนภาคใต้ ครั้งที่ ๘ [The Ministry of Foreign Affairs proactively disseminates information on international human rights principles to officials in SBPs (8<sup>th</sup> session) ],” *RYT9*, January 10, 2012, <https://www.ryt9.com/s/mfa/1317824>.

and other human rights organizations also organized and engaged in education and training with these target audiences.

On the one hand, such vigorous efforts have made HRE and training essential and an inseparable part of an overall effort in solving the problem in SBPs. On the other hand, these intensive yet uncoordinated and unsystematic project-based efforts and investments raise difficulties to effectively evaluate the impact or follow up such training in order to improve future training. However, in 2017, the Rights and Liberties Protection Department under MOJ has introduced capacity building program for law enforcement officers in SBPs, which perceived among the interviewed trainers as the first stand-alone, innovative and proper training curriculums and learning materials on HRE for officials working on law enforcement in the area.<sup>57</sup>

### ***Contextual Challenges and their Impact of turning HRE Training to Reality***

Scholars contend that contextual analysis is among the most crucial step, i.e., a prerequisite, in designing any HRE program.<sup>58</sup> In the Accountability - Professional model, it explicitly refers to the alignment of HRE intervention with the educational context in which it is carried out as a crucial element in the application of this HRE model.<sup>59</sup> Therefore, prior to examining the HRE training, it is required to investigate the overall learning context, especially the extent to which political commitment to HRE and accountability mechanisms for human rights violations are in place.

#### *Commitment and Political Will to HRE*

Wide ranges of HRE training offered to security personnel working in SBPs reflect a clear political will and high - level of commitment in response to concerns over human rights violations in the area, at the very least, through preventive intervention of HRE. One HRE military trainer recalled that policy from the governmental and the ministerial levels at the top to the operational levels at the bottom became apparent on the need to provide HRE training to enforce the law in a constructive and peaceful manner.<sup>60</sup> With its nature of the hierarchical structure of the military, it did not come as a surprise that personnel from military operational units situating at the lower levels in the chain of command would have to, whether like it or not, attend HRE training as directed and assigned from the top. However, a practitioner from the NSC was reminded by his

<sup>57</sup> Ministry of Justice, *กรอบหลักสูตรการพัฒนาประสิทธิภาพการบังคับใช้กฎหมายของเจ้าหน้าที่รัฐในจังหวัดชายแดนภาคใต้ 2560* [Capacity Building Curriculum for Law Enforcement Officers in Southern Border Provinces 2017] (Bangkok: Ministry of Justice, 2017)

<sup>58</sup> Tibbitts “Evolution of Human Rights Education Models.”; and, Teleki, “*Human Rights Training for Adults*,” 9-10.

<sup>59</sup> Tibbitts “Evolution of Human Rights Education Models.”

<sup>60</sup> Interview with T6.

experience involving in the training of security personnel from operational units in SBPs in the training that was a self-initiated project of such unit:

“Our team, as part of the Thai intelligence community, first initiated the training to equip our security forces in SBPs with better knowledge and understanding of peace and human rights. Soon after, our team was invited to be involved in the training initiated by the intelligence and operational units in the area itself. For this time, the training was held in a safe house. Throughout the training, we all [trainers and trainees] sat down together on the floor, where we first provided lectures then engaged in dialogues.<sup>61</sup>”

Another military trainer similarly experienced this on HRE. A trainer from the Judge Advocate General's Department, the MOD, who has been regularly invited to train personnel in the training projects initiated by different operational units, in addition to training he regularly conducts in the capacity of his department.<sup>62</sup> These self-initiated training reflect how clear policy from a higher level, either civil or military organization, has its effect on awareness of the need for HRE training at the lower-level units. More importantly, it created a bottom-up process for the political will of those who are at the bottom of the command chain to be involved in the HRE process. Although a mere training project can hardly reflect a real intention behind such a program and may not guarantee better adherence to the human rights obligation of those learners, it had opened up rooms and opportunities for the application of HRE within the broader circle of security forces.

### *Existing Accountability Mechanisms*

Alongside the preventive measures through HRE invested particularly to educate security forces in the area, accountability measures in response to human rights violation concerns have also been introduced. We have witnessed developments in forms of legal and administrative measures and mechanisms as well as the use of technologies and forensic investigation to assist the work of authorities while also aiming at monitoring and holding authorities accountable for their misconduct. For example, steps have been taken in response to concerns and accusations of torture and ill-treatment of perpetrators of violence suspects by security forces:

Legally, torture is prohibited under criminal law. In terms of its international obligations, Thailand is already a party to Convention against Torture (CAT) since 2007. However, the adoption of the draft Act on Prevention and Suppression of Torture and

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<sup>61</sup> Interview with T2.

<sup>62</sup> Interview with T5

Enforced Disappearance, as an important legal instrument to strengthen domestic legislation in more compliance with CAT is still underway and regularly subjected to concerns and criticisms on the willingness of the government to genuinely tackle this matter.<sup>63</sup>

Moreover, the application of forensic investigation methods is introduced as a practical tool to assist authorities in gathering evidence and bringing perpetrators to justice by reducing less reliance on confession-based investigation.

Setting up of Closed-circuit television (CCTV) in the interrogation centers is another measure widely referred to by the interviewed trainers as a way to deter any misconduct and hold authorities accountable. A military trainer referred to the deployment of CCTV as a way to control the work of security forces, while the responsibility to ensure that each security personnel is not involved in human rights violations rests heavily upon oversight and monitor of their respective operational units.<sup>64</sup>

The NHCR, along with other human rights NGOs and CSOs, plays a critical role in putting accusations of torture and ill-treatment in the spotlight.<sup>65</sup> The NHCR works as a leading organization receiving and investigating complaints from the public along with other human rights NGOs and CSOs that have also worked on compiling reports, gathering complaints, and seeking remedies as well as training local volunteers on documenting torture.<sup>66</sup>

Very recently, in response to complaints on torture, the 4th region ISOC set up the Committee on Human Rights Protection in the Southern Border Provinces, comprising of representatives from security forces and civil societies. The Committee is tasked to investigate human rights violation complaints. Trainers from both the public sector and human rights organization contend that HRE training and accountability mechanisms would work complementarily in filling the gap in human rights protection.<sup>67</sup>

These innovative accountability measures reflect that affords on HRE are not provided in a vacuum. Nonetheless, ineffective implementation and difficulties in the practice of such mechanisms as widely criticized have a significant impact on the effectiveness of the application of HRE either directly or indirectly, especially when it leads to the impunity of officials, which will be further discussed in the following section.

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<sup>63</sup> ‘อังกฤษ’ เรียกร้อง ก.ยุติธรรม คืนร่าง กม.ป้องกันปราบปรามการทรมาน-บังคับสูญหาย [Angkhana urges the Ministry of Justice to revive draft law on prevention and suppression of torture and enforced disappearance] , from the south to Bangkok, haven't we learned the lessons?], *Isra News Agency*, August 30, 2019. <https://www.isranews.org/isranews-news/79946-news-79946.html>

<sup>64</sup> Interview with T10.

<sup>65</sup> Interviews with trainers from human rights organizations, T18 and T21.

<sup>66</sup> “มูลนิธิพัฒนาวัฒนธรรมขอบริเวณชายบ้านที่กักข้อมูลรื่องเรียนถูกซ้อมทรมาน [Cross Cultural Foundation held training on Documentation on Torture] ”, *Deep South Journalism School*, February 4 2013, <https://deepsouthwatch.org/dsj/th/3893>.

<sup>67</sup> Interviews with T18, T10, and T11.

### *Framing the Culture of Impunity*

Since the issue of impunity has been widely criticized as embedding within the culture and practice of state security forces and shielding authorities accused of human rights violations from being held accountable, it is worth understanding how both trainers and learners view this matter in connection with HRE training<sup>68</sup>. Trainers from non-military organizations precisely point out the challenges posed by impunity as well as the mindset and perceptions of the learners toward such term. A trainer from one human rights organization referred to the lack of punishment for those responsible for violations as a vital obstacle that hinders the effectiveness of HRE training:

“When it comes to the punishment, it is undeniable that the military usually argues that they have already investigated into cases [or complaints on human rights violations], but such violations as accused were unfounded. I view that if they actually help [shielding] one another, the officials will be unaware [of human rights concerns] as they may perceive that by doing their job, though violations may occur once in a while, they will be helping out eventually. Such circumstances would lead to ignorant among security forces [on the concerns and consequences of human rights violations]. However, if the military, their respective units or commanders take this issue seriously and administer a strict punishment, it will set a good example. Wouldn't this be a better way to raise their awareness in this regard?”<sup>69</sup>

Another non-military trainer shares responses, in which he regularly received from mid-level or command-level security officers on this matter:

“The military personnel are likely to link this issue with the solidarity of the military system or culture, where they support and protect one another. Especially as they are working in stressful situations, punishing their inferiors who carried the duty can lead to discouragement for their peers.”<sup>70</sup>

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<sup>68</sup> See more at Otto Federico von Feigenblatt, “The Muslim Malay Community in Southern Thailand: A ‘Small People’ Facing Existential Uncertainty” in *Ritsumeikan Journal of Asia Pacific Studies*, Vol. 27,(February, 2010), [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1589021](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1589021). ; Tyrell Haberkorn, “When Torture Is a Duty: The Murder of Imam Yapa Kaseng and the Challenge of Accountability in Thailand,” in *Asian Studies Review* 39, no. 1 (January 2, 2015), <https://doi.org/10.1080/10357823.2014.990354>. ; and, Nick Cheesman, Bina D’Costa, and Tyrell Haberkorn, “Anticipating the Struggle against Everyday Impunity in Myanmar through Accounts from Bangladesh and Thailand: Struggle against Everyday Impunity in Myanmar,” *Asia & the Pacific Policy Studies* 3, no. 1 (January 2016): 48–61, <https://doi.org/10.1002/app5.118>.

<sup>69</sup> Interview with T18.

<sup>70</sup> Interview with T1.

These arguments very much reflect on how one can view or define the term differently. Thus, challenges for HRE that gear toward accountability for human rights violations arise when officers as learners view that impunity, although wrong, but can help them uphold the value of solidarity that is crucial for their professional work. In other words, professional goals and values that the learners uphold may be conflict or inconsistent with human rights values.

During the interviews with military trainers, concerns about impunity within the organization were neither explicitly admitted nor raised as challenges to the HRE training. They mostly framed the issue of liability and accountability in connection to the content about harsh and strict punishment that officers involved in human rights violations could face both disciplinary and criminal liability. However, there was one participant from paramilitary who openly admit that, for him, decisions of security forces to violate rights relies heavily on two simple factors - one was whether there are others [witnessing such actions] at the scene who could spread the news, especially through social media, and the second factor is whether their units or superiors would provide support in shielding them from responsibility.<sup>71</sup>

Therefore, it is essential to understand how people define such terms and how they link to the value or culture of their organization. In order to address such a controversial topic as impunity, bearing these contextual difficulties in mind would help trainers navigate on how to engage learners in a meaningful discussion of such a term with a shared understanding of its meaning.

### *Problem of Warrior Mentality*

Scholars and commentators working in the field of police reform pinpoint challenges arising from that “warrior mindset”<sup>72</sup> that has been created within law enforcement circles where the work involves “physically dangerous and psychologically precarious

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<sup>71</sup> Interview with P9.

<sup>72</sup> Social construction of masculinity often associates with many forms of violence and risky behavior of male population in certain society. For example, violence in Africa link with masculinities of men and young men (e.g., gang activity and ethnic based-conflict). Therefore, literature focuses on the social construction of violence, especially within policing and practice of police or in other male dominated field, suggests two distinct styles of police masculinity, namely the warrior and the guardian. Problems of warrior masculinity contribute to the unfair or aggressive use of force against perpetrators, including male suspects, minority or specific race perpetrators. See more at Gary Barker and Christine Ricardo, *Young Men and the Construction of Masculinity in Sub-Saharan Africa : Implications for HIV/AIDS, Conflict, and Violence*, (Washington, D.C: The World Bank, 2005): 1-4 and 30-32. ; Jennifer Carlson, *Police Warriors and Police Guardians: Race, Masculinity, and the Construction of Gun Violence* (Oxford: Oxford Academic, 2019), <https://doi.org/10.1093/socpro/spz020>. ; and, Aurelia Terese Alston, “*The Force of Manhood: the Consequences of Masculinity Threat on Police Officer Use of Force*” (Master Thesis, Portland State University, 2017, 11-14.

situations.”<sup>73</sup> Such a mindset, which gradually mutated into the mentality, has its drawbacks on the use of armed threats and physical force affecting the way officers interact with civilians and creating detrimental relationships between them.<sup>74</sup> The problem of such a mentality is similarly observed in the case of this study.

A distinctive character of the work conditions could potentially amount to the warrior mentality, especially the dangerous and uncertain situations in the area. In this connection, two prominent factors underpinned the problematic behaviors, or the practice of misconduct concerning human rights include; first, trained warrior required to enforce laws outside battlefield; and second, the warrior mentality and the authorities to enforce the special laws.

Wartime and peacetime hold large extent of distinction, especially duties and skills obtained by authorities working in such different settings and different sets of law which govern their actions. When first recruited, security personnel required ranges of training, particularly with a primary focus on weapon training and rules of engagement. It is important to note that the military is trained with traditional military skills required to be conducted on a battlefield. Nevertheless, as they also required to assume a role in law enforcement, such skills and knowledge pertaining to such matters would be provided during the in-service training. A military trainer raised an important distinction that might affect how authorities may not be able to distinguish the differences between these two roles. While on a battlefield, they are allowed to resort to the use of force less cautiously compared to the use of force in law enforcement where the use of force should be a last resort and for self-defense or protecting others from harm.<sup>75</sup> Therefore, it is worth noting and addressing difficulties and risks that may arise as a result of skilled trained that conflicting with its actual role that might lead to the excessive use of force and vulnerable to the violation of human rights. This would help HRE training to better focus on capacities that required primary attention.

Also, two military trainers hold a similar view that security officers commonly misinterpreted or misperceived that the special laws have given them a full authority to enforce such laws, which sometimes led to the excessive exercise of power or use of force, and the violation of human rights.<sup>76</sup> Moreover, how officers perceive or value perpetrators have a grave impact on perpetrators be treated. For example, when

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<sup>73</sup> Seth Stoughton, “Law Enforcement’s ‘Warrior’ Problem,” in *Harvard Law Review Forum*, accessed November 13, 2019, <https://harvardlawreview.org/2015/04/law-enforcements-warrior-problem/>.

<sup>74</sup> See more at *ibid.* and “Police Re-Training Program Shifts Mentality from Warrior to Guardian,” *Michigan Radio*, March 22, 2018, <https://www.michiganradio.org/post/police-re-training-program-shifts-mentality-warrior-guardian>.

<sup>75</sup> Interview with T10.

<sup>76</sup> Interviews with T6 and T10.

perpetrators are perceived as a wrongdoer, a threat, or an enemy, officers tend to act unrestrainedly toward them.<sup>77</sup>

### *From Daily Heavy Workload to Dangerous Nature of Security Work*

Several empirical studies showed some link between the daily workload of law enforcement officers and their lack of interest in HRE training.<sup>78</sup> The heavy workload of learners in SBPs has a significant impact on human rights education and training, which, to a certain extent, hinders the effectiveness of the training in several ways.

Firstly, working day for security officers in the area is different from a typical five-day-a-week working schedule. They have to work thirty days in a row and get ten days off before resuming their month-long work routine. Since the workload in the area rests with security personnel at the operational level in the field, it in some way affects how the training could be managed to squeeze into their busy daily schedule.<sup>79</sup> Trainers have undergone different experiences during human rights training in connection with the heavy workload of learners. These range from learners slept through training with exhaustion to learners asked for permission to leave in the middle of training as they need to return to the field immediately due to emergencies or urgent situations.<sup>80</sup> Therefore, the rejection or opposition to the human rights training pertaining to the workload of learners could be observed on three different grounds: (1) human rights training interferes with their work which should be their priority; (2) bringing officials to the training means reducing manpower which should be working in the field;<sup>81</sup> and (3) it is merely interferes with their rest time or, for some officials, participating in the trainings is a perfect time for them to take some rest.<sup>82</sup>

Moreover, although learners can acquire understanding and knowledge through training, exiting working conditions could also hinder their ability to translate the knowledge to practice. Challenging working conditions that could amount to excessive use of force a violations of human rights range from distrust between local people and security force, pressure and stressful mental and physical condition caused by working in remote areas (like in the forest or mountain), to a simple factor like working in a low visibility at night.<sup>83</sup> It was interesting to note that many interviewees, including both

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<sup>77</sup> Interviews with T6 and T15.

<sup>79</sup> Interview with T6.

<sup>80</sup> Ibid.

<sup>81</sup> Interview with T8.

<sup>82</sup> Interviews with T9 and P7

<sup>83</sup> A military tainer, T7, provides example of a case where a paramilitary working at the night shift carelessly fired at a care and accidentally killed a passenger that ran security checkpoint due to a low visibility conditions where he initially aimed at halting the vehicle.



trainers and learners especially lower-ranking officials, refer to human rights violations caused by the issue of emotions (e.g., anger, frustration, exhaustion, or degraded). For example, whenever discussion during the training session involves the topic of human rights and the rights of the perpetrator of violence, both trainers from military and human rights organizations, regularly encounter with learners reflecting on how emotions deriving from their work play a role in their view toward human rights.

Learners usually refer with frustration to how they work in high-risk situations, their anger deriving from how their peers lost their lives or injured or how the security forces and innocent local people fell victim to such violent behavior of the perpetrators.<sup>84</sup> I also experienced first-hand frustration expressed by a paramilitary learner who started his career eleven years ago on operation for search and arrest of perpetrators in remote mountains. When asked about how he perceives security forces' involvement in the violation of human rights, he replies:

“I understand the frustration that authorities might encounter when on duty, and sometimes such decisions [to violate rights] were made arbitrarily. For example, when undertaking a search and arrest operation, we had to ambush for three days. Sometimes we despaired and frustrated. Sometime we could not eat or did not sleep. So at some point, it just came up on top of our heads that if the right one [perpetrator] found, they deserved to be beaten. However, I know that it was just a short temper and was not worth it.”<sup>85</sup>

Therefore, emotional issues should not be overlooked or disregarded when it comes to HRE training for the security forces, especially, in this case, such negative emotions could gradually accumulated and led to resistance of security forces to the ideas or efforts relating to human rights, including resistance to human rights organizations working in the area.

### *Understanding Resistance and Rejection*

The past empirical studies have shown that skepticism and resistance of learners toward human rights ideology or discourse constituted a problematic factor for the effective incorporation of human rights into training for security personnel.<sup>86</sup> This study shows strong support for such concerns. The rationale behind skepticism, resistance, and rejection of security personnel toward HRE training was the way they viewed human rights discourse as sophisticated and foreign concepts, a tool being used against them and to undermine their efforts. Less controversially, the content of human

<sup>84</sup> Interviews with T6, T18 and T22.

<sup>85</sup> Interview with P9.

<sup>86</sup> See discussion in *supra* notes 35 and 36.

rights was perceived by learners as too complicated to comprehend, then being rejected for its abstractness, impracticality, and irrelevancy to their work routine.<sup>87</sup> This is especially in cases where human rights are presented in connection with its international-legal-obligation character.

However, in a more concerning way, resistant and rejection to HRE training do not happen in a vacuum but are built on skepticism, resistance and arguably deep-rooted negative perception of security forces toward the organizations working in the field of human rights, be it international organization, NHRC, NGOs or CSOs. As protecting individuals against the power of the state embedded in the nature of human rights advocacy, the work of human rights organizations in this area somehow put themselves in confrontational positions vis-à-vis state authorities. Human rights organizations were perceived by security forces as sympathizers to those perpetrated violence while remaining silent when authorities fell victim.<sup>88</sup> A mid-level military trainer shares his personal experience that he once had been rejected outright by one of his paramilitary learners at the beginning of the training:

“He criticized me for being a tool for the human rights movement and asked why I didn’t show sympathy to security officers. However, he later came to apologize for his inappropriate behavior and explain how he and his family had suffered from the pressure of human rights defender and locals and how he faced a lawsuit filed because he merely did his job. Then he admitted that he did not want to attend the training but had no choice since his superiors instructed him to attend.”<sup>89</sup>

Moreover, paramilitary interviewees also express their concerns on how human rights NGOs obstruct their work by distorting and exaggerating the information to undermine the reputation of the authorities.<sup>90</sup> Such resistance and frustration toward the work of human rights organizations as openly raised by security forces thus have manifested the underlying and deep-rooted distrust and confrontational position which link to a broader and more complicated picture of the problem in SBPs. It is what on a mid-level military working on the strategy front referred to as a “mass mobilization.”<sup>91</sup> This term can be simply described as ways or tactics that different parties to the problems utilized to win the heart or gain support from the populations, which sometimes involved discrediting or attacking against the opposing parties. From the authorities’ perspective,

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<sup>87</sup> Interview with T1 and P1.

<sup>88</sup> Interview with T2, T3, and P7.

<sup>89</sup> Interview with T9.

<sup>90</sup> Interview with P1.

<sup>91</sup> Interview with T7.

some human rights organizations work alongside with the perpetrators and sometimes distorted information to undermine the efforts of the authorities and empower the efforts of the perpetrators.

A senior military trainer raises his concerns about the activities of some foreign and civil society organizations:

“They work directly with local people in the opposite direction from the government while some of those have hidden agendas and work with perpetrators in the area. Such activities have complicated and hindered authorities’ efforts to resolve the problems.”<sup>92</sup>

Thus, efforts on HRE are not an easy task considering how learners widely perceive human rights language and agenda as a political tool.

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<sup>92</sup> Interview with T10.

## Chapter 6: Problems at the Gap between Training Methodologies and Target Participants

It is argued that didactic teaching methods, if purely used in HRE, are “antithetical to the substance and goals of HRE” thus can be counterproductive.<sup>93</sup> HRE trainers admitted that relying on human rights education and training on one-way communication through a lecture on human rights content was insufficient and ineffective. However, due to time limit and inadequate human resources, didactic lecture inevitably remains a dominant approach in HRE training for security officers in SBPs. This raised an important shortcoming in terms of pedagogical challenges that could affect the effectiveness of the courses and the impact on learners. As the United Nations Declaration on Human Rights Education and Training (2011)<sup>94</sup> defines that HRE encompasses three approaches, including education about, through and for human rights, HRE and training manuals and content presented during the training revolving around significant character or keywords of what constitute human rights (e.g., universality, inalienability, indivisibility, equality), relevant international human rights documents (UDHR and exhaustive list of conventions and covenants). These content, although, are arguably essential for laying the necessary foundations and understandings for learners<sup>95</sup>, it can be potentially problematic to a significant extent. Such academic content could be deemed overwhelming, taking into account a variety of background knowledge and educational levels obtained by learners. Some of whom entered the paramilitary with lower secondary education certificate - the minimum requirement for such positions. Although such content formed only part of the overall training, a trainer contends that when human rights are presented as “something tedious and require memorization,” they create distance between learners and training as learners perceive such knowledge irrelevant to their work.<sup>96</sup> These concerns also reflect in the pre and post evaluation form of train the trainer program where it includes closed questions, for example. “Has Thailand already ratified nine international human rights treaties?” or “Is “Rights of self- determination embodied in ICCPR and ICESCR?”<sup>97</sup> Feedbacks provided

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<sup>93</sup> Tibbitts, “Evolution of Human Rights Education Models.”

<sup>94</sup>United Nations, General Assembly, *United Nations Declaration on Human Rights Education and Training*, A/RES/66/137 (14 September 2016), available from <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N11/467/04/PDF/N1146704.pdf?OpenElement>

<sup>95</sup> Interviews with T15 and T5.

<sup>96</sup> Interview with T1.

<sup>97</sup> Ministry of Justice, *กรอบหลักสูตรวิทยากรกระบวนการด้านสิทธิมนุษยชน ในพื้นที่จังหวัดชายแดนภาคใต้ 2560* [Training Curriculum for Facilitators (Trainers) on Human Rights in Southern Border Provinces 2017] (Bangkok: Ministry of Justice, 2017) 54.

by learners on such content ranges from merely displaying a lack of interest or enthusiasm during the lecture, admitting their struggling to comprehend the contents to rejecting outright to the trainer that “these subjects are not necessary and after all not about them and what they need to know.”<sup>98</sup>

Nonetheless, trainers also endeavor to resort to other learning methodologies to resolve the difficulty in over-reliant on didactic approach as much as allowed by time constraint and limited trainers, most of whom have to travel from Bangkok to conduct training in the area. These learning methodologies include the use of visual materials (e.g., photos of victims of torture) or referring to case studies related to ill-treatments of authorities, both hypothetical and real cases both occurred in the area and elsewhere. Aiming at provoking critical reflection and persuade the participation of learners and interaction between learners and trainers, the military trainers contend advantages of these approaches. Trainers argue that such approaches could break through the barrier of learners' background knowledge and engaged them with the content that easier for learners to comprehend in comparison with pure academic content.<sup>99</sup> However, there are certain obstacles to the implementation of these approaches, particularly attempts to encourage participation and critical discussion. Practical difficulties involve challenging training environment, learning culture, and organizational culture that could undermine the training efforts, especially with a sophisticated and sensitive character of HRE and human rights content.

*Firstly*, most of the past human rights training included a large number of participants per training session. The approximate numbers of participants provided by interviewed trainers in this study ranged from a minimum of 50 to 60 participants and up to a maximum of more than 300 participants. On the one hand, a large number of participants underscored the reality where limitation of time and resources prevailed. To include as many participants as possible was considered and argued by HRE program sponsors to be an appropriate way in the view of those to manage budget and resources. On the other hand, as one trainer held that it was essential to have as many authorities trained on HRE as possible. He cites an example of a significant number of an annual record where approximately 100 paramilitaries trained on human rights per one session, which amounted to around 2,400 paramilitaries trained in total. However, he further contends that each training was intended to be a one-time training so that it could focus on targeting participants who had never been trained before.<sup>100</sup> Thus, a large number could be justified in terms of how HRE can reach out to a wide range of authorities as possible. However, this is not only amount to the practical difficulties

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<sup>98</sup> Interviews with T1 and T9.

<sup>99</sup> Interviews with T22 and T5.

<sup>100</sup> Interview with T10.

when human rights training lacks continuity due to frequent rotation of security personnel but also poses a critical problem of training goal, which is "the confusion between outcomes (prevention of human rights abuses) and outputs (number of participants involved in the training)."<sup>101</sup> Though achieving output-related goals with a large number of authorities trained is essential, the training may not accomplish the outcome-related goals that are aiming toward a genuine understanding of ones' work concerning human rights principles and being able to mitigate and prevent future human rights violations.<sup>102</sup>

This problem also affected the criteria for the selection of participants, which constitute challenges for human rights training in this study. A large number of participants in an HRE session also posed trainers with a challenging task to engage learners inclusively. Moreover, mixed roles and responsibility of such participants elevated the challenges to another level. When the training goals were to ensure that security personnel were trained and each unit should select and assign their authorities to attend the training, the selection criteria turned out to be unsystematic and sometimes arbitrary. On paper, agencies, who organize the training, require that each unit assign "an ideal learner," who tasked with law enforcement works with implications or risks of human rights violations. However, problems occurred when a majority of HRE participants were those whose works were related <sup>103</sup>to neither law enforcement nor engagement with local people but merely those who have less workload (e.g., gardener, cook). A military trainer interestingly asserts that "crème de la crème of an organization would not leave their work just to sit and listen to a lecture."<sup>104</sup> These challenges reflect the reality where those who shoulder a significant responsibility are overwhelmed with heavy workload and play critical roles in their respective units. Thus, a single training that, although necessary, is not compulsory, would not constitute their priority. Such challenges affect how the content is relevant to the target group, which is a fundamental factor necessary for the training and could lead to a more challenging task of how the course can critically engage learners to the human rights content and value in a meaningful way. As a result, it is unavoidable that most of the content in the human rights training program is broad enough to serve a variety of participants. However, it is insufficiently specific to be relevant to the concerned target groups. The problem here is that, although it might not be of much concern if the security forces assigned to work as a gardener obtain a little understanding of how human rights necessary to their work, it could be severely problematic if those working on search and arrest operation do.

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<sup>101</sup> Teleki, "*Human Rights Training for Adults*,"10.

<sup>102</sup> Ibid.

<sup>103</sup> Interview with T9.

<sup>104</sup> Interview with T6.

*Secondly*, reticence or reluctance of learners to actively engage or participate in the training is another challenge for the training. This major hurdle is also warned by Hinkley in human rights training in foreign nations, particularly if participative learning is not employed.<sup>105</sup> In the case of this study, such reticence was not only a result of the usual culture of learning but also their organizational culture. Non-Military trainers notice that the presence of high-level officials or the learners' superiors in the training outset influenced how learners participate and engage in the training. Learners may pay attention to the training; however, they are less engaged in discussion even trainers persuade them to speak out or ask questions. Another non-military trainer observes this as normal circumstances given the fact that one of the organizational cultures of the military is that a subordinate or inferior should not outshine their superior.<sup>106</sup> It is also a major problem, particular to human rights training, compared to other types of training, as questions or personal experiences in which learners could reflect, share or bring into the discussion could in some way relate to actual situations that may involve or refer to the work or behavior of their superiors. Such factors present a challenge for trainers who attempt to encourage two-way communication in human rights training. Arguing in the same direction, a young military trainer shares how his age and rank played a crucial part in encouraging the learners who share similar ranks to openly engage in discussion and express their views even on sensitive issues concerning their work.<sup>107</sup>

In response to the discussed pedagogical challenges, in 2017, the MOJ introduced an innovative human rights training curriculums to facilitate training for law enforcement agencies, including the security forces, in SBPs under the projects called "Capacity Building Curriculum for Law Enforcement Officers in SBPs" and "Training Curriculum for Facilitators (Trainers) on Human Rights in SBPs" or known as "Train the Trainer" program.<sup>108</sup>

The two curriculums incorporate content on human rights by introducing participatory methodologies along with the traditional lecture approach. The leaning methodologies include brainstorming, group discussion, and role-playing exercise, among others. After implementation, a military trainer who involves in the process of the design, development, and implementation of the innovative curriculum praise methodology and

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<sup>105</sup> Michael Hinkley. "Military Training for Human Rights and Democratization," in *Human Rights Education for the Twenty-First Century*. Ed. George J. Andreopoulos and Richard Pierre Claude. Philadelphia, Pa: University of Pennsylvania Press, 1997), 305-306.

<sup>106</sup> Interview with T2.

<sup>107</sup> Interview with T9.

<sup>108</sup> Ministry of Justice, *กรอบหลักสูตรการพัฒนาประสิทธิภาพการบังคับใช้กฎหมายของเจ้าหน้าที่รัฐในจังหวัดชายแดนภาคใต้ 2560* [Capacity Building Curriculum for Law Enforcement Officers in Southern Border Provinces 2017] (Bangkok: Ministry of Justice, 2017) ; and, Ministry of Justice, "Training Curriculum for Facilitators."

activities employed in such training as engaging and persuasive.<sup>109</sup> However, another military trainer points out how such activities contradict the practice of routine military exercise and training, which could hinder the ability of learners to achieve training goals.<sup>110</sup> He cites a role-playing exercise as a concrete example of activities that could be counterproductive if not conducted it right. In such activity, learners are required to act in different roles (e.g., doctor, patient, perpetrator, and gangster) in front of other participants who should decide which character deserves a vaccine during a deadly virus outbreak. The purpose of this activity is to emphasize the core values of human rights in which all human beings are equal in dignity and rights to life despite who they are. However, the problem of this activity lies with how it is incompatible with the nature of the professional adults who have been trained in an intensive and rigorous military training while this type of role-playing activities put them in an awkward position, especially in front of other co-workers. Therefore, instead of acquiring certain knowledge or awareness from the activity, learners tend to focus on their performance.

### *Who is the “Right” Trainer?*

The past studies argue in favor of a balanced resort to both local or insider human rights trainers and those from the outside, be it international experts or members of human rights NGOs.<sup>111</sup> In the context of SBPs, interviewed trainers admit that choosing the right trainers is one of the most critical factors which determine the faith of the training. However, a unique character of the learning context in this study suggests that human rights training for security personnel require, at least, a considerable proportion of trainers from the same background as learners. This reality is a result of an underlying oppositional relationship between human rights movements and authorities, as earlier discussed. Such a relationship also affected the efforts on human rights training in several aspects.

One collective resistance from low ranking security personnel expressed to human rights training derived from the confusion of learners on the term *“human rights.”* *The term “human rights” is a broad term that could range from human rights standards, frameworks, values to philosophy.*<sup>112</sup> Human rights training in this study often face a difficult task when learners misperceive that the term *human rights* as only referred to *human rights NGOs, movement, or advocacy of human rights organizations or defenders. Therefore, human rights training often misunderstood as courses to educate*

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<sup>109</sup> Interview with. T10.

<sup>110</sup> Interview with T6.

<sup>111</sup> Teleki, *“Human Rights Training for Adults,”*15. ; and DuBois. *“Human Rights Education for the Police,”* 325-26.

<sup>112</sup> See more on the discussion about interpretation and critiques of human rights Zembylas, *“Peace and Human Rights Education,”*569 -70.



learners about the work of human rights organizations instead of human rights as concepts, values, discourses, or standards. A military trainer revealed his unique experience when he appeared at the training set as a human rights trainer in casual clothing instead of a military uniform:

"I encountered strong disapproval the moment I entered the room as the security personnel thought that I represented a human rights organization. Then, I introduced myself and started to explain the differences between human rights and human rights movements. Therefore, at the beginning of every human rights training session, I have to distinguish human rights principles from human rights organizations clearly."

Such confusion not only fuel resistance and rejection of learners to the training course but also create a limited space for outside trainers to work on human rights training.

NHRC, although an independent organization, has also been misperceived as NGOs and faced resistance during human rights training.<sup>113</sup> During the early years after the violent incident spurred in 2004, NHRC started to organize human rights training in the area and resorted to trainers with human rights expertise from NHRC and other human rights NGOs. However, the trainers and the training faced disapproval from the learner as they could not win learner's hearts and minds<sup>114</sup>, so they decided to adjust their program by including more police and military trainers who helped to increase learners' participation and enthusiasm to training:

"What we have learned from this is that every learner is an individual who requires trainers that know their struggles and understand learners from their perspective."<sup>115</sup>

Therefore, trainers from non-military agencies have agreed upon one key to success which is to let those wearing uniforms trained those wearing the same uniforms as one trainer asserts:

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<sup>113</sup> Interviews with T9 and T21.

<sup>114</sup> Marshall Ganz introduces a framework for social action by suggesting three crucial components, including strategy (head), narrative (heart) and action (hand). In order to influence ones to translate value into action, he supports the employment of public narrative to communicate emotional content of the values rather than taking about them. In order to engage wither others and motivate them to find courage to take actions, he suggests that it should be carried through shared experiences of such values. See more at Marshall Ganz, "Public Narrative, Collective Action, and Power," in *Accountability through Public Opinion: From Inertia to Public Action*, ed. Sina Odugbemi and Taeku Lee (Washington, D.C: The World Bank, 2011), 273-74 and 288-89.

<sup>115</sup> Interview with T18.

"They speak the same language, which is the military language. They know all the strengths and weaknesses of military practices while being able to communicate human rights language in their own languages."<sup>116</sup> Resistance from the security forces to non-military trainers found in this study coincides with those expressed by learners from the police forces in SBPs during the training by the ICRC. In the beginning of training on International Policing Standards and the Exercise of Police Powers, learners expressed their feeling that the ICRC was investigating them and try to point out their mistakes.<sup>117</sup> Obstacles faced by non-military trainers are also supported by the trainers who experienced difficulties during the training even though they were representing government agencies, not human rights organizations.

Trainers from non-military agencies, especially those working under central administration in the capital city, are often perceived by local security forces working in the south as being distant and being able to provide only a broad picture but unable to understand all aspects of the local context.<sup>118</sup>

In this regard, relevant agencies invested resources and efforts on "Train the Trainers" programs with a view to grooming numbers of military trainers. However, issues that should not be overlooked is that most of the military trainers are not an expert on human rights and they sometimes trained others of what they merely memorized from what they have been taught but not fully understand the essence of the content<sup>119</sup>, especially when the "train the trainer" programs are also a short course and, in some cases, a one-time training.

### *HRE through Imposing Fear VS Sensitizing an Active Agent*

The consequences of violations are among other information to be included in HRE programming under the Accountability Model.<sup>120</sup> Military trainers explicitly contend an inclusion of this content, particularly on criminal and disciplinary penalties, as an inseparable part of human rights training for security forces. Trainers often refer to disadvantages of ignorance or unawareness of human rights principles by linking them with violations that lead to consequences of harsh penalties.<sup>121</sup> This approach is argued

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<sup>116</sup> Interview with T1.

<sup>117</sup> "Thailand: Training Fosters Dialogue between Police and ICRC." ICRC, accessed October 16, 2019, <https://www.icrc.org/en/doc/resources/documents/feature/2012/thailand-feature-2012-08-23.htm>.

<sup>118</sup> Interviews with T8 and P3.

<sup>119</sup> Interview with T1.

<sup>120</sup> Tibbitts, "Understanding What We Do," 165.

<sup>121</sup> Interviews with T5 and T9.

to be very effective in drawing the attention of learners to the training and deterring future human rights violations as it could impose fear of punishment among learners. Trainers usually refer to cases of past human rights abuses and misconduct resulting in security forces bearing heavy criminal and disciplinary punishment. To demonstrate how the misconduct could affect the authorities on both professional and personal lives, trainers also cite the ongoing trials where the accused required to attend legal proceedings in the south even though they have already rotated to work in other regions.<sup>122</sup>

When asked about the effectiveness of this approach from learners' perspective, they also support this approach in training as one contends that "as jail can deter the military, punishment should always be emphasized when you train the military."<sup>123</sup> However, such an imposing-fear approach also has its drawbacks. It can be counterproductive to both training goals and learners' professional goals. Instead of pinpointing how adherence to human rights principles could benefit one's work, too much emphasis on imposing learners' fear of penalties could only mount opposition to human rights ideas. Moreover, one paramilitary expresses how fear of punishment impact confidence in his professional capacities.<sup>124</sup> He refers to specific circumstances where instead of seeking advice when in doubt on how to conduct his work correctly, fear of misconduct and punishment led him to a decision to refrain from undertaking his work entirely. Such a decision left him with an uncomfortable feeling and doubting of his inability to perform his professional role.

Therefore, while the military accepts that the imposing-fear approach has its merit, they further argue that what is more important to them is to be educated on how to avoid engaging or violations or if violations occurred, how authorities should deal with or mitigate the consequences.<sup>125</sup> By referring to how comfortable learners feel with their work reflects how they try to connect practicality of human rights training with the effectiveness of their work, taking into account the human rights values. Therefore, trainers or those designing training should critically engage with this practical aspect of the training to, at the minimum, introduce the training that learners feel relevant.

In response to the discussed practical challenges of human rights training, a discussion of two significant steps emphasized by the Accountability and Professional Development model are drawn upon in the following section. The Accountability model suggests that in order to enable honest and critical HRE that appeal to personal value

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<sup>122</sup> Interviews with T6 and T10.

<sup>123</sup> Interviews with P3.

<sup>124</sup> Interview with P7.

<sup>125</sup> Interviews with P3.

systems of learners, it is essential to "work with professionals as individuals first and then as a law enforcement officer."<sup>126</sup> This research not only found experiences of trainers and learners supportive of these two crucial steps but also suggests that such steps are the keys to successful human rights training.

The following discussion brings out experiences of trainers and learners during and after human rights training in connection with how two suggested steps apply in an actual setting. It demonstrates examples of successful practices asserted by trainers, effective practices perceived by learners who could connect themselves with the training, and turn the knowledge into practice. It also draws on certain cases where absent of or failure to follow such steps could undermine the effort of overall human rights training.

### *Starting by Working with Individuals*

As a core focus on the learner as a human being is essential for any HRE programming, including HRE for professionals who might be viewed as perpetrators,<sup>127</sup> the context of this research suggests that this is one of the most challenging tasks of this training program as learners not only be viewed as perpetrators but also view themselves as victims of human rights violations. Therefore, trainers, especially the military, learn the need to 'lower learners' guards' at the very beginning of every training. Different ways and techniques are suggested as follows:

- (1) Approaching learners with sympathy and care: Trainers argue that if this approach could not be the first and foremost way to approach their learners, it should at least be part of human rights training. A military trainer<sup>128</sup> explicitly describes to his learners that his training goal is to see his learners "accomplish the mission and go home without a wound." He equates wounded military with the military who engaged in human rights violations and subsequently subjected to criminal and disciplinary punishment. He intends to show his learners that the training aims at equipping them with knowledge and protecting them from committing any violation, and more importantly, to show the learners who are working at the front line and in risky situations that they are cared for.
- (2) Recognizing learners' rights and making rights relevant: I have already discussed above the challenges posed by confusions of learners on human rights standards and human rights NGOs and by how learners view human rights as irrelevant to them. This approach suggested by some military trainers as ways to start things

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<sup>126</sup> Tibbitts "Evolution of Human Rights Education Models."

<sup>127</sup> Ibid.

<sup>128</sup> Interview with T6.

off, especially in the learning context where learners express strong rejection or opposition to human rights:

"It is crucial to explain that human rights include the rights of all learners and single out rights that learners can enjoy in both personal and professional capacities." The sooner we inform learners about their rights and remedies they are entitled to if they fell victims, the better they will be likely to lower their guard and feel more engaged in the rest of the training."<sup>129</sup>

Another senior military trainer<sup>130</sup> shares his mantra to address these issues by first connecting human rights to the life of the learner. He starts every training by giving a definition of human rights that are not borrowed from any treaty but defining them with a Thai proverb "เอาใจเขามาใส่ใจเรา" or "to put others' hearts in your heart " which carries a similar meaning as "to put yourself in someone's shoes." He then further provides different examples demonstrating how people should feel when being treated, either well or poorly, by authorities and whether learners wish to be treated in such ways. This aimed at creating empathy for learners as individuals before extending to ones' professional roles.

### *Continuing by Working with Professionals*

Although it is crucial and deem compelling to start the training off with sympathizing learners as individuals and sensitizing them to respect the rights and dignity of others as their own, it is arguably not enough, especially in such a high-security working context of learners in this research. Trainers often struggle to overcome learners' perceptions that the rights of suspects or perpetrators of violence (who often viewed by authorities as wrongdoers and violators of innocent people's rights) do not deserve the same level of protection as the rights of other people. The military trainers suggest that emphasizing honor, discipline, and dignity of the military can make persuasive cases for their learners:

"When I encountered questions posed, or argument made learners of why they should protect the rights of those perpetrators when they did not do so, I always firmly point out to my learners that what differentiates us [the military] from those perpetrators is our honor and discipline. We have rules and principles to adhere to. Without this, we are no different from perpetrators."<sup>131</sup>

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<sup>129</sup> Interview with T9.

<sup>130</sup> Interview with T5.

<sup>131</sup> Interview with T22.

This approach is supportive of one adopted by the USAID international police training program, which claimed to have some impact on police behavior. Such an approach to human rights training lies on a focus of professional conduct while respect of human rights is encouraged as "a matter of honor and institutional dignity rather than to focus directly on human rights."<sup>132</sup> By sensitizing learners about human rights ideas that do not conflict with values uphold by learners at both personal and professional levels, there are places for further efforts in introducing new knowledge or building capacity based on human rights values.

As HRE programming in the Accountability Model focuses on skills oriented approach, its key teaching and learning processes are those aims to foster capacity development in areas relevant to professional roles and responsibilities of targeted adult learners.<sup>133</sup> One lesson of the past studies, for example, in case of police training in India to reduce torture, suggests that human rights training should both be presented as means to enhance capacity for authorities and include training in non-violent interrogation techniques and related skills.<sup>134</sup> Among the four subjects under the human rights training program organized by the MOJ, it has been observed by the military trainer that learners likely to engage and participate the most in the third subject on "Law, policy, order, human rights principles and international standard for law enforcement." This subject involves lectures and group discussions on topics related to the use of force in law enforcement relevant to their specific tasks (e.g., operate checkpoints, search, and seizure). During this session, trainers may cover relevant legislation, rules, procedures (in the form of "do and don't"), and punishment.

One paramilitary learner strongly supports the capacity building approach.<sup>135</sup> He made a strong connection between how learners could feel encouraged to attend HRE training with how it could help them to overcome challenges in working both under a close and strict monitor of human rights NGOs and negative attitudes of local people toward them. He admits that authorities, especially those with low ranks, are working with fears of being complaint by NGOs or local people. Problems arise when authorities acquire less knowledge, compared to NGOs or local people, on rules and principles that govern their work. As working at security-checkpoints requires direct interaction with people daily, they sometimes could not avoid confrontations with people. Such confrontations are often followed by people asserting that authorities abuse their power or infringe upon people's rights. Thus, when authorities are uncertain about such claims, they tend to refrain from their tasks and allow people to leave without going through a thorough

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<sup>132</sup> DuBois. "Human Rights Education for the Police," 327.

<sup>133</sup> Tibbitts "Evolution of Human Rights Education Models."

<sup>134</sup> Wahl, "Policing, Values, and Violence," 238.

<sup>135</sup> Interview with P6.

inspection. Therefore, human rights training would foster their capacity to work according to rules and principles effectively and help them to identify whether such claims are legitimate or just a false accusation. This suggests a practical way for trainers to encourage their learners to engage in human rights training honestly and critically despite the existing controversial working context.

However, problems with human rights training aiming to build learners' capacity are due to the fact that the training is commonly a crash course or one-day training with large size participants. The section on law enforcement capacity building usually forms only a small part of such intensive training. More importantly, human rights training not only constitutes a small portion of the regular training and exercise for security forces (e.g., use of force and firearms, use of force, search and seizure, and arrest procedures), but are also presented and deemed by learners, as a separate program from their routine training. Therefore, security forces deem human rights training as less persuasive and relevant to their professional capacities compared to other training that could enhance their capacities and useful for their daily tasks.

One paramilitary learner who explicitly admits that he personally prefers participating in traditional military training especially on the use of force as a mere knowledge about human rights acquired from the human rights training could hardly be put into his decision-making equations when the situation was at risk:

“When I need to decide whether to resort to use forces, there are so many things running inside my head...How to use them? Will all members of my team survive? Will my superior face consequence of my decision? Admittedly, concerns about human rights merely flashed through my head at such time.”<sup>136</sup>

### *HRE and the Prevention of Torture and Ill-Treatment*

Admittedly that one limitation of my research lies in the fact that the interviews did not cover security forces or paramilitary learners who tasked to work on interrogation. However, as accusations of torture and ill-treatment of suspects during interrogations are among the most worrying issues in SBPs, I would like to devote a small section of my research delving into discussion about HRE and the issues of torture. Discussion and information regarding relevant training to prevent torture that gathered from the available training manuals and the interviews with the trainers are as follows:

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<sup>136</sup> Interview with P3.

1. Training Manuals: Content about the prevention of torture evident in the HRE training manuals heavily rely on providing detailed information through lecture or seminar.<sup>137</sup> The definition and prohibition of torture and ill-treatment proscribed in international human rights law (ICCPR and CAT), as well as regulations and procedures for authorities working as interrogators, are outlined in a 155-page training material.<sup>138</sup> More specifically in the "Train the Trainers" manual on CAT developed by the cooperation between the MOJ and Thammasat University, there are training modules where details and activities range from basic human rights information about the convention, criminal punishment and civil liability to prevention measures and alternatives to torture, among others.<sup>139</sup>

2. Human Rights Training Focusing on Prevention of Torture: Among numbers of training programs on issues of torture organized by government agencies and human rights organizations (e.g., MOJ and NHRC), a non- military trainer<sup>140</sup> shares her experience in conducting regular training on the prevention of torture for law enforcement officers in the country, including those working in SBPs. One lesson she learned and reflected from working in human rights training programs on such a sensitive and hard case as torture is that a title of the training can significantly impact the acceptance or enthusiasm of learners to the training. She cites two examples of how security forces reacted differently to two different trainings. While rejection, lack of enthusiasm, or even an explicit "grumpy face" of security forces commonly present in training on torture prevention or CAT, a very recent training that she organized with foreign organizations experienced complete opposite reactions. Numbers of security forces expressed overwhelming interest to participate in the training, exceeding available quota given to their units. She observes that it was due to the name of the training called "Criminal Investigations and Investigative Interview Workshop" instead of her regular training with the name of the torture convention on its cover. This example is a good support of the findings of Wahl's study in the case of India, which suggested that

<sup>137</sup> In the MOJ's training manual for the "Train the Trainers" program, there is one participatory activity related to the topic of torture. There is a group discussion activity using a hypothetical case study of suspected being held by special security laws and beaten to death. The instruction of this activity assigns learners to analyze whether such a case constitutes a human rights violation and what are the punishments for the authorities involved. See more at Ministry of Justice, คู่มือวิทยากรกระบวนการกรอบหลักสูตรการพัฒนาประสิทธิภาพการบังคับใช้กฎหมายของเจ้าหน้าที่รัฐในจังหวัดชายแดนภาคใต้ 2560 [A Manual for Trainer on Capacity Building for Law Enforcement Officers in Southern Border Provinces 2017] (Bangkok: Ministry of Justice, 2017) 10.

<sup>138</sup> Ministry of Justice and ISOC 4, คู่มือสิทธิมนุษยชนและกฎหมายที่ควรทราบ สำหรับผู้ปฏิบัติงานด้านความมั่นคงในพื้นที่ จังหวัดชายแดนภาคใต้สำหรับเจ้าหน้าที่ของรัฐ [A Manual on Human Rights and Relevant Legislations for State Officials in Security Sector in Southern Border Provinces] (Bangkok: Ministry of Justice, 2017)

<sup>139</sup> The Ministry of Justice and the Faculty of Law, Thammasat University, หลักสูตรฝึกอบรมวิทยากรและหลักสูตรเผยแพร่หลักการและการปฏิบัติตามอนุสัญญาต่อต้านการทรมาน และการประหัตประหาร หรือการลงโทษอื่นที่โหดร้าย ไร้มนุษยธรรม หรือย่ำยีศักดิ์ศรี [A Manual for Trainers and Training on Convention against Torture], (Bangkok, the Ministry of Justice, 2016).

<sup>140</sup> Interview with T16.



when addressing issues like torture, the HRE should avoid explicit use of human rights while orienting toward capacity and skills development instead.<sup>141</sup> Nonetheless, interviews with military trainers indicate that responsibilities to provide training or skills necessary to the work of the security forces rests with their respective units.<sup>142</sup> Therefore, it is not clear whether regular training on interrogation techniques and skills, as well as human rights training with the emphasis on torture prevention, have been systematically introduced to those security forces, including paramilitaries tasked to work on interrogation.

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<sup>141</sup> Wahl, "Policing, Values, and Violence," 238.

<sup>142</sup> Interview with T10.

## Chapter 7: From Top to Bottom: HRE Intervention along the Chain of Command

Past studies suggest that seniority in strong hierarchy and strict chain of command could pose both opportunities and challenges to effective implementation of human rights educational efforts, especially senior officers who can play an essential role in influencing actions of other officers in their units to either adhere or oppose to human rights norms.<sup>143</sup> In the context of this research, although human rights training, in general, has been invested and focused on educating officers at the operational level, we should not overlook how human rights training intervention could or should work with high-level military personnel at a policy level.

Participants in this research refer to the roles played by the high-level military as crucial and influential factors that could either directly or indirectly affect security forces' behaviors or determine, at least in part, adherence of the security forces to human rights standards in the area under their purview. Although protection and promotion of human rights have firmly been part of the Government policy in the area, different approaches in dealing with human rights concerns or complaints adopted by different high-level military have created different working ground for the human rights organization. One interviewed participants for a human rights organization cites his experiences working with different Commanders<sup>144</sup> in SBPs as examples of how his organization has been allowed to investigate complaints on human rights violations by security forces:

“Some Commanders viewed that our work would obstruct authority efforts to uphold security in the area; they were then less cooperative when we tried to investigate human rights complaints. For example, when we received complaints about human rights abuses by authorities during interrogations, we asked permission from the Commander to visit the interrogation center to investigate the matter. However, we were rejected as Commander viewed that the interrogation was still ongoing. If those suspected met with our organization, they would not cooperate in providing important or useful information to the authorities. On the other hand, working with another Commander, who has a clear policy to cooperate with our organization, allowed us to conduct

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<sup>143</sup> Discussed in *supra* notes 32 and 33.

<sup>144</sup> The top Commander in charge of security issues at the top of the command chain in SBPs called the Fourth Army Region commanders. The Commander also work in a capacity of director of the 4th Region Internal Security Operations Command (ISOC) which serves as a coordinated body of relevant agencies beyond the military (e.g., police forces, administrative officers).

investigations at any time, even at midnight. We can work in a more effective and expedited manner.<sup>145</sup>

Therefore, there are efforts of relevant agencies to work and engage with senior to high-level security personnel, though not in the forms of training as those conducted with officers at the operational level. Such intervention efforts aimed at fostering understanding, knowledge, awareness, and adherence to human rights among the high-level target group. Trainers participated in the research share successful approaches on HRE for high-level officers from *engaging high-level officials; for example, (1) engaging them in confidential dialogues* and ensuring sincere conversations and recommendations on a regular basis; and, (2) *providing forums for them to exchange experiences or best practices* with foreign experts, especially the security forces from developed countries (e.g., Norway, Switzerland) or countries who have gone through similar situations as in SBPs (e.g., Colombia).<sup>146</sup>

There is another interesting approach shared by a participant from the MFA on how to engage high-level officials working in the area and provide them with opportunities to gain a better understanding of their work in relation to human rights issues:

“Our experiences dealing with human rights issues, especially in SBPs, have taught us that training is not enough. We need to communicate with high-level officials in the area and demonstrate them with a clearer picture of this matter. One example was in 2017 when we invited a high-level official who is a Government Representative of the Steering Committee for Southern Border Provinces Administration and also a former Fourth Army Region Deputy Commander to attend the oral submission of the report to the Human Rights Committee under the ICCPR in Geneva. During the session, he was able to gain first-hand experiences [especially during the process of gathering information for the preparation of the country's report to address the Committee's concerns on human rights situation in the area]. Since then, he has become a valuable asset for our human rights network. As he is in charge and understands how to handle or deal with human rights issues, he can translate them into appropriate order or command, leading to actions in the right direction.”<sup>147</sup>

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<sup>145</sup> Interview with T21.

<sup>146</sup> Interviews with T3, T12, T21, and T16.

<sup>147</sup> Interestingly, another trainer from NIA (T8) also refer to this case as a good gesture showing accountability of high-level officers that can significantly impact the awareness of the security forces at the operational level: *"I tried to emphasize with security forces in the area that whatever happened in the area could not avoid consequences. This case demonstrates that their superiors faced the consequences for them as he required to present before the international community to address concerns that happened on the ground."*

Around the discussion of the crucial role of senior officers, there is a strong and persuasive counterargument in the context of the human rights training program. Such arguments are asserted by some trainers and learners that it is unnecessary to provide HRE to lower-ranking members of the unit but should focus on its commanders." This argument is so robust that, to a certain extent, organizations that involve or sponsor the training tend to invest resources and efforts with officers who can make operational decisions.<sup>148</sup> This is also a case where the training aims to focus on technical issues or organized in cooperation with foreign entities. Security personnel at the command level tend to be the primary target group. It is difficult to argue against such approaches to select target audiences as reality suggests that there are limited time and resources available for human rights training to be provided for every single officer in an inclusive and comprehensive manner. However, such limitation should not deviate the training from treating each security personnel as an individual who can have the capacity and ability to decide whether to ignore or adhere to human rights principles even though they are working in the strict chain of command and only instructed to follow orders. Thus, HRE should be designed in the direction that gear toward the empowerment of individual capacities, even with learners at the very bottom in their command chain.

### ***Moving Beyond Professionals to Activisms and then to Potential Advocacies for Human Rights***

The Accountability Model also suggests that within this type of HRE programming under can appeal to learners' personal value system, which could lead to intrinsic empowerment and activisms beyond one's professional role.<sup>149</sup> Among almost thirty participants in this study who commonly demonstrate a sense of denial, rejection, or skepticism toward human rights ideas and training, I was fortunate enough to come across three interesting yet rare cases. These cases demonstrate how human rights training intervention has a significant impact on the actions of security forces. I assert that the findings suggest that the following cases are close to the meaning of "intrinsic empowerment and activisms," in which I further argue that they have the potential to move toward playing "advocacy roles" for human rights both within and beyond their professions.

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<sup>148</sup> For example, those positioned at the top in the chain of command of their units (e.g., Regimental Commanding Officer, Regimental Executive Officer, Company Commander, Executive Company Commander).

<sup>149</sup> Tibbitts "Evolution of Human Rights Education Models."

The first case is the military trainer, T9, who is a product of MOJ's "Train the Trainer" program.<sup>150</sup> After participating in the program, he has since been involved in human rights training for paramilitary learners. Working on human rights issues with lower-ranking officers, some of whom were older but held lower ranks, was challenging both in terms of their background knowledge and rejection of human rights discourse. What is interesting about his training approach is how he focuses on working and empowering his learners by recognizing their capacities as individuals. He is supportive of the imposing - fear approach by emphasizing consequences and punishments for those violating human rights; however, he immediately focuses his training in explaining how to conform with human rights principles and laws, 'without resorting to legal terms but still based on legality.' Although his training still relies on a lecture format, he tends to mix with seminar-style where he "talks less and asks more" in order for his learners to critically engage and bring examples/cases they have confronted during their work to the discussion. However, what he contends to be more important than the training is ongoing communication and relationships with his learners after the training. He is regularly reached out or contacted by his former learners, especially those working at security checkpoints, to consult him about how to undertake specific tasks when uncertain about commanders' orders that may fall into violations of people's rights:

" I always encourage my learners, although with the lowest rank, to believe in their ability and authority to make judgment. Although the superior's order is important, sometimes it could be broad enough that officers can adjust according to the actual situation. Importantly, superiors are neither always at the scene nor can always protect them from liability for violations of human rights. Thus, they should be able to protect themselves from following orders that conflict with human rights and could put them at risk of misconduct."

His experiences represent a compelling case as being both "learner," who having been actively engaged in the HRE train the trainer program, and as a "trainer" to other paramilitary officers. He demonstrates how he could assist and empower his lower-rank paramilitary colleagues to better adhere to human rights through his training. Although his role is still under the scope of his professional role, it is argued that he is a human rights advocate within his professional circle.

The second and third cases are rare examples of paramilitary learners who are, by definition, not a trainer, as in the first case. However, it is worth examining how human rights training has impacted or encouraged them to work in accordance with human

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<sup>150</sup> He started his career in the military as a volunteer paramilitary tasked with at security checkpoint. Then, with his legal background, he was among a few non-commissioned officers who was assigned to attend "train the trainer" program.

rights values and how they have decided to advocate for human rights in their professional capacities as paramilitaries and beyond.

The second case is P8, a paramilitary who used to work in search and seizure operations while currently working in civil and military operations. He viewed himself as working in the middle between his superiors on one end and local people on the other. His job is to mitigate the negative impact, which could affect both ends. On the one hand, he is required to receive and follow orders. On the other hand, he is also in charge of translating such command into reality. Through this process, he always bears in mind that superiors can give orders, but they might not acquire a comprehensive picture of the actual setting as that operational unit who are familiar with their area. Therefore, he plays an essential part in avoiding the implementation of specific orders that could create a negative impact on the local people in the area and could also destroy trust and relationship that he and his team have developed through time. Moreover, he is the only participant in this research who refer to how human rights training benefits his work not only as he acquires knowledge about his rights and those related to his work, but also the rights and relevant mechanisms that concerns local people. With this knowledge, he could further disseminate this information to assist local people his team interacts with during their daily mission.

This case suggests one crucial finding of my research, which is how learners of human rights training decide to compromise their duty to follow orders that conflict with human rights if they could connect adherence to human rights to their higher or broader professional goals. Also, if by following such order could hinder him from accomplishing his professional efforts. Moreover, this case presents an opportunity for human rights trainers to tap on the positive and less sensitive nature of civil-military operations. By designing HRE that focuses on empowering security forces to assume advocacy work when tasked to work in civil-military operations, it can potentially gear learners toward adherence to human rights within their professional capacities.

The last case is a paramilitary, P2, who used to work in an intelligence unit while currently working in civil-military operations. He demonstrates how he is actively engaged in both human rights training and human rights advocacy due to his personal interest in politics, laws, and human rights from an early age. His case is unique in the way that, in addition to his military duty, he is also a member of a local organization runs by student networks advocating for peace and human rights in SBPs. While human rights advocacy embeds in his personal value capacity, he describes crucial factors that led him to further engage in human rights training and advocacy. Firstly, he started to feel engaged with human rights training as he felt empowered by other military trainers facilitating the training he attended. Therefore, on his part, he has continued to focus on

empowering members of his team, and, as part of a learning process, he has invited them to attend activities of local organizations. Secondly, similar to the case of P8, working in civil-military operations has impacted how he connects adherence to human rights values with both professional goals and even a broader strategic goal in resolving problems in SBPs in the long run. He posits that the use of force would never resolve the situation. Only the civil-military operations could bring peace to the area. One critical key that he always emphasizes with his junior colleagues is to foster a better understanding between the security forces and the local. It includes clarifying misperception or misunderstanding about the work of authorities that could lead to public resentment or mistrust. In other words, his key to success is not only to dismiss the misperception about authorities' misconduct but also to not engage in such behavior as it would undermine the overall efforts to resolve the problem in the area.

This case emphasizes the nature of paramilitary organizations and the importance of empowerment within its organization. It shows how one security personnel could engage or influence their peers in the activities or actions that involve or in line with human rights values. In this regard, it would be promising for the HRE program to not only aim at training the trainers but also to move toward training and or empowering those who can empower.

This case shows how intrinsic empowerment and activism suggested by the Accountability model translate into reality. It could help educators, trainers, or designers of the human rights training to better gear learners toward advocacies for human rights both within and beyond one professional role.

## Chapter 8: Concluding Discussions, Thoughts and Way Forward

The findings of this study suggest that HRE for security personnel in the context of this study is not an easy task. Simple factors as large-sized groups of participants and exhaustion from a heavy workload of learners to more sophisticated factors as deep-rooted mistrust between security forces and civil society and culture of impunity could hinder the efforts of human rights education and training.

Emphasis on the penalty of human rights violations will continue to be an inseparable part of human rights training for security personnel. However, such an imposing – fear approach widely adopted by military trainers could be both ineffective and counterproductive. Especially given the current learning context where the culture of impunity is still of concern and implementation of accountability mechanisms are not fully transparent and effective, imposing fear to the learners would serve as a mere warning that could hardly deter the misconduct.<sup>151</sup> Moreover, as reflected by the interviewed participants on concerns of superior order that may contradict human rights, it reinforces concerns of mixed signals in chain-of-command structures, which could undermine the educational efforts of HRE.<sup>152</sup> Therefore, to achieve meaningful results, HRE within this context should try to emphasize on building learners' professional capacities without neglecting efforts to address issues within the organizations that conflict with the values of human rights.

A pedagogical and teaching methodological challenge found in this study is the reliance of the HRET program that encompasses education *about* human rights rather than *for* human rights that places a strong emphasis on building capacities and gears learners toward taking actions for human rights. One critical challenge of such HRET programming is introduced as additional or special courses distinctive to other regular/traditional military training for security forces. Moreover, less participatory methodologies and a skill-oriented element are emphasized, the more learners feel distanced from the training. Therefore, instead of investing in organizing a stand-alone human rights training and recruiting or training new human rights trainers, one should seek to invest in improving the traditional training that emphasis on human rights-based approach; incorporating and integrating human rights content or standards into routine

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<sup>151</sup> If responsibility to ensure accountability rests with respective units, we would inevitably face with insufficient level of transparency with attempt of some unit to shield their own forces from being held accountable. This concern is raised by human rights NGOs in the recent and ongoing accusation on torture of Abdullah Isomuso where it is reported that the interrogation center claimed that “CCTV footage was not available, as the cameras installed inside the centre were not functioning at the time the incident happened.” See more at “The Tale of Abdullah Isomuso – Not a Movie, *Prachatai English*, September 20, 2019, [https://prachatai.com/english/node/8217#\\_ftn5](https://prachatai.com/english/node/8217#_ftn5).

<sup>152</sup> See more about problem of mixed signals raised by DuBois. “Human Rights Education for the Police,” 326.



military exercises, and enhancing capacities of military trainers assigned to provide regular training in their respective units to deliver military training that adheres to human rights standards and values. To put this in a simple, yet not easy to accomplish, way, it is crucial to make human rights training become 'business as usual' as with other regular training that all officers required to participate.<sup>153</sup>

For example, in order to address the most pressing complaints on torture, instead of providing HRE that covers broad human rights content to diverse audiences, it should particularly emphasize pre-service and in-service human rights training that involve non-violent interrogation techniques. This would help the program sponsors or trainers to overcome time constraints, resource limitations, and other practical difficulties (e.g., oversized participants, unsystematic follow-up).<sup>154</sup>

Although mistrust between security forces and NGOs has prevailed, we cannot exclude human rights organizations from the equation to improve the situation and address human rights concerns. It is worth the future researches to explore the possibility of improving and enhance engagement between these two confronting roles. One trainer from a human rights organization sheds light on how human rights stakeholders can engage in a meaningful HRE. Rather than directly or fully engaging in HRE programming as trainers during the implementation stage, there are possibilities for experts from human rights organizations to engage with government agencies that provide training in other stages (e.g., design, follow-up or evaluation stages):

“As we have been collecting complaints and cases of torture and ill-treatment, we see some opportunities that can be tapped for the benefit of future prevention through educational intervention. Not only can we help translate concerned practices into training contents and activities, but we can also help identify target participants that HRE intervention should be invested in.”<sup>155</sup>

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<sup>153</sup> As Sganga rightly and thoughtfully suggests that “it is important to reaffirm that human rights training for police and training for police should be one and the same thing. If we have succeed in our HRE campaigning work to integrate human rights overtly and implicitly in all the training police officers, we would no longer need 'special' human rights courses.” See more at Cristina Sganga, “Human Rights Education - As a Tool for the Reform of the Police,” *Journal of Social Science Education* 5, no. 1 (January 1, 2006), 84. <https://doi.org/10.4119/jsse-374>.

<sup>154</sup> Although I cannot completely assert my recommendation as justified since none of the learners I interviewed work directly on interrogation, my interviews with the trainers suggests that HRE tend to only focus on broad ranges of participants while particular focus on providing skills or capacities-oriented HRE to security personnel tasked with interrogation works are less mentioned or emphasized.

<sup>155</sup> Interview with T21.

As the Accountability model and the past studies emphasis on one success key of HRE for professionals that lies on gearing learners toward achievements of their professional goals, the findings of this study reinforce the move toward the same direction. In the context of this study, HRE could play a crucial and strategic role in ensuring adherence to human rights by security forces in the area. By emphasizing HRE that recognizes and empowers security personnel not only as an individual but also a crucial agent of change within their respective fields, learners would critically and meaningfully resonate their professional goals with the goals of HRE to prevent human rights violations. This is particularly if they realize that even a small effort they have made or steps they have taken in either adhering or violating human rights would have an impact on the overall efforts in resolving problems. As one case of violation would not only distance people away from the authorities but also mean taking one step backward from achieving the ultimate goal of sustaining peace, security, and stability to the area.

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