Freedom House

FREEDOM IN THE WORLD 2021

Thailand

NOT FREE

30 /100

Political Rights	5 /40
Civil Liberties	25 /60

LAST YEAR'S SCORE & STATUS

32 /100 **Partly Free**

Global freedom statuses are calculated on a weighted scale. See the methodology.

Status Change

Thailand's status declined from Partly Free to Not Free due to the dissolution of a popular opposition party that had performed well in the 2019 elections, and the military-dominated government's crackdown on youth-led protests calling for democratic reforms.

Overview

Following five years of military dictatorship, Thailand transitioned to a military-dominated, semi-elected government in 2019. In 2020, the combination of democratic deterioration and frustrations over the role of the monarchy provoked the country's largest antigovernment demonstrations in a decade. In response to these youth-led protests, the regime resorted to familiar authoritarian tactics, including arbitrary arrests, intimidation, lèse-majesté charges, and harassment of activists. Freedom of the press is constrained, due process is not guaranteed, and there is impunity for crimes committed against activists.

Key Developments in 2020

- According to University of Oxford researchers, Thailand registered under 7,500 confirmed cases and 63 COVID-19 deaths, making it one of the countries least severely affected by the pandemic. In March, the government issued an emergency decree, which it subsequently extended and tightened, that included measures widely criticized as empowering the regime against dissent rather than addressing the pandemic's economic and social impact.
- In February, the opposition Future Forward Party was dissolved following a Constitutional Court ruling that its founder had used an illegal donation to fund the party. The Court's ruling also removed several legislators from parliament and banned 10 members of the party's leadership from politics for 10 years.
- Large youth-led protests, which began in February but were curtailed by COVID-19 restrictions, recommenced in July following an easing of lockdown

measures. Hundreds of thousands of mostly student protesters participated in multiple antigovernment protests throughout the country, calling for an end to harassment of activists, abolition of Thailand's parliament, constitutional reform, and reform of the powerful monarchy.
- In October, the government declared a "severe" state of emergency, banning gatherings of more than five people and initiating a crackdown against protesters and movement leaders. Beginning in November, lèse-majesté charges were leveled against dozens of activists, prompting human rights groups to express concern over the crackdown.

Political Rights

A. Electoral Process

A1 0-4 pts

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.

The constitution, which was developed by a committee appointed by the military's National Council for Peace and Order (NCPO), was approved in a tightly controlled 2016 referendum and took effect in 2017. According to the charter, Thailand's prime minister is selected by a majority vote of the combined 500-seat elected lower house and the 250-seat upper house, the Senate, whose members are entirely appointed by the military.

The promilitary Palang Pracharat Party, which won only 115 out of 500 lower house seats in the 2019 elections, nominated incumbent prime minister Prayuth Chan-ocha to again serve in that position. In 2014, as army chief, Prayuth had staged a military

coup against the democratically elected government and designated himself prime minister. Prayuth maintained the position in 2019 through the support of a promilitary voting bloc in the lower house and votes from 249 appointed senators.

A2 0-4 pts

Were the current national legislative representatives elected through free and fair elections?	**1** / 4

Under the military-drafted constitution, the bicameral National Assembly consists of the 250-seat Senate, whose members are appointed to five-year terms by the army, and the 500-seat House of Representatives, to which 350 members are directly elected to four-year terms in single-seat constituencies by simple majority vote, and 150 members are elected in a single nationwide constituency by party-list proportional representation vote.

In 2019, after almost five years of postponements, an election for the House of Representatives was contested by 77 political parties, most of which fell into one of two camps: promilitary or antimilitary. The campaign period was marred by political repression, media censorship, unequal access to the media, and a lack of independent and impartial oversight from the Election Commission of Thailand (ECT), whose members were appointed by the junta.

The results, announced six weeks after the polls, were tainted by irregularities, with ballots “lost,” and initial vote tallies changed. Additionally, the formula for distributing party seats was altered after the election in order to reduce seats won by opposition parties and redistribute them to military-aligned parties. This resulted in the redistribution of sufficient seats to grant promilitary parties a supermajority.

Only one international election monitoring body, the Asian Network for Free Elections, was permitted to observe the election. Two domestic observer organizations, P-Net and We Watch, were also granted permission to monitor the elections, but all three missions experienced severely restricted access to the polls and voting procedures. We Watch determined that while the election gave the public the opportunity to exercise their voting rights, the process was not free and fair.

In December 2020, Thailand held its first provincial elections since the 2014 coup; candidates associated with locally dominant groups fared well, while those linked to the reform movement made few gains. Elections for other subnational positions remain unscheduled.

A3 0-4 pts

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

The 2017 constitution, which governed the 2019 elections, was designed to weaken political parties and elected officials while strengthening unelected institutions. Citizens cast only one ballot in the 2019 elections (rather than distinct votes for constituency and party-list seats, as in previous elections); by design, the system makes it difficult for large parties to gain a majority and form a stable government.

All 250 seats in the Senate were appointed for five-year terms by the military in 2019. Thailand's prime minister is selected through a combined vote of the combined lower and upper house, granting the unelected Senate a powerful role in the selection of the prime minister.

The 2019 elections were overseen by the ECT, whose members were entirely appointed by the junta. Throughout the electoral process, the ECT came under criticism from the public and civil society for its lack of independence and willingness to intervene on behalf of the military and promilitary political parties. For instance, the ECT's post-election change of the seat distribution formula reassigned seats won by the opposition Future Forward Party (FFP) and Pheu Thai Party (PTP) to small military-aligned parties, all of which subsequently voted with the promilitary Palang Pracharat Party and the Senate to retain Prayuth as prime minister.

B. Political Pluralism and Participation

B1 0-4 pts

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

From 2014 to 2018, Thailand's military government effectively banned political parties from meeting and conducting activities. In late 2018, the NCPO lifted many restrictions on political parties, allowing them to hold meetings, recruit members, select candidates, and meet with the public. A slew of parties from across the political spectrum began organizing and campaigning in preparation for the 2019 elections, though those opposed to military rule experienced official harassment.

In April 2019, after the FFP's success in the elections, party leader Thanathorn Juangroongruangkit was charged with sedition and other crimes for having allegedly "provided assistance" to democracy activists after a 2015 protest. He was subsequently suspended by the Constitutional Court from taking his parliamentary seat over a complaint that he had held shares in a media company when he applied to serve in the legislature. In February 2020, the FFP was abolished following a Constitutional Court ruling that a loan to the party from Thanathorn constituted an illegal donation. The decision instigated youth-led protests against the ruling government that continued throughout the year.

Opposition parties aligned with exiled former prime minister Thaksin Shinawatra have also suffered attacks by the government. The military-drafted constitution imposes rules designed to weaken existing large parties like PTP, which led the government overthrown in the 2014 coup. To circumvent these limitations, PTP leaders established like-minded parties, including Thai Raksa Chart, to better compete in the 2019 elections. However, after Thai Raksa Chart nominated Princess Ubolratana—the monarch's older sister—as its prime ministerial candidate, the party was dissolved by the Constitutional Court and its candidates were disqualified from running in the election. The development effectively stymied the alliance of Shinawatra-associated opposition parties from electoral success.

B2 0-4 pts

Is there a realistic opportunity for the opposition to increase its support or gain power through elections?	0 / 4

The junta's ban on activities of political parties, including those opposed to military rule, was lifted in 2018, and numerous parties competed in the 2019 general elections. However, restraints imposed by the military-drafted constitution greatly limited the ability of opposition parties to effectively campaign or gain significant political power through elections.

While parties opposed to military rule, most prominently the PTP and the FFP, won a combined 245 lower house seats, they were unable to advance legislation due to the military's continued control over the chamber.

The February 2020 dissolution of the opposition FFP, whose 80 seats made it the third-largest force in the House of Representatives, was accompanied by a 10-year ban on political participation for 16 party leaders, including Thanathorn and 10 other elected representatives. Following the ruling, the FFP's 55 remaining representatives joined a small political party and rebranded as the Move Forward Party.

Score Change: The score declined from 1 to 0 due to the Constitutional Court's abolition of the opposition Future Forward Party, which held 80 seats in Parliament.

B3 0-4 pts

Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?	0 / 4

While Thai citizens were able to vote in the 2019 election, the resulting government did not reflect the results of the vote due to a rigged outcome enabled by the military-drafted constitution. The cabinet is stacked with former members of the military, leaders of the 2014 coup, and ministerial holdovers from the junta, including Prime Minister Prayuth.

The 2019 polls were also subject to repeated interventions by the Thai monarchy, which exerts tremendous influence over Thailand's governance and political system. For instance, the Constitutional Court's dissolution order targeting the Thai Raksa Chart party came soon after King Maha Vajiralongkorn made a televised announcement condemning his sister Princess Ubolratana's prime ministerial bid as "extremely inappropriate." On the eve of the 2019 election, King Vajiralongkorn released an unprecedented statement from the monarchy urging citizens to vote for "good people" to prevent "chaos," a message widely understood as a royal endorsement of promilitary parties.

B4 0-4 pts

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

In 2019, some political rights denied to the population during military rule were restored with the election of a semicivilian government. Nevertheless, members of minority groups, particularly ethnic minorities and stateless residents of Thailand, 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.

Migrant workers, mostly from neighboring Myanmar, Cambodia, and Laos, were believed to number approximately 4.9 million as of 2019, though many left Thailand amid the economic slowdown produced by the COVID-19 lockdown. Migrant workers lack political rights and a path to citizenship.

Women are underrepresented in government at all levels, composing only 16.2 percent of the House of Representatives and 10.4 percent of the Senate. Few women hold leadership roles in political parties, and the interests of women are generally not prioritized in political life, although the 2020 protests included vocal activists advocating for greater attention to women's issues.

The interests of LGBT+ people are increasingly represented in national politics. In July 2020, Thailand's cabinet approved a draft bill that would give same-sex unions many of the same benefits as heterosexual marriages, but Parliament had not given the bill final approval at year's end.

C. Functioning of Government

C1 0-4 pts

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

Since July 2019, the policies of the Thai government have been determined by the prime minister and the bicameral National Assembly. Despite opposition political parties garnering a significant share of lower house seats in the 2019 elections, Thailand's government remains largely authoritarian due to the unelected Senate, which votes with the lower house to determine the government's long-term strategy and the selection of the prime minister. Consequently, government policies and new legislation continue to be decided and implemented by a clique of former military leaders and their allies.

In recent years, the Thai king has consolidated and expanded the political and military powers of the monarchy. In 2019, King Vajiralongkorn ordered that two elite army units be transferred to the direct command of the palace, citing Article 172 of the constitution, which allows a royal decree to be issued when there is an emergency threatening national security and the monarchy.

C2 0-4 pts

Are safeguards against official corruption strong and effective?	**1** / 4

Thailand's anticorruption legislation is inadequately enforced, and bribes and gifts are common practice in business, law enforcement, and the legal system. The National

Anti-Corruption Commission (NACC) receives numerous complaints each year, and the NCPO passed vague anticorruption laws while in power. However, the military junta engaged in wide-scale corruption, cronyism, and nepotism, and these issues have gone unaddressed since the transition to semicivilian rule in 2019.

C3 0-4 pts

Does the government operate with openness and transparency?	**1** / 4

Parliamentary oversight of the government that took power in 2019 has resulted in an increase in overall government openness and transparency. However, due to the military's continued sway over government operations and its majority within the National Assembly, high-level decisions continue to be made, and legislation passed, opaquely and with little regard to the protestations of opposition lawmakers.

Civil Liberties

D. Freedom of Expression and Belief

D1 0-4 pts

Are there free and independent media?	**1** / 4

Under military rule, the government systematically used censorship, intimidation, and legal action to suppress independent media, and international and domestic news outlets were frequently censored during the election campaign period in 2019. That July, in one of the junta's last acts, several NCPO orders limiting free speech and independent media were lifted, including those banning news reports considered to threaten national security and the NCPO's credibility. However, the new government

has retained several laws introduced by the junta that restrict free and independent media, including criminal defamation laws that resulted in Thai journalist Suchanee Cloitre receiving a two-year prison sentence in 2019, though her conviction was overturned in October 2020.

In March 2020, Thailand's government issued an emergency decree that made it illegal to publish information about COVID-19 deemed "false or capable of causing fear in the public," with violators subject to prison terms of up to five years. The decree also empowered authorities to demand that journalists and media groups "correct" reports deemed false or face charges under the Computer Crime Act. Several media organizations faced legal action and content removal requests in 2020 for allegedly breaching the emergency laws.

In October, Twitter disclosed the discovery and suspension of 926 accounts that the company could "reliably link to the Royal Thai Army," which had been "amplifying pro-RTA and progovernment content, as well as engaging in behavior targeting prominent political opposition figures."

Several Thai journalists were arrested while covering the 2020 antigovernment protests, and the government issued shutdown orders to at least four news outlets.

D2 0-4 pts

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. 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. The vast majority of Thais are Buddhist and the king is considered the protector of Buddhism in Thailand, which carries spoken and unspoken authority.

D3 0-4 pts

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

Academic freedom remains constrained in Thailand. University discussions and seminars on topics regarded as politically sensitive are subject to monitoring or outright cancellation by government authorities. Activist activities on university campuses also continue to be constrained by the government, including through prosecutions for sedition and violations of the country's draconian lèse majesté laws.

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. Several Thai academics fled into exile after the 2014 coup.

Thailand's public education system is rife with propaganda aimed at instilling obedience to the country's monarchy and military. In 2020, the education system became a target of student protesters. New youth-led organizations such as Bad Students demanded the government halt harassment of student activists, while collaborating with students on reforms including the abrogation of abusive school regulations.

D4 0-4 pts

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

Despite Thailand's transition from military rule to semicivilian control in 2019, anyone perceived as a critic of the military or the monarchy remains at high risk of surveillance, arrest, imprisonment, harassment, and physical attack. Thailand's post-junta government retained 140 NCPO laws, including laws that restrict freedom of expression. The government also retained the junta's 2016 Computer Crime Act, which gives authorities broad powers to restrict online expression, impose censorship, and enforce surveillance, and extends enforcement of lèse-majesté provisions online. Employment of lèse-majesté laws under the criminal code's Section

112 decreased in the final years of direct military rule, but it returned as a tool of repression in late 2020, with 37 activists facing new prosecutions for having insulted or threatened the monarchy.

E. Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly?	**1** / 4

In March 2020, under the guise of measures to combat COVID-19, Prime Minister Prayuth announced that the state would use broad powers granted by a 2005 emergency decree to protect the "safety of the people," including by prohibiting public assembly and exercising expanded powers of censorship and arrest. The decree, originally scheduled to last a month, was repeatedly renewed; in October, the government declared a more stringent "severe state of emergency" in response to youth-led demonstrations, which prohibited gatherings of more than five people. While the "severe" decree was revoked after a week, the government reintroduced the restrictions in December, citing a rise COVID-19 cases. Human rights groups condemned the government's aggressive use of force and toleration of violence by civilian regime sympathizers during protests in November. More than 170 peaceful protesters were charged with sedition, lèse-majesté, or violations of the prohibition on public gatherings in 2020.

Score Change: The score declined from 2 to 1 because emergency decrees the government said were meant to curb the spread of COVID-19 unduly curtailed youth-led antigovernment demonstrations.

E2 0-4 pts

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 and freedom of expression, and promoting democracy, continue to face restrictions, criminalization, and prosecution by the state, including under sedition and lèse majesté laws. In 2019, several representatives from Thai democracy groups were attacked by gangs thought to be connected to the military. Civil society groups holding republican views, such as the Organization for Thai Federation, remain forbidden.

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 generally enjoy impunity. In January 2020, Thai prosecutors dropped charges lodged in 2019 against four forestry officials in the 2014 disappearance of prominent Thai-Karen environmental activist Porlajee "Billy" Rakchongcharoen.

The 2020 antigovernment protests also led to pressure on Thai human rights and civil society organizations, which were accused by government and right-wing forces of organizing the protests with foreign funding.

E3 0-4 pts

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

F1 0-4 pts

Is there an independent judiciary?	1 / 4

Although Thailand's constitution grants independence to the judiciary, in practice Thailand's courts are politicized, and corruption in the judicial branch is common. The 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 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. In February 2020, the Constitutional Court abolished the popular opposition party FFP after what observers characterized as a highly politicized trial.

In 2019, Kanakorn Pianchana, a judge in Yala province, shot himself in court immediately after acquitting five Muslim defendants from Thailand's deep south on murder charges. Before shooting himself, Kanakorn read a statement stating that he had been under intense pressure by superiors to find the five guilty despite a lack of evidence.

F2 0-4 pts

Does due process prevail in civil and criminal matters?	1 / 4

Restrictions implemented by the NCPO and retained by the current semicivilian government severely undermine due process rights. Orders issued in 2015 permitted the detention of individuals without charge for up to seven days, and expanded the military's authority in law enforcement, permitting them to arrest, detain, and investigate crimes related to the monarchy and national security, including drug-related crimes. In 2019, much of this authority was transferred from the junta to a newly empowered Internal Security Operations Command (ISOC), which can also summon and detain individuals without a warrant. With the transfer of power from military rule to a semicivilian government, all court cases involving offenses against junta orders were transferred from military to civilian courts.

F3 0-4 pts

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

The police and military often operate with impunity, which is exacerbated by the absence of any law that explicitly prohibits torture. While most of the country is free from terrorism or insurgency, 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.

Following the 2019 elections, physical attacks on democracy activists by masked assailants widely assumed to be tied to the government increased, with no credible investigations by Thai authorities into any of these assaults.

Extraterritorial executions and disappearances of Thai dissidents-in-exile have also increased in recent years. In December 2018, the bodies of two prominent Thai dissidents in exile in Laos were found stuffed with concrete on the banks of the Mekong River along the Lao-Thai border. In June 2020, Wanchalerm Satsaksit, an exiled Thai activist living in Cambodia, was disappeared off a street in Phnom Penh, presumably by agents connected to the Thai state, and remained missing at year's end.

F4 0-4 pts

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 individuals 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+ 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 that was highlighted by the decision of the Royal Police Cadet Academy in 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. In 2019, a Lao democracy activist was disappeared from his home in Bangkok, and a Vietnamese journalist who had applied for refugee status was allegedly abducted in Bangkok and returned to Vietnam, likely with the assistance of the Thai state. Antimigrant sentiment in Thailand flared following a coronavirus outbreak in December 2020 thought to have originated in a market near Bangkok where many migrants work.

G. Personal Autonomy and Individual Rights

G1 0-4 pts

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 in 2020 freedom of movement was greatly curtailed by the emergency decree rules issued in response to the COVID-19 pandemic.

G2 0-4 pts

Are individuals able to exercise the right to own property and establish	**2**/4

private businesses without undue interference from state or nonstate actors?	

The rights to property and to establish businesses are protected by law, though in practice business activity is affected by bureaucratic delays, and at times by the influence of security forces and organized crime. Court 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.

G3 0-4 pts

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.

G4 0-4 pts

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

Exploitation and trafficking of Thailand's large migrant worker underclass 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.

Thai companies facing criticism for human rights violations, labor rights abuses, and migrant rights violations continue to file libel lawsuits against activists and human

rights defenders. In recent years, poultry producer Thammakaset has filed more than 20 criminal and civil complaints against a wide variety of civil society critics.

On Thailand

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Country Facts

Global Freedom Score

30 /100 **Not Free**

Internet Freedom Score

35 /100 **Not Free**

Other Years

2020

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1850 M St. NW Floor 11
Washington, DC 20036
(202) 296-5101

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info@freedomhouse.org

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press@freedomhouse.org

@2021 FreedomHouse