

# Thailand | Freedom House

## POLITICAL RIGHTS: 5 / 40 (-1)

### A. ELECTORAL PROCESS: 0 / 12

#### **A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4**

Thailand is a constitutional monarchy ruled by King Maha Vajiralongkorn, who serves as head of state. Although the monarchy has limited formal power, the king is highly influential in Thai politics, and has significant clout over the military. Thailand's current head of government, Prime Minister Prayuth Chan-ocha, staged a military coup against the democratically elected government in 2014. Prayuth, who was then the army chief, was subsequently designated prime minister in the absence of elections.

The “road map” of the NCPO—the military junta that seized power in 2014—for a return to civilian rule has been delayed several times. In February 2018, Prime Minister Prayuth announced that national elections, which had previously been scheduled for November, would be postponed until 2019.

#### **A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4**

The 2014 interim constitution promulgated by the NCPO created a 220-seat National Legislative Assembly (NLA), which quickly installed the prime minister and cabinet. The 200-member National Reform Steering Assembly (NRSA), tasked with making recommendations for reforms to government and the political process, was convened in 2015. Members of both the NLA and the NRSA were chosen by the NCPO.

#### **A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4**

The NCPO-appointed Constitutional Drafting Committee (CDC) developed a draft constitution that was approved in a tightly controlled 2016 referendum. The new constitution, which will govern future elections, was designed to weaken political parties and elected officials while strengthening unelected institutions. In the mixed-member apportionment system introduced in the charter, there will be 350 constituency seats and 150 party-list seats in the House of Representatives, the lower house of the parliament. Citizens will cast only one vote, rather than two distinct votes, which counts for a candidate as well as for that candidate's party for the party-list seats. Experts anticipate that without separate votes for each type of seat, parties will have difficulty gaining a majority, leading to unstable coalition governments. All 250 seats in the Senate, or upper house, will be appointed for the first five-year term by the junta, and will include six seats reserved for senior military officials. The

Senate will have influence over the selection of the prime minister. In September 2018, after several postponements, the NCPO enacted two laws mandating that general elections be held between February and May 2019.

## **B. POLITICAL PLURALISM AND PARTICIPATION: 3 / 16**

### **B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 1 / 4**

In 2014, the NCPO enacted measures banning the formation of new political parties and prohibiting existing parties from meeting or conducting political activities. A Political Party Act approved in 2017 introduced costly provisions that are difficult for small parties to adhere to; these include annual fees and a requirement that parties establish branches in different parts of the country. Later in 2017, the government passed an amendment to the Political Party Act allowing for the formation of new political parties—though new parties require approval by the NCPO before they can begin operations.

In September 2018, the NCPO lifted many of the restrictions on political parties, allowing parties to hold meetings, recruit members, select candidates, and hold forums with the public in preparation for the 2019 elections. In December, the NCPO lifted its ban on campaigning.

In July, Thailand requested the extradition of former prime minister Yingluck Shinawatra of the Pheu Thai Party (PTP) from the United Kingdom, where she is believed to be living in exile. At year's end, the British government had not yet responded to the request. Yingluck was convicted in absentia in 2017 and given a five-year prison sentence over her alleged mismanagement of a rice-subsidy scheme.

In September, four ministers from the NCPO government formed a new political party, the Palang Pracharat Party, which observers believe will support any attempt by Prime Minister Prayuth to remain in power past the 2019 elections.

### **B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 1 / 4**

With the ban on the activities of political parties, including those opposed to military rule, partially lifted in September 2018, opposition parties are expected to take part in the 2019 general elections that are set to transfer some power to an elected government. However, the electoral laws forbid former prime minister Thaksin Shinawatra of the PTP from any involvement in the campaign, hampering the party's competitiveness. In September, three members of the newly established Future Forward Party, including its founder Thanathorn Juangroongruangkit, were charged with spreading false information about the military government in violation of the Computer-Related Crime Act, over the content of a speech critical of the NCPO which was posted on Facebook. If convicted, they face up to five years in prison. The charges raised concerns about the potential repression of viable opposition parties ahead of the 2019 elections.

**B3. Are the people’s political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 0 / 4**

Thailand is currently ruled by an unelected junta aligned with the country’s monarchy and economic elites. Citizens are excluded from meaningful political participation.

**B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 1 / 4**

Since political rights are broadly denied to residents, women and members of minority groups are generally unable to choose their representatives or organize independently to assert their interests in the political sphere. Malay Muslims in southern Thailand remain politically marginalized, and their efforts to achieve greater autonomy have been largely unrecognized by the government. Women are underrepresented in government at all levels, composing less than 5 percent of the parliament, and few women are in leadership roles in political parties.

**C. FUNCTIONING OF GOVERNMENT: 2 / 12 (-1)**

**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4**

The policies of the Thai government are determined by the unelected prime minister and his appointed government, the NCPO. The new constitution does not annul any of the repressive laws and policies passed by the junta since 2014, including those that were granted by Article 44 of the interim charter. This provision gives the head of the NCPO unchecked powers, including the ability to override existing legislation and issue new laws at will.

**C2. Are safeguards against official corruption strong and effective? 1 / 4 (-1)**

The National Anti-Corruption Commission (NACC) receives a high number of complaints each year, and the NCPO has passed vague anticorruption laws. However, while coup leaders cited corruption as one justification for the overthrow of the previous government, the current regime has engaged in corruption, cronyism, and nepotism. Corrupt high-level officials have acted with impunity in recent years. Beginning in late 2017, Minister of Defense Prawit Wongsuwan (who also serves as deputy prime minister) became embroiled in a scandal over his possession of at least 25 luxury watches, which were not included in his asset declaration, with an estimated value of \$1.5 million. Prime Minister Prayuth defended Prawit, claiming the watches were lent to him. In December 2018, the NACC absolved Prawit of any wrongdoing, concluding that he had borrowed the watches from “old school friends.”

*Score Change: The score declined from 2 to 1 due to the authorities’ failure to address allegations of official corruption, including against high-level officials in the NCPO, who have acted with impunity in recent years.*

**C3. Does the government operate with openness and transparency? 1 /**

4

The NCPO largely operates without openness and transparency. High-level decisions are generally made, and the drafting of legislation carried out, with near-total opacity and no public consultation.

## **CIVIL LIBERTIES: 25 / 60**

### **D. FREEDOM OF EXPRESSION AND BELIEF: 6 / 16**

#### **D1. Are there free and independent media? 1 / 4**

Since taking power in 2014, the NCPO has systematically used censorship, intimidation, and legal action to suppress independent media. Journalists have been detained without charge and questioned by the NCPO in military camps, in an intimidation tactic known as an “attitude adjustment.” Journalists and media outlets risk penalties for violating an NCPO ban on material that “maliciously” criticizes the government or is deemed divisive. Peace TV, a news channel frequently critical of the government, was suspended twice by the National Broadcasting and Telecommunications Commission (NBTC), in February and May 2018, for broadcasting “provocative” content. The second suspension lasted for 30 days. In September, Voice TV suspended two popular commentators on its Wake Up News program, after allegedly being pressured by the NBTC. The commentators had been accused of political bias against the NCPO.

In 2017, over the objections of a coalition of media organizations, the government passed a law mandating the creation of a regulatory media council with members appointed by the military government.

#### **D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4**

There is no state religion, and religious freedom is respected in the majority of the country. Religious organizations operate freely, and there is no systemic or institutional discrimination based on religion. However, some restrictions exist. Speech considered insulting to Buddhism is prohibited by law. A long-running civil conflict in the south, which pits ethnic Malay Muslims against ethnic Thai Buddhists, continues to undermine citizens’ ability to practice their religions.

#### **D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4**

Academic freedom is constrained under the NCPO. University discussions and seminars on topics regarded as politically sensitive are subject to monitoring or outright cancellation by government authorities. In December 2018, a court dismissed illegal public assembly charges against five people, including the prominent academic Chayan Vaddhanaphuti. The charges stemmed from the 2017 International Conference on Thai Studies at Chiang Mai University, at which the defendants allegedly unfurled a banner stating that “an academic conference is not a military barracks,” in response to the presence of security forces at the event.

Academics working on sensitive topics are subjected to oppressive tactics including summonses for questioning, home visits by security officials, surveillance of their activities, and arbitrary detention for the purpose of questioning. Some academics have fled into exile.

Since the 2014 coup, the junta has also bolstered its efforts to foster student support for government ideas, including through curriculum development.

#### **D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4**

Security forces have enforced stringent surveillance on people viewed as critical of the NCPO, including surveillance of online activities.

The number of lèse-majesté cases has increased sharply under the NCPO. Cases have been used to target activists, scholars, students, journalists, and politicians. In addition to authorities' monitoring of social media sites for lèse-majesté violations, this type of social surveillance has also been undertaken by citizens who, either with the backing of the government or on their own initiative, scan online postings and report them to authorities.

Under the draconian Computer-Related Crime Act, social media users continued to face arrest for sharing posts critical of the government in 2018. In June, authorities issued an arrest warrant for Watana Ebbage, an activist based in London, for her Facebook posts on corruption in the military. After the issuance of Ebbage's arrest warrant, 29 Facebook users were arrested for sharing her posts.

### **E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 4 / 12**

#### **E1. Is there freedom of assembly? 1 / 4**

Prohibitions on political gatherings of five or more people continued to be enforced in 2018. What constitutes a political gathering is at the discretion of the authorities. Those who engage in symbolic actions or public protests advocating for democracy and human rights risk a spectrum of consequences, including fines, arrest, and being subject to political reeducation. In 2018, more than 130 prodemocracy activists were charged with illegal assembly for peacefully pressuring the government to lift restrictions on basic rights and hold elections as promised.

#### **E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 1 / 4**

Thailand has a vibrant civil society, but groups focused on defending human rights or freedom of expression face restrictions, with the NCPO often insisting that such activities violate laws concerning political gatherings, or create “public disturbances.” When such activities are allowed to move forward, authorities have cautioned organizers against opposing NCPO policies ahead of time, and heavily monitor the events. In 2018, authorities increased the number of sedition charges filed, and a number of nongovernmental organization (NGO) leaders were targeted. In September, four members of the Organization for Thai Federation, which advocates

for abolishing the monarchy, were arrested and charged with sedition for selling and wearing t-shirts that supposedly supported republicanism.

In November, the Office of the Judiciary filed defamation lawsuits against the leaders of the Doi Suthep Forest Reclamation Network, an activist group which, beginning in April, had staged a number of environmental protests over the construction of a luxury housing project for judges on forested land near the city of Chiang Mai. In May, the government agreed to leave the buildings unoccupied and eventually restore the land. However, the lawsuits were filed after banners appeared in Chiang Mai in November criticizing the housing development.

### **E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4**

Thai trade unions are independent and have the right to collectively bargain. However, civil servants and temporary workers do not have the right to form unions, and less than 2 percent of the total workforce is unionized. Antiunion discrimination in the private sector is common, and legal protections for union members are weak and poorly enforced.

## **F. RULE OF LAW: 5 / 16**

### **F1. Is there an independent judiciary? 1 / 4**

Although the new constitution grants independence to the judiciary, in practice, Thailand's courts are politicized, and corruption in the judicial branch is common. The highly politicized Constitutional Court, which has been accused of favoring the military, has sweeping powers, including the ability to dissolve political parties, overthrow elected officials, and veto legislation. In March 2018, the government enacted a law that made criticism of the Constitutional Court with "rude, sarcastic, or threatening words" a criminal offense, further shielding the body from accountability.

### **F2. Does due process prevail in civil and criminal matters? 1 / 4**

Restrictions implemented by the NCPO severely undermine due process rights. Orders issued in 2015 permit the detention of individuals without charge for up to seven days, and expanded the authority of military officers in the area of law enforcement, permitting them to arrest, detain, and investigate crimes related to the monarchy and national security.

Cases related to land and natural resources, particularly those deemed by the junta to be vital to the country's economic development, are susceptible to political interference.

### **F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 1 / 4**

While most of the country is free from terrorism or insurgencies, a combination of martial law and emergency rule has been in effect for over a decade in the four southernmost provinces, where Malay Muslims form a majority and a separatist insurgency has been ongoing since the 1940s. Civilians are regularly targeted in

shootings, bombings, and arson attacks, and insurgents have focused on schools and teachers as symbols of the Thai state. Counterinsurgency operations have involved the indiscriminate detention of thousands of suspected militants and sympathizers, and there are long-standing and credible reports of torture and other human rights violations, including extrajudicial killings, by both government forces and insurgents. The police and military often operate with impunity, which is exacerbated by the absence of any law that explicitly prohibits torture.

Land and environmental activists risk serious and even deadly violence; the environmental rights group Global Witness has described Thailand as among the most dangerous countries in Asia for such activists to operate. Perpetrators of attacks against them generally enjoy impunity.

#### **F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4**

In Thailand's north, so-called hill tribes are not fully integrated into society. Many lack formal citizenship, which renders them ineligible to vote, own land, attend state schools, or receive protection under labor laws. Thailand is known for its tolerance of LGBT (lesbian, gay, bisexual, and transgender) people, though societal acceptance is higher for tourists and expatriates than for nationals, and unequal treatment and stigmatization remain challenges. Women face discrimination in employment, a problem which was highlighted by the decision of the Royal Police Cadet Academy in September 2018 to ban female cadets.

Thailand has not ratified the UN convention on refugees, who risk detention as unauthorized migrants and often lack access to asylum procedures. Authorities conducted a number of raids in 2018 that led to the detentions of hundreds of refugees and asylum seekers from Vietnam, Cambodia, and Pakistan.

### **G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 10 / 16**

#### **G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4**

Thai citizens generally have freedom of travel and choice of residence. However, travel may be restricted in areas affected by civil conflict, and the junta has at times imposed travel bans on its critics.

#### **G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4**

The rights to property and to establish businesses are protected by law, though in practice business activity is affected by some bureaucratic delays, and at times by the influence of security forces and organized crime. The NCPO's policies to restore national forests through replanting programs and new restrictions on poaching, as well as plans to create special economic zones, have led to eviction orders for many communities.

**G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4**

While women have the same legal rights as men, they are vulnerable to domestic abuse and rape, and victims rarely report attacks to authorities, who frequently discourage women from pursuing criminal charges against perpetrators.

In December 2018, the NCPO announced that it would support a bill which would make Thailand the first country in Asia to legalize same-sex unions.

**G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4**

Exploitation and trafficking of migrant workers (estimated between four and five million) and refugees from Myanmar, Cambodia, and Laos are serious and ongoing problems, as are child and sweatshop labor. Sex trafficking remains a problem in which some state officials are complicit. However, the government has made some efforts to prosecute and seize the assets of those suspected of involvement in human trafficking, including police officers and local officials.

In 2017, the NCPO passed a law imposing heavy fines on employers that hire migrant workers residing in Thailand illegally, as well as lengthy prison terms on irregular migrant workers themselves, causing a mass exodus of both registered and unregistered migrant workers. In March 2018, after sustained international criticism, the government passed revisions to the law which reduced fines on employers and removed prison sentences as a punishment for irregular migrants.