

Freedom in the World 2014 - Thailand

Publisher [Freedom House](#)

Publication
Date 26 June 2014

Cite as Freedom House, *Freedom in the World 2014 - Thailand*, 26 June 2014, available at: <http://www.refworld.org/docid/53b2b8a515.html> [accessed 15 December 2014]

Disclaimer This is not a UNHCR publication. UNHCR is not responsible for, nor does it necessarily endorse, its content. Any views expressed are solely those of the author or publisher and do not necessarily reflect those of UNHCR, the United Nations or its Member States.

2014 Scores

Status: Partly Free

Freedom Rating (1 = best, 7 = worst): 4.0

Civil Liberties (1 = best, 7 = worst): 4

Political Rights (1 = best, 7 = worst): 4

OVERVIEW

Thailand remained divided in 2013 between the elected populist government of Prime Minister Yingluck Shinawatra and her Puea Thai Party (PTP) – with its so-called "red shirt" supporters – and antigovernment "yellow shirt" forces that included the opposition Democratic Party (DP), the pressure group People's Democratic Reform Council (PDRC), and a traditional political establishment encompassing the military, the senior bureaucracy, and royalists.

While much of 2013 was relatively peaceful until more street protests and violence erupted in November and December, the government's popularity fell as the year progressed, and it faced mounting obstacles on multiple fronts. In June Yingluck shuffled the cabinet after the government's attempt to cut rice subsidies drew protests from farmers. The subsidy program had been criticized for causing the government a loss of approximately \$4 billion in a single year, but it was considered a boon to rice farmers from the central region, one of one of PTP's main constituencies.

The PTP-led parliament in September passed key amendments to the 2007 constitution that would make the partly appointed Senate wholly elected, a move that was denounced by opponents as a power grab. In November, the lower house of parliament passed a PTP-backed bill that would have provided blanket amnesty to military personnel, politicians, protesters, and even thugs who played active roles during Thailand's political crises of 2004-2010. The bill was widely seen as an attempt to allow Yingluck's brother, former prime minister Thaksin Shinawatra, to return to Thailand; he had gone into self-imposed exile after being deposed in a 2006 military coup, and faced a two-year

jail term for corruption if he were to return. Still, many red shirts joined a public outcry against the proposed amnesty, as it applied amnesty to their opponents as well.

The amnesty bill was defeated in the Senate on November 11, but the controversy reinvigorated antigovernment protests. As pressure on Yingluck escalated, the Constitutional Court on November 20 struck down the constitutional amendment that would have made the Senate a wholly elected body on the grounds that the amendment undermined Thailand's checks and balances; the amendment had been passed by both houses of parliament. Clashes between red-shirt and yellow-shirt protesters escalated on November 30 and led to several deaths, and DP members resigned from the parliament on December 8. The next day, the prime minister announced the parliament's dissolution and called elections for February 2014. Antigovernment protesters opposed any new voting, calling instead for an appointed assembly to oversee reforms that would weaken electoral democracy.

At year's end, DP leader Abhisit Vejjajiva was facing murder charges related to a 2010 crackdown on protests while he was prime minister. Prosecutors in October had dropped similar charges against Thaksin for his alleged role in fomenting the 2010 unrest. The year concluded with ongoing protests, mounting violence, and continued political impasse.

POLITICAL RIGHTS AND CIVIL LIBERTIES

Political Rights: 22 / 40

A. Electoral Process: 8 / 12

Thailand's 2007 constitution was drafted by a military-controlled council after the 2006 military coup that ousted Thaksin and dissolved his Thai Rak Thai (TRT) party. The new charter, approved in an August 2007 referendum, provided amnesty for the 2006 coup leaders, and in a clear response to the premiership of Thaksin, it limited prime ministers to two four-year terms and set a lower threshold for launching no-confidence motions.

The elected prime minister and the bicameral parliament, comprising elected and appointed members, determine the policies of the government. Whereas the old Senate was fully elected, the Senate created by the 2007 constitution consists of 77 elected members and 73 appointed by a committee of judges and members of independent government bodies. Senators, who serve six-year terms, cannot belong to political parties. For the 500-seat lower chamber, the House of Representatives, the new constitution altered the system of proportional representation to curtail the voting power of the northern and northeastern provinces, where support for Thaksin remains strong.

Thaksin supporters, regrouped as the People's Power Party (PPP), won the first postcoup elections in December 2007, but the resulting government fell a year later when the Constitutional Court disbanded the PPP for alleged electoral fraud. A new government was formed by Abhisit and the opposition DP. After extensive red-shirt protests and government crackdowns in 2009 and 2010, elections were called for July 2011. The voting was considered relatively free and fair, yielding a strong victory for pro-Thaksin forces, this time reconstituted as the PTP. The party took 265 of 500 seats in the lower house, followed by the DP with 159; small parties divided the remainder. Although the influential military weighed in against the PTP prior to the vote, it was unable to decisively affect the outcome. The Asian Network for Free Elections, a leading monitoring

organization, reported that representatives of several political parties tried to influence voters' choices inside polling stations, and that vote buying had increased compared with previous parliamentary polls.

B. Political Pluralism and Participation: 9 / 16

The two main political factions in Thailand's multiparty system are the DP – which is today associated with the traditional establishment – and the TRT and its successors (PPP and PTP), which first took office under Thaksin following the 2001 elections and has won every election since.

The power of the courts to dissolve political parties has played a central role in politics since 2006. The judiciary dissolved the TRT that year and the PPP in 2008. It also banned many senior members of the TRT and PPP from politics for five-year periods. In 2013, the DP and PAD filed several petitions asking the Constitutional Court to rule on whether various PTP proposals threatened to overthrow the constitutional order, but the court declined to issue rulings that would disband the ruling party.

The military and the monarchy have played significant roles in party politics. Thailand's approximately 18 military coups since 1932 have fostered a political culture that has tolerated such intervention by powerful unelected groups. Until the attempted passage of the amnesty bill in late 2013, Yingluck had sought to work with the military and the palace, avoiding highly contentious issues and confrontational stances regarding antigovernment protests. In September, Yingluck authorized a military reshuffle that, despite the military's stated goal of reducing top-level positions, increased the number of senior figures, including the addition of 215 new generals. Observers saw the move as another indicator of rapprochement between the military and the prime minister's office.

The Shinawatra family's domination of the populist political faction was reinforced with the victory of Yaowapa Wongsawat – the sister of Thaksin and Yingluck – in an April by-election for a lower house seat in Chiang Mai. She was among the senior party figures who had been banned from politics for five years upon the dissolution of the TRT. Concentration of power among prominent families is common on both sides of the political divide. Some 42 percent of the lawmakers elected in 2011 replaced family members.

C. Functioning of Government: 5 / 12

Corruption is widespread at all levels of Thai society. Both the DP and PTP include numerous lawmakers who have faced persistent corruption allegations. Thailand was ranked 102 out of 177 countries and territories surveyed in Transparency International's 2013 Corruption Perceptions Index. Former deputy interior minister Pracha Maleenont was sentenced in absentia in September 2013 to 12 years in prison for his role in the graft-laden purchase of fireboats and trucks. In April, the anticorruption agency cleared Yingluck of irregularities in her mandatory disclosure of assets.

The controversial amnesty bill considered by the parliament in November would have forced the cessation of over 25,000 corruption cases, including those ready for indictment, according to the anticorruption commission.

Civil Liberties: 32 / 60 (+1)

D. Freedom of Expression and Belief: 10 / 16 (+1)

The government and military control licensing and transmission for Thailand's six main television stations and all 525 radio frequencies. Community radio stations are generally unlicensed. Print publications are for the most part privately owned and are subject to fewer restrictions than the broadcast media. Most print outlets take a clearly partisan political position.

The 2007 constitution restored freedom of expression guarantees that were eliminated by the 2006 coup, though the use of laws to quash criticism is growing. Defamation is a criminal offense in Thailand if the slander results in loss of reputation or hatred, and defamation charges are often used by politicians to silence opponents, critics, and activists. In August 2013, the Court of Appeal overturned the slander conviction of Jatuporn Prompan, a former PTP member of parliament and leading red-shirt activist. Jatuporn was originally convicted in 2009 for sitting improperly in the presence of the king.

The 2007 Computer Crimes Act assigns significant prison terms for the publication of false information deemed to endanger the public or national security, and permits the government to review the individual data of web users for the preceding 90 days. In August, a posting on Facebook citing rumors of a military coup resulted in police questioning of four individuals, including an editor of a public television channel. A senior police official announced to the media that anyone who "likes" the post on Facebook would face charges. In December, the Thai Navy filed criminal defamation and computer crime charges against two journalists, one Thai and one Australian, for an article they wrote alleging the trafficking of Muslim Rohingya asylum seekers by Thai Navy personnel. The case was pending at year's end.

The government in 2013 continued the practice of blocking websites for allegedly insulting the monarchy, and continued to observe webmasters and internet users. The authorities did ease restrictions on some red-shirt websites and community radio stations, but DP supporters have criticized the government for its unsympathetic approach to media and artists associated with their side of the political divide.

Aggressive enforcement of Thailand's lèse-majesté laws since the 2006 coup has created widespread anxiety and stifled freedom of expression not just online, but also in print and broadcast media and even at public events, such as film festivals. Due to the secrecy surrounding most lèse-majesté cases, it is unclear how many went to trial in 2013, though the annual figure is believed to be in the hundreds, and has increased steadily since the 2006 coup. It is estimated the number of lèse-majesté cases rose from 33 in 2005 to 478 in 2010. The charges have been used to target activists, scholars, students, journalists, foreign authors, and politicians. Defendants can face decades in prison for multiple counts, and any leniency tends to come only through pressure by the media and activists.

Among other high-profile cases during the year, Somyot Prueksakasemsuk, a labor activist and former editor of a pro-Thaksin paper, was sentenced in January to 11 years in prison for publishing articles deemed to be lèse-majesté. Individuals and the media cannot report on the offending content in such cases, as they would risk being prosecuted as well. Some lèse-majesté convicts are pardoned by the king, as was red-shirt activist Surachai Danwattananusorn in October. He had been sentenced

in 2012 to 12 and a half years in prison for speeches made in 2009-11. Those accused of lèse-majesté usually spend the length of their trial in detention without bail.

Some harassment and violence against journalists continued in 2013, mostly in restive areas affected by the insurgency in the south. In October, five journalists were injured by a roadside bomb in the region.

The constitution explicitly prohibits discrimination based on religious belief. However, while there is no official state religion, the constitution requires the monarch to be a Buddhist, and speech considered insulting to Buddhism is prohibited by law. The conflict in the south, which pits ethnic Malay Muslims against ethnic Thai Buddhists, continues to undermine citizens' ability to practice their religions: Buddhist monks report that they are unable to travel freely through southern communities to receive alms, and many Buddhist schoolteachers have been attacked by insurgents as part of escalating violence against civilian targets since the failure of peace negotiations with the government. Nevertheless, religious freedom in the majority of the country is generally respected, religious organizations operate freely, and there is no systemic or institutional discrimination based on religion.

Academic freedom is respected, though subject also to lèse-majesté laws.

E. Associational and Organizational Rights: 6 / 12

The 2007 constitution guarantees freedom of assembly, though the government may invoke the Internal Security Act (ISA) – in which the armed forces assist the police to maintain order – or declare a state of emergency to curtail major demonstrations. The ISA was invoked several times in parts of Bangkok in 2013 for protests related to the amnesty bill, as well as to curb potential unrest stemming from an unfavorable November decision by the International Court of Justice regarding a border dispute with Cambodia. It also remained in place in the restive south. Political parties and organizations campaigned and met freely during the year, engaging in regular pro- or antigovernment demonstrations. Protesters' interactions with security forces were less violent for much of 2013 compared with the 2008-10 period, but protests became increasingly aggressive in November and December, including the storming and occupation of the Finance Ministry.

Thailand has a vibrant civil society sector, with groups representing farmers, laborers, women, students, environmentalists, and human rights interests. However, attacks on civil society leaders have been reported, and even in cases where perpetrators are prosecuted, there is a perception of impunity for the ultimate sponsors of the violence.

Thai trade unions are independent, and more than 50 percent of state-enterprise workers belong to unions, though 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. Violent protests by rubber farmers demanding subsidies amid declining global prices led to the death of at least one protester in October and injuries among police officers. Rubber is grown mostly in the southern regions, where the opposition DP is strong, whereas heavily subsidized rice is grown in the central regions, where PTP is strong, prompting accusations of political bias.

In October, the government signed a memorandum of understanding with labor groups that was expected to pave the way to increased rights for workers, including migrant workers, state

employees, and members of the military and police. In 2012, new rules increased the rights of household workers, mandating paid sick leave and days off, and raising the minimum working age to 15. Household workers had not been included in laws setting general labor protections.

F. Rule of Law: 6 / 16

The 2007 constitution restored judicial independence after the 2006 coup and reestablished an independent Constitutional Court. A separate military court adjudicates criminal and civil cases involving members of the military, as well as cases brought under martial law. Sharia (Islamic law) courts hear certain types of cases pertaining to Muslims. A new court specifically for tourists opened in 2013.

The Thai courts have played a decisive role in determining the outcome of political disputes, generating complaints of judicial activism and political bias. Since the coup, courts have voided an election won by Thaksin's party; disbanded two parties linked to him (TRT and PPP); disqualified about 200 of his allies from assuming office; sentenced Thaksin to jail in absentia; and seized 46 billion baht (\$1.6 billion) of his wealth. However, the Constitutional Court during 2013 rejected multiple petitions by PD and PAD affiliates concerning the PTP's proposed constitutional amendments that could have led to the ruling party's dissolution.

As the debate over the proposed amnesty bill ramped up in September, an independent government body released a report on the 2010 killings in Bangkok during antigovernment protests, warning that unresolved issues surrounding the violence could lead to a resumption of the conflict. The report blamed the deaths of over 90 people – including protesters, security personnel, journalists, and others – on the military as well as nonmilitary instigators it called the "black shirts". The report also urged opposing factions to decrease their use of lèse-majesté laws and noted that the monarchy should be above political conflict.

A combination of martial law and emergency rule remains in effect in the four southernmost provinces, where Malay Muslims form a majority and a separatist insurgency has been ongoing – with varying intensity and multiple rebel groups – since the 1940s. The government has been divided on how to deal with the rebellion. Peace negotiations assisted by Malaysia made headway in February 2013, when the government signed an agreement to begin the first formal peace negotiations with a southern group, the dominant National Revolutionary Front (BRN). However, the negotiations broke down and violence escalated later in the year, with almost daily attacks, including ambushes and bombings. The BRN announced its withdrawal from the talks in August, and the negotiations were suspended indefinitely in mid-November. There are concerns that the BRN does not have control over insurgents in some regions of the south.

Counterinsurgency operations have involved the indiscriminate detention of thousands of suspected insurgents and sympathizers, and there are long-standing and credible reports of torture and other human rights violations, including extrajudicial killings, by security forces. To date there have been no successful criminal prosecutions of security personnel for these transgressions. Separatist fighters and armed criminal groups regularly attack government workers, police, teachers, religious figures, and civilians.

In Thailand's north, so-called hill tribes are not fully integrated into society. Many continue to struggle without formal citizenship, which renders them ineligible to vote, own land, attend state

schools, or receive protection under labor laws. A 2008 amendment to the Nationality Act was supposed to facilitate citizenship registration, but in practice a lack of documentation made this difficult.

Thailand is known for its tolerance of the LGBT (lesbian, gay, bisexual, and transgender) community, though same-sex couples do not have the same rights as opposite-sex couples, and social tolerance is higher among tourists and expatriates than nationals. Since 2005, gay people have been able to serve openly in the military. A proposed bill to recognize same-sex civil partnerships with most of the benefits of marriage was pending at the end of 2013.

Thailand has not ratified UN conventions on refugees, and the authorities have forcibly repatriated some Burmese and Laotian refugees.

G. Personal Autonomy and Individual Rights: 10 / 16

Except in areas in which the ISA, martial law, or emergency rule have been imposed, citizens have freedom of travel and choice of residence. Citizens also enjoy freedom of employment and higher education. 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 in certain areas.

While women have the same legal rights as men, they remain subject to economic discrimination in practice, and are vulnerable to domestic abuse, rape, and sex trafficking. Sex tourism has been a key part of the economy in some urban and resort areas. A 2007 law criminalized spousal rape. Yingluck Shinawatra is the country's first female prime minister.

Exploitation and trafficking of migrant workers from Burma, Cambodia, and Laos are serious and ongoing problems, as are child and sweatshop labor. Labor shortages in Thailand have led to the trafficking of migrants, especially from Burma, into the fishing industry. A March 2013 report by the Environmental Justice Foundation pointed to restrictive labor laws, expensive immigration processes, and government indifference as reasons for the expansion of migrant smuggling networks. Thai military and immigration officers were accused in 2013 of trafficking Rohingya refugees from western Burma.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Copyright notice: © Freedom House, Inc. · All Rights Reserved