

FREEDOM IN THE WORLD 2020

Thailand

32
/100

PARTLY FREE

<u>Political Rights</u>	6 /40
<u>Civil Liberties</u>	26 /60

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 a slight reduction in restrictions on assembly and tightly controlled elections that, despite significant flaws, ended a period of direct rule by military commanders.

Overview

In March 2019, Thailand held elections for the first time since a 2014 military coup overthrew its democratically elected government. The election process was widely considered to have been designed to prolong and legitimize the military's dominant role in Thailand's governance. The new, nominally civilian government, again helmed by Prime Minister Prayuth Chan-o-cha, the former army chief, continues to restrict civil and political rights and suppress dissent. Thailand's new monarch, King Maha Vajiralongkorn, has worked to consolidate authority over political life and the military.

Key Developments in 2019

- In March, Thailand held its first national elections since a 2014 military coup overthrew the democratically elected Yingluck Shinawatra government. The elections were tightly controlled by Thailand's military junta under rules determined by the military-drafted constitution, and were widely seen as designed to prolong and legitimize the military's dominant role in Thailand's governance.
- In July, the junta formally handed over power to the elected civilian government. The new administration retained much of the previous military leadership, including Prayuth, the former army chief, who returned as prime minister.
- In the first half of the year, a number of prominent Thai prodemocracy activists were repeatedly attacked, at times by roving masked gangs, in incidents thought to be linked to the military.

- In May, Thanathorn Juangroongruangkit, the leader of the Future Forward opposition party, was suspended from taking his seat in parliament by the Constitutional Court. In October, he was charged with sedition, and in November, was formally disqualified from parliament after the Constitutional Court found him guilty of owning media shares when he had applied to be a candidate.

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.

According to the military-drafted constitution, 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, nevertheless nominated incumbent prime minister Prayuth Chan-ocha to serve in that position once again. In 2014, as army chief, Prayuth had staged a military coup against the democratically elected government, and had been subsequently designated prime minister in the absence of elections.

Prayuth was approved as prime minister in 2019 through the support of a voting bloc comprised of the Palang Pracharat Party and other promilitary parties, and votes from 249 of the appointed senators, and assumed the office of civilian prime minister in July 2019. Newly elected lawmakers reported after the March election that in

exchange for voting for Prayuth, they had received offers from “brokers” of bribes between \$640,000 and \$3.8 million.

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 375 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 January 2019, after almost five years of repeated postponements, the military junta announced that multiparty elections would take place in March. The 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 by political parties, and a lack of independent and impartial oversight from the Election Commission of Thailand (ECT), which was entirely appointed by the junta.

The results, announced six weeks after the polls, were tainted by irregularities, with ballots “lost,” and vote tallies changed. Additionally, the formula for distribution of party seats changed 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 enough seats to give the promilitary parties a supermajority.

Only one outside election monitoring body, the Asian Network for Free Elections (ANFREL), was allowed to observe the polls. ANFREL was granted permission less than 10 days prior to the election, limiting the observers’ ability to comprehensively monitor polling. Two domestic observer organizations, P-Net and the civil society organization We Watch, were also granted permission to monitor the elections, but all three missions saw access to various procedures restricted. We Watch determined

that while the election gave the public the opportunity to exercise their voting rights, “the election process remains far from the words ‘free’ and ‘fair.’”

In July, Thailand’s government was formally transferred from the military’s National Council for Peace and Order (NCPO) to the National Assembly, a bicameral legislature, as mandated by the 2016 military-drafted constitution, thus ending a period of direct rule by military commanders.

Score Change: The score improved from 0 to 1 because parliamentary elections were held for the first time since the 2014 military coup.

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 NCPO-appointed Constitutional Drafting Committee (CDC) developed a draft constitution that was approved in a tightly controlled 2016 referendum. The new constitution, which governed the March 2019 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 are 350 constituency seats and 150 party-list seats in the House of Representatives. Citizens cast only one vote in the 2019 elections (rather than two distinct votes as in previous elections), which counts for a candidate as well as for that candidate’s party for the party-list seats, which, by design, makes it difficult for large parties to gain a majority and form a stable government.

All 250 seats in the Senate were appointed in July for a five-year term (a longer term than the four-year term for lower-house lawmakers) by the military. 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 its

willingness to intervene on behalf of the military and political parties aligned with it. For instance, after the March elections, the ECT changed the formula by which party seats were distributed, reassigning a number of seats won by the opposition Future Forward Party and Pheu Thai Party and redistributing them 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. However, Prime Minister Prayuth led regular “mobile cabinet meetings” across the country in 2017 and 2018, which were essentially campaign rallies designed to shore up support for the Palang Pracharat Party, which was formally established in September 2018. That month, the NCPO had lifted many of the restrictions on political parties, allowing them to hold meetings, recruit members, select candidates, and hold forums with the public in preparation for the 2019 elections. In December 2018, it lifted the ban on political campaigning, though many opposition parties initially refrained from engaging in campaign activities.

Eventually, a slew of parties from across the political spectrum began organizing and campaigning in preparation for the March 2019 elections, though those opposed to military rule experienced official harassment. For example, in April 2019, after the Future Forward Party’s success in the elections, party leader Thanathorn Juangroongruangkit was charged with sedition and two other crimes for having

allegedly “provided assistance” to democracy activists following a 2015 protest. In May, Thanathorn was suspended by the Constitutional Court from taking his seat as an elected member of parliament over a complaint that he had held shares in a media company when he applied to be serve in the legislature. In November, the Constitutional Court stripped Thanathorn of his parliamentary seat. In December, the ECT, citing an obscure law, asked the Constitutional Court to disband the Future Forward Party, an event expected to happen in early 2020. Opposition parties aligned with former prime minister Thaksin Shinawatra also suffered attacks by the government.

The military-drafted constitution imposed rules on political parties that were designed to weaken existing large parties like the Pheu Thai Party (PTP), whose government was overthrown in the 2014 coup. In order to circumvent these limitations, party leaders established like-minded parties, including Thai Raksa Chart, to better compete in the elections. However, after Thai Raksa Chart in February 2019 nominated Princess Ubolratana as its prime ministerial candidate, the party was dissolved by Constitutional Court in March and its nominated candidates were disqualified from running in the election. The development severely stymied the alliance of opposition parties associated with the Shinawatras from electoral success.

B2 0-4 pts

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

1/4

In late 2018, the ban on activities of political parties, including those opposed to military rule, was lifted. Consequently, political parties were able to organize, campaign, and compete in the March 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 Future Forward, won a combined 245 seats, they have been unable to further legislation due to the military’s continued grip over legislative processes. In December 2019, the ECT

began proceedings to disband the Future Forward Party following the disqualification of its leader, Thanathorn, from parliament the previous month.

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 March 2019 election, the subsequently formed government did not reflect that vote due to a rigged outcome enabled by the military-drafted constitution. The new 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 polls also saw repeated interventions by the Thai monarchy, which exerts tremendous influence over Thailand’s governance and political system. In February, Princess Ubolratana was nominated by the Thai Raksa Chart Party, an opposition party affiliated with exiled former prime minister Thaksin Shinawatra, as its prime ministerial candidate. Her younger brother, King Maha Vajiralongkorn, made a televised announcement condemning her bid as “extremely inappropriate.” The Constitutional Court dissolved Thai Raksa Chart soon thereafter. In addition, on the eve of the March 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, 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.

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.

The interests of LGBT+ people are increasingly represented in national politics. In 2019, there was growing support among lawmakers for legislation allowing same-sex unions.

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 a bicameral National Assembly. Despite elections granting the majority of lower-house seats to opposition political parties, Thailand's government remains a largely authoritarian institution due to the National Assembly's unelected upper house, which votes with the lower house to determine the government's long-term strategy and the selection of the prime minister, among other important governance issues. Consequently, government policies and new legislation continue to be decided and implemented by a clique of former military leaders and their allies.

Throughout 2019, the Thai king continued to consolidate and expand the political and military powers of the monarchy. In October 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

The National Anti-Corruption Commission (NACC) receives a high number of complaints each year, and, while in power, the NCPO passed vague anticorruption laws. 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 new government that came to 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 supermajority 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 media were frequently censored during the election campaign period in early 2019. In 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 credibility of the NCPO. However, the new government has retained a number of laws introduced by the junta that restrict free and independent media. In addition, several journalists charged with crimes related to their journalism during military rule still face prosecution. In October 2019, a Belgian journalist was detained in Bangkok by police after seeking to interview a prominent Thai political dissident who had been repeatedly assaulted by motorcycle gangs in previous months. In December 2019, a Thai journalist, Suchanee Cloitre, was sentenced to two years in prison on charges of libeling a commercial farm in a Twitter comment about a labor complaint filed by its workers.

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 have fled into exile since the 2014 coup. In 2018 and 2019, a number of foreign academics were detained and questioned by Thai immigration authorities when they entered and left the country.

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 July 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 new government retained 140 NCPO laws, including laws that restrict freedom of expression. The government also retained the junta's 2016 Computer-Related Crime Act, which gives authorities broad powers to restrict online expression, impose censorship, and enforce surveillance, and extends enforcement of draconian lèse majesté provisions online.

E. Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly?	2/4
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The junta’s restriction on political gatherings of five or more people was lifted in December 2018, and a number of assemblies took place during 2019. Some—but not all—prosecutions under the provision banning assemblies were also dismissed in 2019. Others have continued, and some people still face charges for sedition or other offenses allegedly committed during past protests.

In December 2019, Thanathorn and other members of opposition party Future Forward were charged with contravening Thailand’s Public Assembly Act for holding a peaceful rally in downtown Bangkok against the ECT’s decision to ask the Constitutional Court to begin proceedings to disband the party.

Score Change: The score improved from 1 to 2 because authorities lifted a formal ban on public gatherings in late 2018 and allowed more assemblies to proceed during the year, while courts dismissed cases against some activists involved in past protests.

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 the months after the March 2019 elections, 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 September 2019, skull fragments found earlier in

the year in Kaeng Krachan National Park in Phetchaburi Province were identified as belonging to disappeared Thai-Karen environmental activist Porlajee “Billy” Rakchongcharoen. He had last been seen in the park in the custody of government park officials in April 2014. Arrest warrants were approved in November 2019 for four forestry officials in the case.

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 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.

In October 2019, Kanakorn Pianchana, a chief judge of the Yala trial court, shot himself in court immediately after acquitting five Muslim defendants from Thailand’s deep south on murder charges in a death-penalty case. Before shooting himself,

Kanakorn read a statement that openly criticized the Thai judiciary for its lack of independence and impartiality, 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 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. 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 on grounds of suspicion. 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

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.

Since the March 2019 elections, there has been an increase in physical attacks on democracy activists by masked assailants widely presumed to be tied to the military government. Thai dissident Sirawith Seritiwat was attacked twice in June; the second attack left him hospitalized in serious condition. There have been no credible investigations by Thai authorities into any of these assaults. In 2019, there was also an increase in extraterritorial executions of Thai dissidents-in-exile. 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.

Thais with antimonarchy views continued to flee the country out of fear for their safety, particularly after several exiled Thais disappeared in 2019, likely in encounters with secret Thai forces operating extraterritorially.

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 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 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. In 2019, several Southeast Asian dissidents living in or transiting through Thailand were disappeared, likely with the assistance of the Thai state. In January, a Vietnamese journalist who had applied for refugee status was allegedly abducted in Bangkok and returned to

Vietnam, where he is now in custody. In August, a Lao democracy activist was also disappeared from his home in Bangkok; his whereabouts were unknown at year's end.

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 the junta at times imposed travel bans on its critics.

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 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. 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 migrant workers (estimated between 4 and 5 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.

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. The poultry company Thammakaset in recent years has filed more than 20 criminal and civil complaints against journalists, human rights defenders, former employees of the company, and staff of nongovernmental organizations.



On Thailand

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Country Facts

Global Freedom Score

36/100 ■ **Partly Free**

Internet Freedom Score

39/100 ■ **Not Free**

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