



LAST YEAR'S SCORE & STATUS 30 /100 🛑 Not Free

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



## **Status Change**

Thailand's status improved from Not Free to Partly Free due to competitive parliamentary elections and the formation of a new governing coalition by what had been a major opposition party, though unelected senators ensured that the party with the most votes was excluded.

## Overview

Following five years of direct military rule, Thailand transitioned to a militarydominated, semielected government in 2019. The combination of democratic deterioration and frustrations over the role of the monarchy in Thailand's governance triggered massive demonstrations in 2020 and 2021. In response, the authorities used repressive tactics including arbitrary arrests, intimidation, lèsemajesté charges, and harassment of activists. While the 2023 elections were comparatively open and competitive, the leading opposition party, Move Forward, was blocked from forming a government by the military-appointed Senate; another opposition group, the Pheu Thai Party (PTP), entered government in coalition with several military-aligned parties. Press freedom remains constrained, due process is not guaranteed, and there is impunity for crimes committed against activists.

## Key Developments in 2023

- The May general elections drew record turnout, and the progressive opposition Move Forward Party (MFP) won the most votes and legislative seats, followed in second place by the PTP, a more established opposition party.
- In July, the military-appointed Senate blocked the MFP's attempt to form a coalition government with the PTP and other opposition parties. Days later, the Constitutional Court suspended MFP leader Pita Limjaroenrat as a member of parliament pending an investigation into claims that his media holdings violated election rules.

- In August, PTP nominee Srettha Thavisin successfully formed a coalition government backed by military-aligned political parties. The same day, Thaksin Shinawatra, who founded the PTP's predecessor party, returned to Thailand to face corruption charges after a 15-year exile. Shortly after his arrival, Thaksin was sentenced to eight years in prison, which was then commuted to a one-year sentence through a royal pardon.
- In late September, prominent democracy activist Arnon Nampa was sentenced to four years in prison for a 2020 speech in which he called for reform of the monarchy. Similar cases were pending against other activists and MFP politicians at year's end, and one MFP lawmaker was sentenced to six years in prison in December for allegedly insulting the monarchy.

## **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?

1/4

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 has significant influence over Thai politics and the military in particular.

The constitution, which was developed by a committee appointed by the military's National Council for Peace and Order (NCPO) following a 2014 coup, was approved in a tightly controlled 2016 referendum. According to the charter, the prime minister is selected by a bicameral majority vote of the 500-seat House of Representatives, which is elected, and the 250-seat Senate, whose members as of 2023 were appointed by the military government in 2019.

After the May 2023 general elections, the progressive MFP, which won a plurality of 151 seats in the House of Representatives, moved to form a coalition government

with the PTP and several small opposition parties. However, with a total of 313 members, the prospective coalition failed to meet the 376-seat threshold needed to nullify the appointed Senate's voting bloc and secure a bicameral majority. In July, senators successfully blocked an MFP-led government on the grounds that the party supported amending the country's repressive lèse-majesté laws. MFP leader and prime ministerial candidate Pita Limjaroenrat was also suspended from the legislature by the Constitutional Court based on a pending legal case.

The PTP then moved to form a government in coalition with military-aligned parties after distancing itself from the MFP's pledges to reform laws related to the monarchy. In late August, PTP nominee Srettha Thavisin was confirmed as prime minister by 330 House members and 152 senators.

Score Change: The score improved from 0 to 1 because the government formed following the May general elections was less reliant on unelected senators and received more votes from elected lawmakers than its predecessor in 2019.

**A2** 0-4 pts

Were the current national legislative representatives elected through free and fair elections?

2/4

Under the military-drafted constitution, the bicameral National Assembly consists of the 250-seat Senate, whose members as of 2023 were appointed to a five-year term by the former military government, and the 500-seat House of Representatives.

The May 2023 House of Representatives elections were contested by 70 political parties and featured a record voter turnout of 75.2 percent. Intensive electoral monitoring by a broad civil society coalition helped improve public confidence in the process. Under a dual-vote system designed to reward large parties with greater majorities, 400 members were elected in individual contests and 100 according to party-list votes. Official results were announced more than a month after the elections. The MFP led with 151 seats, followed by the PTP with 141 and the conservative Bhumjaithai Party with 71. Thailand's two main military-aligned parties—

Palang Pracharath (PPRP) and United Thai Nation (UTN)—won 40 and 36 seats, respectively. Thirteen smaller parties accounted for the remainder.

The Asian Network for Free Elections (ANFREL), an international election-monitoring body, reported "improved accountability, transparency, and inclusivity" in 2023 compared with the 2019 general elections. Nevertheless, ANFREL and domestic observation groups such as We Watch noted ongoing structural and procedural problems, including the role of the unelected Senate.

Score Change: The score improved from 1 to 2 because the May legislative elections were considered more open and competitive than the previous national balloting in 2019.

### **A3** 0-4 pts

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

**O**/4

The military-drafted 2017 constitution was designed to weaken political parties and elected officials while strengthening unelected institutions aligned with the monarchy. All 250 current senators were appointed by the NCPO, a military junta, in 2019. The prime minister is selected through a combined vote of both legislative chambers, granting the unelected Senate a powerful role in the process. This design allowed unelected forces to block the winning political party, the MFP, from forming a government after the May 2023 elections and to shape the coalition that ultimately won approval. The current Senate's five-year term was set to end in May 2024.

The 2023 elections were overseen by the Electoral Commission of Thailand (ECT), whose incumbent members were appointed by the NCPO regime in 2018. Following the elections, the ECT petitioned the Constitutional Court to disqualify MFP leader Pita Limjaroenrat from holding office based on a complaint asserting that he owned shares in a media company in violation of electoral rules. The Constitutional Court accepted the case in July and ruled that Pita would be suspended from the parliament pending its final judgement, which had yet to be issued at year's end. The

move was widely seen as part of a politicized effort to thwart the MFP's electoral victory and reformist agenda.

## 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

While a variety of political parties have been able to form and compete in elections, the courts have repeatedly used various legal grounds to weaken and dissolve successful parties that appear to threaten the dominance of unelected institutions.

In 2019, after the success of the progressive reformist Future Forward Party (FFP) in that year's elections, party leader Thanathorn Juangroongruangkit was charged with crimes including sedition for allegedly "assisting" democracy activists after a 2015 protest. He was subsequently suspended by the Constitutional Court from taking his legislative seat over a complaint that he had held shares in a media company while applying to serve in the legislature. In early 2020, the FFP was abolished following a Constitutional Court ruling that a loan it received from Thanathorn constituted an illegal donation.

In 2023, the FFP's successor party, the MFP, also experienced official harassment, legal obstacles, and other impediments. Days before the May elections, a complaint was filed against MFP leader Pita Limjaroenrat for allegedly holding shares in a media company in contravention of electoral rules. Although the allegation lacked merit, it was used by the Constitutional Court in July to suspend Pita from his seat in the parliament. Also in July, the Constitutional Court accepted a case alleging that the MFP's goal of reforming the lèse-majesté laws amounted to an attempt to overthrow the constitutional system. If the complaint were upheld, the party could be dissolved; a judgment was expected in 2024.

In August, a Supreme Court ruling punished another MFP leader, Pannika Wanich, with a lifetime ban from politics for allegedly breaching "ethical standards" by pointing at a portrait of the former king in a photo she posted to social media in 2010. Pannika was already serving a 10-year ban from politics linked to the FFP's dissolution in 2020. Separately, in December 2023, a criminal court sentenced MFP lawmaker Rukchanok Srinork to six years in prison for past social media posts that were deemed insulting to the monarchy. Several other MFP politicians faced serious criminal charges and disqualification from office related to their roles in the 2020–21 prodemocracy protests.

**B2** 0-4 pts

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

**2**/4

Opposition parties and democratic rotations of power have historically been constrained through interventions by the military, the courts, and other unelected bodies. In the 2023 elections, the prodemocracy opposition parties MFP and PTP dramatically outpolled parties associated with the incumbent government, winning a combined 292 out of 500 seats in the House of Representatives. They joined smaller parties to form a strong majority coalition in the lower chamber, but the MFP was effectively blocked from government by the appointed Senate and parallel legal cases taken up by the Constitutional Court and the ECT. Nevertheless, the PTP was able to form a new coalition with military-aligned parties and enter government, and its nominee, Srettha Thavisin, became prime minister.

Score Change: The score improved from 1 to 2 because opposition parties and candidates, despite important obstacles, managed to increase their parliamentary representation, and the second-largest opposition group was able to lead a new government.

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?

The Thai military has a long history of coups and other interventions in civilian politics. Prayuth Chan-ocha, leader of the most recent coup in 2014, remained prime minister through 2023 after the NCPO-appointed Senate and military-aligned political parties confirmed him in office following the tightly controlled 2019 elections.

The military and other unelected entities continued to exercise decisive influence after the 2023 elections, with the Senate thwarting the MFP's attempt to form a government and the courts pursuing multiple cases against the party and its leaders. However, due to the scale of the opposition victory at the polls, some compromises were apparently necessary. On the same day that the PTP formed a government in coalition with military-aligned parties in August, former prime minister Thaksin Shinawatra—founder of the PTP's predecessor parties and father of current PTP leader Paetongtarn Shinawatra—returned to Thailand after 15 years in exile. He was immediately taken into custody and ordered to serve an eight-year prison sentence on charges of corruption and abuse of power, but a royal pardon commuted the sentence to one year a week later.

Score Change: The score improved from 0 to 1 because the 2023 elections and their aftermath indicated that the military and other unelected bodies exerted a lesser degree of control over political outcomes than in previous years.

### **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?

**2**/4

Members of minority groups, particularly ethnic minorities and stateless residents, are generally unable to choose their representatives or organize independently to assert their interests in the political sphere. Malay Muslims in southern Thailand remain marginalized. Migrant workers are generally ineligible for citizenship, regardless of length of stay in Thailand, and therefore lack political rights. Thailand's stateless population, estimated at more than 500,000 by the United Nations, also lack political rights.

Women remain underrepresented in politics and government at all levels, and women's interests are generally not prioritized in political life, though the 2023 elections brought further progress. The MFP ran on a platform that included pledges to promote gender equality, and its share of women lawmakers was the largest in the new parliament. Women overall made up nearly a fifth of the House of Representatives, compared with about 16 percent in the previous House and 6 percent of the Senate. The PTP also featured a comparatively large number of successful women candidates, and the party elected Paetongtarn Shinawatra, daughter of former prime minister Thaksin, as its leader in October.

The interests of LGBT+ people are increasingly represented in national politics. In December 2023, the parliament voted to advance draft legislation that could lead to the legalization of same-sex marriage. The newly elected House of Representatives included four openly LGBT+ members, the same number as in 2019.

Score Change: The score improved from 1 to 2 because of a gradual increase in the electoral participation of women and LGBT+ people and the representation of their interests in political affairs.

## **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?

1/4

Thailand's 2023 parliamentary elections, the formation of a government led by the PTP, and the transfer of the premiership from 2014 coup leader Prayuth Chan-ocha to civilian politician Srettha Thavisin all increased the extent to which official policies are determined by freely elected representatives. Nevertheless, Srettha's government

remained beholden to military-aligned parties and senators, meaning it would be unlikely to take actions that conflict with the political interests of the military and monarchy.

In recent years, the king has consolidated and expanded the monarchy's powers over the military and governance. In 2019, King Vajiralongkorn ordered the transfer of two elite army units to the palace's direct command, citing Article 172 of the constitution, which allows a royal decree to be issued when an emergency threatens national security and the monarchy. A 2021 Constitutional Court ruling reasserted the monarchy's preeminent role in the Thai state.

Score Change: The score improved from 0 to 1 because the 2023 general elections led to a government and legislature with somewhat greater democratic legitimacy, though unelected officials retained a powerful influence over state policies.

<b>C2</b> 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.

<b>C3</b> 0-4 pts	
Does the government operate with openness and transparency?	<b>1</b> /4

The elected House of Representatives' oversight of the government has resulted in greater overall openness and transparency than under military rule. However, due to the military's continued sway over many government operations and its outsized legislative influence, high-level decisions continue to be made, and legislation passed, opaquely. Procurement decisions are similarly opaque.

## **Civil Liberties**

## D. Freedom of Expression and Belief

**D1** 0-4 pts

Are there free and independent media?

1/4

The government has retained several laws introduced by the 2014–19 military junta that restrict free and independent media, including criminal defamation laws and an expanded Computer Crime Act (CCA).

Several journalists covering antigovernment protests during 2022 faced police violence or criminal charges. Conditions surrounding the 2023 election campaign were less restrictive, but the press remained unable to report freely on key issues, including the MFP's campaign pledge to reform the monarchy and the country's lèsemajesté laws.

<b>D2</b>	0-4	pts
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Are individuals free to practice and express their religious faith or nonbelief in public and private?

3/4

The vast majority of Thais are Buddhist, and the king is considered the protector of Buddhism in Thailand, a status that carries spoken and unspoken authority. Speech considered insulting to Buddhism is prohibited by law. A long-running civil conflict in the south, pitting ethnic Malay Muslims against ethnic Thai Buddhists, continues to undermine citizens' ability to practice their religions there. However, Muslim and other religious minority groups are recognized by the law, and religious freedom is generally respected in most of the country.

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

Academic freedom is constrained in Thailand. University discussions and seminars on topics regarded as politically sensitive are subject to monitoring or outright cancellation by government authorities. Activism on university campuses remains constrained by the government, including through prosecutions for sedition and violations of lèse-majesté laws. Academics working on sensitive topics face repressive tactics including summonses for questioning, home visits by security officials, surveillance of their activities, and arbitrary detention for the purpose of questioning.

Thailand's public education system is rife with propaganda aimed at instilling obedience to the country's monarchy and military. In 2022, prominent student activist Netiwit Chotiphatphaisal was removed as head of the Chulalongkorn University student union by university officials, who claimed he had engaged in activities that undermined public order and the institution's reputation. Prior to Netiwit's removal, the student union had canceled a traditional university ritual that members said was promoting authoritarianism, criticized a businessman who received an honorary degree, and selected an antimonarchy protest leader to speak at an event.

### **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

Perceived critics of the government, the military, or the monarchy remain at high risk of surveillance, arrest, imprisonment, harassment, and physical attack. Some 140 laws enacted by the NCPO regime remained in place as of 2023, including measures that restrict freedom of expression. The CCA gives authorities broad powers to restrict online expression, impose censorship, and conduct surveillance, and allows lèsemajesté provisions to be enforced online. Since 2020, hundreds of people have been charged with speech-related offenses including lèse-majesté, sedition, and CAA violations, and many face multiple prosecutions. Among other cases during 2023, democracy activist Mongkhon Thirakot was sentenced in January to 28 years in prison for Facebook posts that allegedly defamed the monarchy. In March, authorities arrested Thanalop Phalanchai, a 15-year-old girl, and placed her in pretrial detention for allegedly criticizing the monarchy at a 2022 rally in Bangkok. She was released in May, but her case remained pending. Also in March, Narathorn Chotmankongsin was sentenced to three years in prison for selling satirical calendars that allegedly defamed the monarchy. In September 2023, prominent democracy activist and human rights lawyer Arnon Nampa was sentenced to four years in prison on one count of lèse-majesté for a 2020 speech calling for reform of the monarchy. He still faced more than a dozen other cases.

## E. Associational and Organizational Rights

<b>E1</b> 0-4 pts	
Is there freedom of assembly?	<b>1</b> /4

Freedom of assembly is restricted. During prodemocracy street demonstrations that were held frequently in 2020 and 2021, authorities used considerable force, including live ammunition, against protesters; tolerated violence against protesters by progovernment sympathizers; and employed lèse-majesté laws to quell dissent. The demonstrations receded over the course of 2022—the combined result of the criminalization of activism, the jailing of key leaders, public fatigue, and fractures within the protest movement. Numerous protest-related prosecutions continued during 2023. Thailand has a vibrant civil society, but groups focused on defending human rights and freedom of expression, and promoting democracy, continue to face restrictions, surveillance, criminalization, and prosecution, including under sedition and lèsemajesté laws. Nongovernmental organizations (NGOs) that hold republican views, such as the Organization for Thai Federation, remain forbidden. Human rights NGOs have faced considerable government pressure since antigovernment protests began in 2020, with some reporting investigations for alleged tax avoidance and money laundering. During 2022, Amnesty International Thailand was the target of intense harassment from right-wing royalist groups and the government, and the Thai NGO iLaw published a report documenting widespread use of powerful Pegasus spyware against activists, political party members, journalists, and academics. A lawsuit seeking to bar the government from using Pegasus in this way was pending in 2023.

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

# E3 0-4 pts Is there freedom for trade unions and similar professional or labor organizations? 1/4

Thai trade unions are nominally independent and have the right to collectively bargain. However, most formal-sector workers are not unionized. Employers engage in antiunion activity, implementing lockouts and launching defamation cases against union members and organizers. Non-Thai nationals and migrant workers are prohibited from establishing unions or leading officially recognized unions. Unions and union leaders have faced criminal charges, severe fines, and prison terms for their activities.

## F. Rule of Law

### **F1** 0-4 pts

### Is there an independent judiciary?

### 1/4

While judicial independence is constitutionally guaranteed, courts are politicized in practice and regularly intervene in political affairs. The Constitutional Court has sweeping powers, including the ability to dissolve parties, overthrow elected officials, and block legislation. A 2018 law criminalized criticism of the Constitutional Court with "rude, sarcastic, or threatening words," further shielding the body from accountability. The court in 2020 abolished the FFP after what observers characterized as a highly politicized trial, and in 2021 it ordered protest groups to cease their calls for reform, alleging that the activity amounted to an attack on the monarchy.

Following the 2023 elections, the Constitutional Court issued several rulings against the MFP, including the suspension of its prime ministerial candidate from the parliament and a refusal to review the constitutionality of a July parliamentary vote that prevented him from renominating himself as prime minister.

### **F2** 0-4 pts

### Does due process prevail in civil and criminal matters?

1/4

Restrictions that were originally implemented by the 2014–19 military government continue to severely undermine due process rights, in part by allowing forms of detention without a warrant. In parts of southern Thailand, a long-standing emergency decree gives the government authority to detain people without charge for a maximum of 30 days in unofficial places of detention. At least 1,938 people—286 of them minors—have faced criminal prosecution for protest-related activity between July 2020 and December 2023, according to Thai Lawyers for Human Rights. Charges against them include sedition and lèse-majesté violations. Many of the accused have been kept in pretrial detention for prolonged periods, denied bail, or offered bail under extremely stringent conditions.

### **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 Thailand is free from 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. Thousands of suspected militants and sympathizers have been indiscriminately detained in counterinsurgency operations. There are long-standing and credible reports of human rights violations, including extrajudicial killings, by government forces and insurgents. In August 2023, Malay separatists launched attacks on police and military targets that left four Thai security officials dead. Peace talks between the Thai government and the Barisan Revolusi Nasional (BRN) were suspended for most of 2023.

Extraterritorial executions and disappearances of Thai dissidents in exile have taken place in recent years. Political exiles from neighboring states are also at high risk within Thailand. Individual cases of abduction, forced deportation, and murder were reported during 2023, involving activists or opposition figures from Vietnam, Myanmar, and Laos.

### **F4** 0-4 pts

## Do laws, policies, and practices guarantee equal treatment of various segments of the population?

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 Royal Police Cadet Academy's 2018 decision 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. The government continues to treat Rohingya and other refugees from Myanmar as illegal immigrants. These individuals are denied access to refugee status determination procedures and either detained in detention camps or, if arriving by boat, pushed back out to sea and onward to Indonesia and Malaysia. Those forcibly returned to Myanmar during 2023 included three fighters opposed to that country's 2021 military coup who had sought medical treatment in Thailand; they were then reportedly shot while trying to escape from Myanmar troops.

## 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, movement may be restricted in areas affected by civil conflict. Many Thais facing

politicized criminal charges related to the 2020–21 prodemocracy protests are unable to travel abroad.

**G2** 0-4 pts

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 law protects property rights and the freedom to establish and operate businesses, 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 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 with respect to marriage, divorce, and other such personal status issues, they are vulnerable to domestic abuse and rape. Victims rarely report attacks to authorities, who frequently discourage women from pursuing criminal charges against perpetrators.

In 2021, the National Assembly amended the penal code to decriminalize firsttrimester abortions in keeping with a 2020 ruling by the Constitutional Court. The Public Health Ministry issued regulations in 2022 to allow abortions through the 20th week of pregnancy.

Also in 2021, the Constitutional Court ruled that the existing civil code did not extend marriage rights to same sex-couples, and recommended that the disparity be addressed through legislation. A series of bills on same-sex marriage were advancing through the National Assembly as of December 2023.

## Do individuals enjoy equality of opportunity and freedom from economic exploitation?

Exploitation and trafficking of Thailand's large migrant worker population and refugees from Myanmar, Cambodia, and Laos are serious and ongoing problems, as are child labor and sweatshop labor. Thailand is a key source and transit country for criminal groups that use forced labor in online scam operations based in neighboring states. The US Department of State's 2023 *Trafficking in Persons Report* maintained Thailand's Tier 2 rating, indicating that the government "does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so."

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 labor rights abuses continue to file libel lawsuits against activists and human rights defenders.



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