

FREEDOM IN THE WORLD 2023

# Thailand

**30**  
/100

NOT FREE

<u>Political Rights</u>	6 /40
<u>Civil Liberties</u>	24 /60

LAST YEAR'S SCORE & STATUS

29 /100 ● Not Free

Global freedom statuses are calculated on a weighted scale. [See the methodology.](#)



# Overview

Following five years of military dictatorship, Thailand transitioned to a military-dominated, 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 regime has employed authoritarian tactics, including arbitrary arrests, intimidation, lèse-majesté charges, and harassment of activists. Press freedom is constrained, due process is not guaranteed, and there is impunity for crimes committed against activists.

## Key Developments in 2022

- In May, former transport minister Chadchart Sittipunt, running as an independent, won the Bangkok governor's election in a landslide. Chadchart's victory reflected public discontent with the military-backed government, as well as a somewhat more open political environment in which opposition candidates could pose a meaningful challenge to authorities.
- In July, the Thai nongovernmental organization (NGO) iLaw published a report documenting widespread use of the powerful Pegasus spyware against activists, political party members, journalists, and academics. The government admitted to using the spyware in "limited" cases.
- Prime Minister Prayuth Chan-ocha was suspended from office in late August while the Constitutional Court considered an opposition-backed lawsuit arguing that he had exceeded the constitutionally stipulated eight-year term limit. While Prayuth had designated himself prime minister in 2014 after staging a coup against the elected government, the Constitutional Court later ruled that Prayuth's term began when the constitution was promulgated in 2017, enabling him to return to office.
- In September, the government announced it would not renew the Emergency Decree declared in response to the COVID-19 pandemic; it was allowed to expire in October. In addition to granting the government powers to contain

the spread of the virus, the decree was also used to limit public assembly and quash dissent by political reform activists.

# 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 has significant influence over Thai politics and specifically 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. According to the charter, the prime minister is selected by a majority vote of the combined 500-seat elected House of Representatives and the 250-seat Senate, whose members are entirely appointed by the military.

The promilitary Palang Pracharat Party (PPP), which won only 115 lower-house seats in the 2019 elections, nominated incumbent prime minister Prayuth Chan-ocha to retain his position. In 2014, as army chief, Prayuth had staged a coup against the democratically elected government and declared himself prime minister. Prayuth retained his post in 2019 through the support of a promilitary bloc in the lower house and votes from 249 military-appointed senators.

Prayuth was suspended as prime minister in August 2022 while the Constitutional Court considered a petition brought by the opposition Pheu Thai Party (PTP); the PTP argued that by declaring himself prime minister in 2014, Prayuth had exceeded the constitutionally stipulated eight-year term limit. In late September 2022, the

Constitutional Court ruled that Prayuth's term began in 2017 when Thailand promulgated its current constitution, allowing him to return to office.

**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 military, and the 500-seat House of Representatives.

In 2019, after five years of postponements, a House of Representatives election was contested by 77 political parties, most of which fell into promilitary or antimilitary camps. The campaign period was marred by political repression, media censorship, unequal media access, and a lack of independent and impartial oversight from the Election Commission of Thailand (ECT). The results were tainted by irregularities, with ballots "lost" and initial vote tallies changed. Additionally, the formula for distributing party seats was altered after the election to redistribute seats won by opposition parties to military-aligned parties. This electoral manipulation granted promilitary parties a supermajority in the lower house.

The Asian Network for Free Elections (ANFREL), an international election monitoring body, was permitted to observe the election; two domestic organizations, P-Net and We Watch, were also granted permission. All three experienced severely restricted access to the polls and voting procedures.

Under a 2021 constitutional amendment, 400 lower-house members will be directly elected to four-year terms in single-seat constituencies by simple majority vote in future elections. Another 100 members will be elected in one nationwide constituency via party-list proportional representation. This "two-ballot" system favors larger parties more capable of crossing the voting threshold to win party-list seats.

In 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. Municipal elections and subdistrict contests were held in 2021. ANFREL called the subdistrict elections smooth but noted the occurrence of vote buying.

**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 military-drafted 2017 constitution was designed to weaken political parties and elected officials while strengthening unelected institutions. All 250 senators were appointed by the military in 2019. The prime minister is selected through a combined vote of both houses, granting the unelected Senate a powerful role in the selection process. The current unelected Senate's five-year term will end in 2024, a full year after the next House of Representatives is elected. This design grants the military significant political power to form the next government even if it loses the popular vote in the 2023 election by a wide margin.

The 2019 elections were overseen by the ECT, whose members were appointed by the military. Throughout the electoral process, the ECT was criticized for its lack of independence and willingness to intervene on behalf of the military and promilitary parties. For instance, the ECT's postelection change of the seat distribution formula reassigned seats won by the opposition to military-aligned parties, which subsequently voted with the PPP 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 2019, after the success of the 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 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. Opposition parties aligned with exiled former prime minister Thaksin Shinawatra have also experienced harassment by authorities.

The military-drafted constitution imposes rules designed to weaken established parties like the PTP, which led the pre-2014 government. To circumvent these limitations, PTP leaders established like-minded parties, including Thai Raksa Chart (TRC), to better compete in the 2019 elections. However, after TRC 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.

**B2** 0-4 pts

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

**1/4**

After an effective military ban on political parties from 2014 to 2018, opposition parties were able to compete in the 2019 polls and won a large number of seats in the House of Representatives. However, constitutional restraints greatly limited the ability of these opposition parties to effectively campaign. Postelectoral manipulation

on the part of the government also reduced the total number of seats won by the opposition.

While parties opposed to military rule, most prominently the PTP and the FFP, won a combined 245 lower-house seats, they have been unable to advance legislation due to the military's control of the unelected Senate and legislative processes. The 2020 dissolution of the FFP, whose 80 seats had 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 party leader Thanathorn and 10 other elected representatives. Following the ruling, FFP's remaining elected representatives established a new political party called Move Forward.

In late 2021, the National Assembly passed an amendment reducing the number of lower-house party-list seats from 150 to 100, increasing the threshold needed to win them and making it more difficult for smaller opposition parties to win representation.

In May 2022, former PTP transport minister Chadchart Sittipunt, running as an independent, won the Bangkok governor's election in a landslide. His victory reflected public discontent with the military-backed government and an improving political environment for opposition candidates.

*Score Change: The score improved from 0 to 1 because opposition candidates have been able to meaningfully compete in some elections, including the Bangkok gubernatorial race that saw the landslide election of an opposition-aligned candidate.*

**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 2019, the resulting government did not reflect election results due to a rigged outcome enabled by the military-drafted constitution and postelection manipulation. Thailand's 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 subject to repeated interventions by the monarchy, which exerts tremendous influence over Thai politics. For instance, the Constitutional Court's dissolution order targeting TRC 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 urging citizens to vote for "good people" to prevent "chaos," a message widely understood as a royal endorsement of promilitary parties.

In late 2021, the Constitutional Court issued a ruling stating that activists' calls for political reform, including of the monarchy, amounted to an attempt to overthrow the state. No charges were consequently issued against the dissenters, but the ruling was viewed as an assertion by the courts of the monarchy's sovereign power over the country.

**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, 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.

Women are underrepresented in government at all levels, composing only 15.8 percent of the House of Representatives and 10.5 percent of the Senate. Few women hold leadership roles in political parties. Women's interests are generally not

prioritized in political life, although recent antigovernment protests included demands for greater attention to these issues.

The interests of LGBT+ people are increasingly represented in national politics.

## 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 2019, the policies of the Thai government have been determined by the prime minister and the National Assembly. Even as opposition parties won a significant share of lower-house seats in that year's elections, the government remains largely authoritarian due to the unelected Senate, which votes with the lower house to determine the government's long-term strategy and selects the prime minister. In effect, government policies and legislation are decided and implemented by a clique of former military leaders and their allies.

In recent years, the king has consolidated and expanded the monarchy's political and military powers. 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.

**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.

**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 legislative majority, 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**

In 2019, several NCPO orders limiting free speech and independent media were lifted, including those banning reports considered to threaten national security and the NCPO's credibility. However, the government elected that year retained several laws introduced by the junta that restrict free and independent media, including criminal defamation laws and an expanded Computer Crime Act (CCA).

Pressure and attacks against media workers covering antigovernment protests continued in 2022. In February, two Thai citizen journalists were charged with lèse-majesté and sedition for live streaming an event addressing the impact of royal motorcades on Bangkok city residents. Several journalists were physically attacked by

police while covering the Asia-Pacific Economic Cooperation (APEC) protests in Bangkok in November.

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

A long-running civil conflict in the south involving ethnic Malay Muslims and ethnic Thai Buddhists continues to undermine citizens' ability to practice their religions there.

**D3** 0-4 pts

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

**1/4**

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. Activist activities on university campuses remain constrained by the government, including through prosecutions for sedition and violations of draconian lèse-majesté laws. Academics working on sensitive topics face oppressive 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 February 2022, prominent student activist Netiwit Chotiphathaisal was removed as head of the Chulalongkorn

University student union by university officials, who claimed he had been engaged in activities that undermined public order and the institution's reputation. The student union in recent months had canceled a traditional university ritual members criticized as promoting authoritarianism, criticized a businessman who received an honorary degree from Chulalongkorn University, 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, military, or the monarchy remain at high risk of surveillance, arrest, imprisonment, harassment, and physical attack. Thailand's current government retained 140 NCPO laws, including laws that restrict freedom of expression. It also retained the CCA, which gives authorities broad powers to restrict online expression, impose censorship, and enforce surveillance, and extends enforcement of lèse-majesté provisions online.

Between November 2020 and November 2022, more than 221 people were charged with violating lèse-majesté laws, including 17 minors. In September 2022, prodemocracy activist Jatuporn Sae-Ung was sentenced to two years in prison after she was convicted of lèse-majesté for allegedly dressing as the Thai queen at a 2020 protest. She was released on bail pending appeal.

## **E. Associational and Organizational Rights**

**E1** 0-4 pts

**Is there freedom of assembly?**

**1/4**

Freedom of assembly is restricted. Authorities have used considerable force against prodemocracy demonstrators, including live ammunition; tolerated violence against protesters by progovernment sympathizers; and employed lèse-majesté laws to quell dissent.

Prodemocracy street demonstrations that were frequently held in 2020 and 2021 receded in 2022—the combined result of the criminalization of activists, the jailing of movement leaders, public fatigue, and internal movement fractures. During the November APEC summit, police violently dispersed prodemocracy protesters, seriously injuring several, and arrested more than 25 people.

**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, surveillance, criminalization, and prosecution, including under sedition and lèse-majesté laws. Civil society groups holding 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. Several prominent Thai human rights organizations reported increased official harassment in 2022, including allegations of tax avoidance and money laundering. Amnesty International Thailand was the target of intense harassment from right-wing royalist groups and the government during the year.

In July 2022, the Thai NGO iLaw published a report documenting widespread use of the powerful Pegasus spyware against activists, political party members, journalists, and academics; following the report, the Thai government admitted using the spyware in “limited cases.”

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, employing lockouts and launching defamation cases against union members and organizers. Non-Thai nationals are prohibited from establishing unions. Migrant workers are also legally prohibited from establishing unions or leading officially recognized unions. Unions and union leaders have faced criminal charges for their activities that have resulted in severe fines and prison terms.

## **F. Rule of Law**

**F1** 0-4 pts

**Is there an independent judiciary?**

**1/4**

While judicial independence is constitutionally guaranteed, courts are politicized and corrupt. The Constitutional Court has sweeping powers, including the ability to dissolve political parties, overthrow elected officials, and veto legislation. In 2018, the government enacted a law making criticism of the Constitutional Court with “rude, sarcastic, or threatening words” a criminal offense, further shielding the body from accountability. The court in 2020 abolished the FFP after what observers characterized as a highly politicized trial; in late 2021, it ruled that three activists who had called for reforms had intended to overthrow the monarchy. The court issued no explicit penalty against them but ordered protest groups to cease such activity.

In September 2022, the Constitutional Court ruled that Prayuth, who declared himself prime minister after leading the 2014 coup, had not exceeded an eight-year term

limit, allowing him to return to that post following a five-week suspension.

**F2** 0-4 pts

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

**1/4**

Restrictions implemented by the NCPO and retained by the semicivilian government severely undermine due process rights; these include provisions allowing forms of warrantless detention.

Over 1,880 individuals—283 of them minors—have faced criminal prosecution for protest-related activity between July 2020 and October 2022, according to Thai Lawyers for Human Rights. Charges against them include sedition and lèse-majesté violations. Many were kept in pretrial detention for prolonged periods, were denied bail, or were 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. Legislators passed a bill in September 2022 outlawing torture and forced disappearance, which is expected to be ratified in 2023. Amnesty International and the International Commission of Jurists characterized the bill as a significant step, but stated that it nevertheless failed to fully meet human rights obligations under rights treaties to which Thailand is a signatory and lacks effective enforcement measures.

While most of Thailand 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. Thousands of suspected militants and

sympathizers have been indiscriminately detained in counterinsurgency operations. Long-standing and credible reports of human rights violations, including extrajudicial killings, by government forces and insurgents also exist.

Following the 2019 elections, physical attacks on prodemocracy activists by masked assailants widely assumed to have government ties increased, with the authorities conducting no credible investigations. Authorities continued to use excessive force to disperse antigovernment protesters in 2022.

Extraterritorial executions and disappearances of Thai dissidents-in-exile have taken place in recent years. In June 2020, Wanchalerm Satsaksit, an exiled Thai activist living in Cambodia, was disappeared from Phnom Penh, presumably by agents of the Thai state; he remains missing.

**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 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 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.

# 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. The Thai government's COVID-19 emergency decree, which had curtailed freedom of movement, was allowed to expire at the end of September 2022.

**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 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. Victims rarely report attacks to authorities, who frequently

discourage women from pursuing criminal charges against perpetrators.

In late 2021, the National Assembly amended the penal code to decriminalize first-trimester abortions. The articles had been ruled unconstitutional by the Constitutional Court in early 2020. The Public Health Ministry issued regulations in September 2022 allowing abortions through the 20th week of pregnancy.

In late 2021, the Constitutional Court ruled that the existing civil code did not extend marriage rights to same sex-couples. However, the court recommended an expansion of gender rights via legislation. In June 2022, the National Assembly passed four bills on same-sex unions at their first reading. Domestic LGBT+ groups characterized the development as meaningful progress, though the bills still require discussion in legislative committees, and additional rounds of approval by the House of Representatives, Senate, and monarchy.

**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 population and refugees from Myanmar, Cambodia, and Laos are serious and ongoing problems, as are child and sweatshop labor. Migrant workers are regularly deported from Thailand.

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.





### 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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