

Thailand

Country:

Thailand

Year:

2016

Freedom Status:

Not Free

Political Rights:

6

Civil Liberties:

5

Aggregate Score:

32

Freedom Rating:

5.5

Overview:

The National Council for Peace and Order (NCPO), the military junta that seized power in a 2014 coup, continued to suppress political dissent in 2015. Civil society activists were closely monitored, and individuals who expressed anticoup sentiments were frequently summoned for questioning and intimidation sessions known as “attitude adjustments.” Nevertheless, some signs of resistance surfaced during the year, including a series of student protests opposing the coup. The government responded with threats, arrests, and charges of sedition.

The NCPO lifted martial law in April, but invoked an article of the interim constitution to issue orders that granted its leader unchecked powers beyond judicial oversight, and expanded the authority of military officers in the area of law enforcement. The orders also preserved most of the restrictions on expression and assembly that had been in effect under martial law.

Meanwhile, the NCPO’s road map for a return to civilian rule was adjusted in 2015, pushing general elections further into the future. A controversial draft constitution that had drawn criticism from across the political spectrum was ultimately rejected in September 2015 by the National Reform Council (NRC), an advisory body appointed by the NCPO. The move triggered a new round of drafting. At year’s end, general elections were not expected until 2017; the delays have prompted concerns that the NCPO intends to hold on to power indefinitely.

Political Rights and Civil Liberties:

Political Rights: 7 / 40 (-1) [Key]

A. Electoral Process: 1 / 12

Under the 2007 constitution that was drafted after the 2006 military coup, Thailand was governed through a bicameral parliamentary system. In late 2013, amid mass antigovernment protests, elections were called in an attempt to end a persistent deadlock between Prime Minister Yingluck Shinawatra's Pheu Thai Party (PTP) and the opposition Democrat Party (DP) and People's Democratic Reform Committee (PDRC). Elections were held in early 2014, but protests disrupted the voting process in some constituencies, eventually prompting the Constitutional Court to call new national elections. Before the polls could take place, the Constitutional Court found Yingluck and nine cabinet members guilty of abuse of power for 2011 personnel changes that granted the post of national police chief to a relative of Yingluck's; she subsequently complied with the court's order to step down as caretaker prime minister. A military coup in May 2014 forestalled further electoral plans.

General Prayuth Chan-ocha, the army chief at the time of the coup, became both head of the NCPO and prime minister. An interim constitution promulgated by the NCPO in July 2014 created a 220-seat National Legislative Assembly (NLA)—which formally installed the prime minister and cabinet—and the 250-member NRC. The NRC was designed to provide the leadership with recommendations for reform of all aspects of governance and the political process. Both the NRC and the NLA comprised members appointed by the NCPO, and were dominated by current and former military officers and individuals who had opposed the Yingluck government. However, the NRC was dissolved following its rejection of the draft constitution in September 2015. A National Reform Steering Assembly (NRSA) was then convened to replace it. The new body consisted of 200 members appointed by the head of NCPO, and included academics, representatives of political parties, former members of the NRC, and a significant number of military and police members.

The effort to draft a new permanent constitution formed a major component of the military's road map back to electoral democracy. The NCPO, the NLA, and the cabinet had selected a Constitutional Drafting Committee in November 2014, and the panel released its draft in March 2015. It prompted widespread criticism from Thailand's various political factions for weakening political parties and elected officials while strengthening unelected institutions. One controversial section envisioned a crisis committee composed of military and police commanders with the authority to assume executive and legislative powers in an emergency, though the criteria for declaring an emergency were vaguely defined. The draft charter also increased the percentage of Senate seats that would be appointed; introduced the proportional allocation of seats in the lower house, a move expected to encourage the proliferation of small parties and unstable coalition governments; and contained a mechanism that could allow the appointment of a prime minister who was not a member of parliament.

The NRC's rejection of the draft constitution in September effectively extended military rule. In October, the military government appointed a new 21-member committee tasked with producing a draft constitution within six months, with the NCPO leadership expressing a preference that the new charter be based on the rejected one. The NCPO's new timeline envisioned an eventual referendum on the charter, the drafting of organic laws, and preparations for general elections, which officials indicated would be held no earlier than 2017.

B. Political Pluralism and Participation: 3 / 16 (-1)

Since Thaksin Shinawatra, Yingluck's brother, and his Thai Rak Thai (TRT) party came to power in 2001, there have been two main political factions in Thailand's system: the DP, which is today associated with traditional elites, and the TRT and its successors (the People's Power Party and the PTP). The latter have won every election since 2001. While the actions of the NCPO have favored the interests of the DP's core supporters, leaders of both the DP and the PTP have been kept on the sidelines of the political process since the 2014 coup.

Following the coup, political parties continued to be regulated under a 2007 law. However, the NCPO enacted measures banning the formation of new political parties and prohibiting existing parties from meeting or conducting political activities, including any party-wide deliberations on the constitutional drafting process. State funding for political parties was also suspended.

In 2014 and 2015, the National Anti-Corruption Commission (NACC) recommended the retroactive impeachment of 38 former senators and 248 members of the dissolved lower house in connection with a 2013 attempt by Yingluck's PTP to amend the constitution to make the Senate a fully elected body. However, in August 2015 the NLA decided not to take action against the former lawmakers, who would have been banned from politics for five years if impeached.

A dramatic expansion of the military government's powers in 2015 further undermined citizens' ability to participate in the political process. In April, the NCPO lifted martial law, but invoked Article 44 of the interim constitution to issue new orders that preserved most of the restrictions on expression and assembly in place under martial law, and went further in granting the head of the NCPO absolute power beyond legislative or judicial oversight.

Members of Thailand's ethnic and religious minority groups are poorly represented in national politics.

C. Functioning of Government: 3 / 12

The NLA, which serves in place of an elected parliament, passed a number of laws in 2015 that were criticized for infringing on citizens' rights and for being approved without consideration of comments from the public.

Corruption is widespread at all levels of Thai society. Several government officials have been investigated for involvement in corruption, and the NACC receives a high number of complaints each year. In January 2015, the NLA, acting on a recommendation the NACC issued the previous year, voted to retroactively impeach former prime minister Yingluck in connection with a rice-subsidy scheme that reportedly incurred a \$16 billion loss for the state; she was banned from politics for five years as a result. The same day, the attorney general announced criminal charges against Yingluck, also in connection with the rice-subsidy program. If convicted, she faced a prison sentence of up to 10 years and a lifetime ban from politics. The case was ongoing at the year's end.

During 2015, the NCPO faced allegations in the media and from some opposition figures of financial irregularities in an army-supervised project to develop Rajabhakti Park, a new historical park in the resort town of Hua Hin that commemorates Thailand's kings. The army launched an internal investigation into the graft allegations. Following an opaque process, the head of the army announced in November that key figures had been cleared of wrongdoing. In response to a public outcry, the Defense Ministry soon announced its own investigation of the project. In late December, the ministry said that it had uncovered "irregularities" but lacked the authority to investigate further, and that it had passed its findings along to the prime minister.

Civil Liberties: 25 / 60

D. Freedom of Expression and Belief: 6 / 16

The government and military control licensing and transmission of Thailand's main television stations and all radio frequencies. Most print publications are privately owned. Since taking power in

2014, the NCPO has systematically used censorship, intimidation, and legal action to suppress freedom of speech. Journalists and media outlets risk penalties for violating an NCPO ban on material that “maliciously” criticizes the government or is deemed divisive. Many media workers have been summoned for sessions known as “attitude adjustments,” during which military officials interrogate them or issue warnings about their work; the sessions can last for days. Outlets also face suspension and revocation of their operating licenses.

The authorities commonly conduct internet surveillance of citizens and media outlets and block sites that are critical of the government or deemed insulting to the monarchy. The government pursued various options to strengthen its control of internet activity in 2015. These included proposing cybersecurity legislation that would enable broader surveillance, as well as planning for a single gateway system to monitor or filter online traffic. The cybersecurity bill was pending at year’s end; in October, following a public outcry, authorities said they would not pursue plans to establish a single internet gateway.

Defamation is a criminal offense, and charges are often used by politicians and companies to silence opponents, critics, and activists. The 2007 Computer Crimes Act assigns significant prison terms for the publication of false information deemed to endanger the public or national security, and allows the government to review the data of individual web users for the preceding 90 days; it has also been invoked against whistle-blowers and government critics. In December 2015, a mining company filed criminal defamation charges against a 15-year-old student over remarks in an interview with the Thai Public Broadcasting Service (Thai PBS) in which she alleged that the firm’s activities were contaminating the water supply in her village. The company also sued Thai PBS, seeking 50 million baht (\$1.4 million) in damages and a five-year suspension of its broadcasting license. A British human rights activist at year’s end faced charges of defamation and of violating the Computer Crimes Act in connection with 2013 allegations that a Thai fruit wholesale company had committed labor rights violations. Separately, in September 2015, a court in Phuket acquitted two journalists from the news website *Phuketwan* of defaming the Thai navy and violating the Computer Crimes Act; the charges were related to a 2013 report implicating the navy in trafficking of ethnic Rohingya refugees from Myanmar. The Computer Crimes Act was invoked on a number of occasions in 2015 against people who criticized the NCPO on Facebook, or who posted images or video footage showing confrontations between citizens and military personnel.

The number of lèse-majesté cases has sharply increased under the NCPO. Cases have been used to target activists, scholars, students, journalists, and politicians. In August 2015, military courts imposed record-setting prison sentences of 30 and 28 years, respectively, on two people convicted of insulting the monarchy in Facebook posts. A Thai freedom of expression organization, Internet Law Reform Dialogue (iLaw), observed that sentences in lèse-majesté cases handed down by military courts since the coup tended to be more severe than sentences issued by civilian courts. Furthermore, in April 2015, an appeals court overturned a previous lèse-majesté acquittal, while in September another appeals court increased the sentence for a defendant convicted of lèse-majesté and violating the Computer Crimes Act in 2014, who had initially been granted a suspended sentence. Cases initiated late in the year had the potential to broaden the interpretation of lèse-majesté. In December 2015, a man was charged for posting a satirical comment on Facebook about the king’s dog; he faced up to 37 years in prison. Also in December, a man was arrested after “liking” and sharing a picture on Facebook that was deemed insulting to the king. He faced a prison term of up to 32 years.

While the 2007 constitution explicitly prohibited discrimination based on religious belief, the current interim constitution only states in general terms that rights and freedoms will be protected in line with “existing international obligations.” While there is no official state religion, 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. 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 constrained under the NCPO. University discussions and seminars on topics regarded as politically sensitive are subject to monitoring or outright cancelation by government authorities, who also require organizers to request permission to hold such events. Academics are subjected to oppressive tactics including summonses for questioning, home visits by security officials, and surveillance of their activities. The junta has also pressured universities to discourage anticoup activism by students, and has pushed schools and universities to adjust their curriculums to include more patriotic themes.

E. Associational and Organizational Rights: 4 / 12

Prohibitions on political gatherings of five or more people continued to be enforced in 2015, and those who engaged in symbolic actions and protests against military rule faced a spectrum of consequences, including being warned, fined, arrested, or charged with violating NCPO orders. In May, on the first anniversary of the coup, students in Bangkok and outside of the capital who engaged in anticoup demonstrations were detained for violating the ban on assembly. In June, a group of young activists calling themselves the New Democracy Movement organized a series of civil disobedience actions that resulted in the arrest of 14 of the group's members. They were released after 12 days, but at year's end they faced charges of sedition, which carries a punishment of up to seven years in prison, and will face trial in a military court. Another civil society leader was charged with sedition for supporting the students; the status of the case against him was unclear at the end of 2015.

A public assembly law that was approved in May and took effect in August requires protest organizers to notify the police 24 hours in advance of the event, and sets limits on where demonstrations can take place. For instance, gatherings must be organized a certain distance away from royal palaces and government buildings, and may not impede public services. Activists argued that the law was designed to prevent demonstrations by entangling organizers in court battles over the events' legality.

Thailand has a vibrant civil society, but groups focused on defending human rights or freedom of expression face restrictions. The NCPO often insists that such activities break laws concerning political gatherings, or create "public disturbances." In June 2015, authorities canceled a panel discussion organized by the nongovernmental organization (NGO) Thai Lawyers for Human Rights, at which participants were to discuss human rights in Thailand since the coup. Even activities that are less overtly anticoup in nature do not escape government scrutiny. In 2015, security officials were sent to monitor seminars on LGBT (lesbian, gay, bisexual, and transgender) rights, environmental issues, and the draft cybersecurity law. Authorities sometimes cautioned organizers against opposing NCPO policies ahead of such events.

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

Although the interim constitution grants independence to the judiciary, the military courts' jurisdiction over certain types of civilian cases, including those related to lèse-majesté and national security

offenses, effectively compromises judicial independence. Military court cases initiated during the martial-law period feature no right to appeal, but convictions in cases tried after the revocation of martial law in April 2015 can be appealed. NCPO orders issued that month under Article 44 of the interim constitution allow the detention of individuals without charge for up to seven days, as under martial law. The orders also 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.

To quell anticoup sentiment, hundreds of politicians, activists, academics, and journalists were summoned and detained by the NCPO during the first year of military rule; people who refused summons were subject to criminal punishment. While 2015 did not feature a wave of mass summons at the same scale, the practice of ordering people to report to the NCPO continued. Notably, two politicians from the PTP and a well-known journalist were each temporarily detained in September after being summoned for “attitude adjustments.” Separately that month, the NCPO established a temporary detention facility for civilians inside an army base. Two people being held following their arrest for lèse-majesté offenses died in custody there under unclear circumstances in late 2015, prompting a statement of concern from the UN Human Rights Office.

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—with varying intensity and multiple rebel groups—since the 1940s. Civilians are regularly targeted in shootings, bombings, and arson attacks, and insurgents have often 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; successful criminal prosecutions of security personnel are extremely rare. Peace negotiations between the government and the dominant southern militant group, the National Revolutionary Front (BRN), were suspended in 2013. However, by the close of 2015, the NCPO had engaged in several rounds of informal talks with the Mara Patani Consultative Council, a coalition of six armed groups.

Other regions of the country have generally been free from terrorism or insurgencies. However, in August 2015, an explosion in central Bangkok killed 20 people and injured more than 100, marking the deadliest peacetime bombing in Thai history. Police arrested one suspect in September. Authorities faced criticism for issuing unclear or contradictory statements about the investigation.

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. 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 community, though societal acceptance is higher for tourists and expatriates than for nationals, and unequal treatment and stigmatization remain challenges. The new Gender Equality Act, which took effect in September 2015, represents the first antidiscrimination mechanism in the country to outline protections in a way that includes LGBT people. However, equality advocates have expressed concern about overly broad exceptions in the act. Same-sex couples do not have the same rights as opposite-sex couples, but a civil partnership bill is under consideration by the NLA.

Thailand has not ratified the UN conventions on refugees. In July 2015, the government faced international condemnation after it forcibly repatriated approximately 100 members of the Uighur ethnic group to China, where they were at risk of persecution and punishment by the Chinese government. The country drew similar criticism in November, when it repatriated two Chinese dissidents who had been registered as refugees by the UN refugee agency.

G. Personal Autonomy and Individual Rights: 10 / 16

Except in areas affected by civil conflict, citizens have freedom of travel and choice of residence. Citizens also have 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. Spousal rape is a criminal offense.

Exploitation and trafficking of migrant workers from Myanmar, Cambodia, and Laos are serious and ongoing problems, as are child and sweatshop labor. Porous borders and government indifference, if not outright collusion, have helped to fuel migrant smuggling networks operating in Thailand. Renewed attention to these challenges was sparked by the discovery in May 2015 of mass graves along the Malaysian border containing what were believed to be the remains of dozens of ethnic Rohingya people from Myanmar and Bangladesh. The graves were found at trafficking camps where smugglers held migrants captive for ransom. Military and government officials were among those implicated in the subsequent investigations and charges related to these incidents. Authorities have suggested that the August 2015 bombing attack in Bangkok was perpetrated by members of a human trafficking organization who were angry about authorities' increased attention to their operations.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Full Methodology

Source URL: <https://freedomhouse.org/report/freedom-world/2016/thailand>