

Document #1442516
Freedom House

Freedom in the World 2018 - Thailand

Year:

2018

Freedom Status:

Not Free

Political Rights:

6

Civil Liberties:

5

Aggregate Score:

31

Freedom Rating:

5.5

Overview:

Thailand is ruled by a military junta that launched a coup in 2014, claiming that it would put an end to a political crisis that had gripped the country for almost a decade. As the military government goes about remaking the political system, it has exercised unchecked powers granted by the constitution to impose extensive restrictions on civil and political rights, and to suppress dissent.

Political Rights and Civil Liberties:

POLITICAL RIGHTS: 6 / 40 (-1)

A. ELECTORAL PROCESS: 0 / 12 (-1)

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

Thailand's current head of government, Prime Minister Prayuth Chan-ocha, staged a military coup against Thailand's democratically elected government in 2014. Prayuth, who was then the army chief, was subsequently designated prime minister in the absence of elections.

The NCPO's "road map" for a return to civilian rule has been delayed several times since 2014. In October 2017, the junta announced that general elections would take place in November 2018, though the provisions of the new constitution weaken political parties and are expected to further entrench the authority of the military.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4

The 2014 interim constitution promulgated by the NCPO created a 220-seat National Legislative Assembly (NLA), which quickly installed the prime minister and cabinet. The 200-member National Reform Steering Assembly (NRSA), tasked with making recommendations for reforms to government and the political process, was convened in 2015. Members of both the NLA and the NRSA were chosen by the NCPO.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4 (-1)

The NCPO-appointed Constitutional Drafting Committee (CDC) developed a draft constitution that was approved in a tightly controlled 2016 referendum. The new constitution, which will govern future elections, is expected to weaken political parties and elected officials while strengthening unelected institutions. In the mixed-member apportionment system introduced in the charter, there will be 350 constituency seats and 150 party-list seats in the House of Representatives, the lower house of parliament. Citizens will cast only one vote, rather than two distinct votes, which counts for a candidate as well as for that candidate's party for the party list seats. Experts anticipate that without separate votes for each type of seat, parties will have difficulty gaining a majority, leading to unstable coalition governments. All 250 seats in the Senate, or upper house, will be appointed for the first five-year term by the junta, and will include six seats reserved for senior military officials. The Senate will have influence over the selection of the prime minister.

In January 2017, Thai king Maha Vajiralongkorn requested several changes to the military-drafted constitution, including the removal of a provision under which power could be granted to the Constitutional Court in times of crisis. Its omission was interpreted as bolstering the powers of the monarchy. He then signed the constitution in April.

Score Change: The score declined from 1 to 0 because provisions of the new constitution are designed to empower the military while weakening political parties, and because the king requested constitutional modifications that were

approved by the NCPO in the absence of any review or discussion by elected leaders or the public.

B. POLITICAL PLURALISM AND PARTICIPATION: 3 / 16

B1. 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

In 2014, the NCPO enacted measures banning the formation of new political parties and prohibiting existing parties from meeting or conducting political activities. A Political Party Act approved in October 2017 introduced costly provisions that will likely be difficult for small parties to adhere to; these include annual fees and a requirement that parties establish branches in different parts of the country. The law, to take effect in 2018, did not lift the ban on political parties. However, in December, Prime Minister Prayuth used Article 44 powers to push through an amendment to the Political Party Act allowing for the formation of new political parties—though any new parties will have to be approved by the NCPO before they can begin operations.

Separately, criminal proceedings against former prime minister Yingluck Shinawatra of the Pheu Thai Party (PTP) that were linked with alleged mismanagement of a rice-subsidy scheme concluded in September 2017, when the Supreme Court convicted her in absentia and sentenced her to five years in jail. Yingluck had fled Thailand the previous month, ahead of the trial's verdict.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 1 / 4

The PTP—Thailand's main opposition grouping—enjoys some popular support but under the current regime has no opportunity to increase its support or gain power through elections. NCPO-approved parties are expected to compete in the 2018 polls.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 0 / 4

Thailand is currently ruled by an unelected junta aligned with the country's monarchy and economic elites. Citizens are excluded from meaningful political participation.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

Since political rights are broadly denied to citizens, women and members of minority groups are generally unable to choose their representatives or organize independently to assert their interests in the political sphere.

C. FUNCTIONING OF GOVERNMENT: 3 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4

The policies of the Thai government are determined by the unelected prime minister and his appointed government, the NCPO. The new constitution does not annul any of the repressive laws and policies passed by the junta since 2014, including those that were granted by Article 44 of the interim charter. The provision gives the head of the NCPO unchecked powers, including the ability to override existing legislation and issue new laws at will.

C2. Are safeguards against official corruption strong and effective? 2 / 4

The National Anti-Corruption Commission (NACC) receives a high number of complaints each year, and the NCPO has taken efforts to implement anticorruption laws. However, while the coup leaders cited corruption as one justification for the overthrow of the previous government, the current regime has engaged in corruption, cronyism, and nepotism.

C3. Does the government operate with openness and transparency? 1 / 4

The NCPO largely operates without openness and transparency. High-level decisions are generally made, and the drafting of legislation carried out, with near-total opacity and no public consultation.

CIVIL LIBERTIES: 25 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 6 / 16

D1. Are there free and independent media? 1 / 4

Since taking power in 2014, the NCPO has systematically used censorship, intimidation, and legal action to suppress freedom of the press. Journalists have been detained without charge and questioned by the NCPO in military camps, in an intimidation tactic known as an "attitude adjustment." Journalists and media outlets risk penalties for violating an NCPO ban on material that "maliciously" criticizes the government or is deemed divisive. Several news outlets were suspended in 2017 for failing to comply with the ban, though they were later reinstated after agreeing to avoid disseminating such material. Additionally, in August 2017, prominent journalist Pravit Rojanaphruk was charged with sedition and spreading false information. The charges came in

connection with comments he had posted to Facebook in 2015 that were critical of the draft constitution, and more recent comments in which he had criticized the NCPO, as well as the criminal proceedings against Yingluck.

In May 2017, over the objections of a coalition of media organizations, the NRSA passed a law creating a regulatory media council whose members will be appointed by the military government. The Thai Journalists' Association objected to the law, saying that journalists should self-regulate, and that the law's definition of who is a journalist was broad and could result in sanctions against members of the general public.

D2. 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. Religious organizations operate freely, and there is no systemic or institutional discrimination based on religion. In 2016, when concerns emerged over potential bias towards Buddhism in an article of the new constitution, the head of the NCPO attempted to allay concerns by using his powers under Article 44 to issue an order clarifying that the state would protect all religions.

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.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

Academic freedom is constrained under the NCPO. University discussions and seminars on topics regarded as politically sensitive are subject to monitoring or outright cancelation by government authorities. In August 2017, five people, including the prominent academic Chayan Vaddhanaphuti, were charged with contravening a government prohibition on public assembly in connection with their attendance of academic conference at Chiang Mai University weeks earlier.

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. Some academics have fled into exile.

Since the 2014 coup, the junta has also bolstered its efforts to foster student support for government ideas, including through curriculum development.

D4. Are individuals free to express their personal views on political or other

sensitive topics without fear of surveillance or retribution? 1 / 4

Security forces have enforced stringent surveillance on people viewed as critical of the NCPO, including surveillance of online activities.

The number of lèse-majesté cases has increased sharply under the NCPO. Cases have been used to target activists, scholars, students, journalists, and politicians, and accusations have also been lodged by citizens against one another. In addition to authorities' monitoring of social media sites for lèse-majesté violations, this type of social surveillance has also been undertaken by citizens who, either with the backing of the government or on their own initiative, scan online postings and report them to authorities. In August 2017, a student activist known as Pai Dao Din was sentenced to two years and six months in prison in a lèse-majesté case for posting to Facebook a profile of the new king by the BBC that was deemed critical of the monarchy.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 4 / 12

E1. Is there freedom of assembly? 1 / 4

Prohibitions on political gatherings of five or more people continued to be enforced in 2017. What constitutes a political gathering is at the discretion of the authorities. Those who engage in symbolic actions or public protests advocating for democracy and human rights risk a spectrum of consequences, including fines, arrest, and being subject to political reeducation.

E2. 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 or freedom of expression face restrictions, with the NCPO often insisting that such activities violate laws concerning political gatherings, or create "public disturbances." When such activities are allowed to move forward, authorities have cautioned organizers against opposing NCPO policies ahead of time, and heavily monitor the events. In 2016, the NCPO canceled a number of seminars and public discussions on the draft constitution.

E3. 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 Thailand's numerous 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: 5 / 16

F1. Is there an independent judiciary? 1 / 4

Although the new constitution grants independence to the judiciary, military courts have jurisdiction over certain types of civilian cases. In 2016, the government issued an order that halted the practice of trying civilians accused of national security and lèse-majesté crimes and of violating NCPO orders in military courts. However, the NCPO order is not retroactive and does not cover cases that had already entered the military court system.

In August 2017, Thailand's Supreme Court declined to hear a case against former prime minister Abhisit Vejjajiva and his deputy, who were charged for their role in a deadly 2010 crackdown against Yingluck supporters, in which at least 98 people had been killed.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Restrictions implemented by the NCPO severely undermine due process rights. Orders issued in 2015 permit 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.

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.

F3. 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.

Land and environmental activists risk serious and even deadly violence, and 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 against them generally enjoy impunity.

F4. 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 the LGBT (lesbian, gay, bisexual, and transgender) community, though societal acceptance is higher for tourists and expatriates than for nationals, and unequal treatment and stigmatization remain challenges. Thailand has not ratified the UN convention on refugees, who risk detention as unauthorized migrants and often lack access to asylum procedures.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 10 / 16

G1. 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 has at times imposed travel bans on its critics. Citizens have freedom to choose their place of employment and education.

G2. 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. In 2014, the military junta developed a policy to restore national forests through replanting programs and new restrictions on poaching, and in 2015 issued plans to create special economic zones. The policies have since led to eviction orders for many communities.

G3. 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 remain subject to economic discrimination in practice, and are vulnerable to domestic abuse, rape, and sex trafficking.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Exploitation and trafficking of migrant workers 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.

In June 2017, the NCPO passed a law that would inflict lengthy prison terms and high fines upon migrant workers in the country illegally, causing a mass exodus of registered and unregistered migrant workers from neighboring countries.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Full Methodology (<https://freedomhouse.org/report/methodology-freedom-world-2018>)

ecoi.net summary:

Annual report on political rights and civil liberties in 2017



Country:

Thailand

Source:

[Freedom House](#) (</en/source/11154.html>)

Original link:

<https://freedomhouse.org/report/freedom-world/2018/thailand> (<https://freedomhouse.org/report/freedom-world/2018/thailand>)

Document type:

Periodical Report

Language:

English

Published:

January 2018

Document ID:

1442516 (former ID [365675](/en/document/365675) (</en/document/365675>))

Austrian Red Cross

Austrian Centre for Country of Origin and Asylum Research
and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien

T (Telefon) +43 1 589 00 583

F (Fax) +43 1 589 00 589

info@ecoi.net

ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

