

Thailand - Human Rights Scorecard¹

Thailand, officially the Kingdom of Thailand, is a country in Southeast Asia's Indochinese peninsula, famous for the contrast between its ultramodern capital, Bangkok, and its long and rich cultural heritage.²

Official language: Thai

Ethnic groups : 95,9% Thai; 2% Burmese; 1,3% Other

Government: Monarchy supported by Military Junta

- King: Phumiphon Adunyade
- Crown Prince: Maha Vajiralongkorn
- Interim Prime Minister: General Prayut Chan-ocha

Death penalty: Retentionist

Population: 67.9 million

Life expectancy: 74.4 years

Under-5 mortality: 9.63 per 1000

Adult literacy: 96.7 percent

Note: Thailand went through a military coup in May, 2014. The coup leaders ousted the democratically-elected government, declared martial law, annulled the constitution (except for laws relating to the monarchy), dismissed parliament, and announced new laws. Many of these new laws negatively impacted civil liberties, including provisions impacting freedom of speech, freedom of assembly and freedom of the press. The coup leader and army head General Prayut Chan-o-cha became leader of the government in August 2014.



Section 1: Respect for the Integrity of the Person

Respect for the integrity of the individual is the most fundamental of human rights groupings. It guarantees protection of the person to ensure the right to life, and freedom from torture. It also prevents arbitrary detention, and disappearances, and ensures the right to a free and fair trial when accused.

Freedom from arbitrary or unlawful deprivation of life



Partially respected³

There were reports of police forces involved in arbitrary or unlawful killings: several demonstrators were killed during anti-government protests between late 2013 and May 2014 and lethal force is frequently used against criminal suspects.

Freedom from disappearance



Partially respected⁴

After the 2014 military coup, hundreds of activists were detained by the security forces who sometimes withheld information about their situation. A prominent environmental activist is also believed to have been subjected to enforced disappearance by the authorities in April 2015.⁵

Freedom from torture and other cruel, inhuman or degrading treatment or punishment



Largely disrespected⁶

The constitution prior to the 2014 coup prohibited torture; however the junta has revoked the constitution and decreed martial law. The interim constitution does not prohibit torture, as a result, torture and inhuman or degrading practices are widespread.⁷

Freedom from arbitrary arrest or detention



Largely disrespected⁸

Since the 2014 coup, the military junta has arbitrarily arrested and detained hundreds of political opponents, activists, politicians or journalists. Martial law provides the junta broad powers to suppress any political opposition and to restrict human rights.

Freedom from denial of fair public trial



Largely disrespected⁹

Under martial law, civilians are prosecuted in military courts where no appeals are allowed, for offenses against the monarchy and crimes regarding internal security.

Freedom from arbitrary interference with privacy, family, home or correspondence



Largely disrespected¹⁰

Since the coup, martial law allows broad surveillance practices such as warrantless searches and monitoring of private communications.

Section 2: Respect for Civil Liberties

Civil liberties are a basic category of internationally recognized human rights. They include the freedoms of expression, assembly, association, education, and religion. These are inalienable rights which should not be breached by government, and should ensure the rights of all, including women and minority groups.

Freedom of speech and press (*Reporters Without Borders Press Freedom Index*)¹¹



Score: 40,07 Rank: 134 / 180 – Highly controlled, limited or intimidated¹²

The military junta forbids all media to criticize the government and the authorities have banned more than 200 websites since 2014. Prior to the coup, any criticism of the monarchy was already considered as a crime of lese majeste leading to harsh sentences.¹³

Freedom from academic censorship



Largely disrespected¹⁴

Since the 2014 coup, the authorities arrested and detained many scholars and students who wrote about democratization or criticized the lèse majesté law (which outlawed criticism of the monarchy.) The junta forbids any academic work which could cause political unrest.

Freedom of peaceful assembly and association



Largely disrespected¹⁵

Under martial law, political gatherings of more than five people are banned. Peaceful protesters were judged and condemned in front of military courts. There were also reports of academic or other type of public meetings cancelled by the authorities.

Freedom of religion



Partially respected¹⁶

The interim constitution advanced by the junta does not provide a sufficient protection of the freedom of religion. In addition, civil unrest and bombings in certain parts of the country creates fear which prevent some groups from freely practicing their religious traditions.

Protection of refugees and stateless persons



Partially respected¹⁷

Although Thailand continues to accept asylum-seekers from neighbouring countries (e.g. Burma, Cambodia, Laos) and cooperates with the UNHCR, refugees are particularly vulnerable as Thailand is not a party to the Refugee Convention and the law does not recognize refugee status.

Overall protection of civil liberties (*FreedomHouse Civil Liberties Index*)¹⁸



5 / 7 – Partly free¹⁹

The freedom of expression is not respected and any criticism of the military government or the monarchy is a criminal offense. The government controls all media, as well as internet content. As mentioned above, the government highly restricts freedom of assembly and association.

Section 3: Respect for Political Rights

Political rights ensure all members of society are able to influence the political process. The assessment of political rights includes an examination of the electoral process and the selection of representatives, the political empowerment of the general public, the tolerance of dissent, the accountability of government, etc..

Overall protection of political rights (*FreedomHouse Political Rights Index*)²⁰



6 / 7 – Not free²¹

The 2014 coup suspended both houses of Parliament and deposed the acting government. The interim constitution does not provide citizens the right to peacefully choose their representatives: unelected individuals are designated legislators and are in charge of drafting the new constitution.

Section 4: Corruption and Lack of Transparency in Government

The civil, political, economic and social rights exercised within a country are often modulated by the degree of transparency and freedom from corruption. Various international metrics assess transparency and corruption, including the OECD anti-bribery convention, the Bribe Payers Index, and the Open Budget Index.

Transparency and freedom from corruption (*Transparency International Corruption Perceptions Index*)²²



Score: 38%, Rank: 85 / 175 – Highly corrupt²³

Although the law officially bans corruption, there were numerous reports of corruption among government officials, including in the police and among high level politicians.²⁴

Section 5: Governmental Response to Criticism

This section deals specifically with the response heads of state have to civil society or international human rights reports.

Governmental attitudes vis-à-vis independent investigations of alleged human rights violations



Largely disrespected²⁵

Since the 2014 coup, human rights NGOs are affected by martial law provisions including prohibitions on political gathering. Human rights groups focusing on violence in Southern provinces are victims of periodic harassment from the authorities.

Section 6: Discrimination and Societal Abuses

Legal and social discriminatory practices related to sex, race, creed or sexual orientation, are violations of human rights. Countries with strong civil liberty traditions should have a fair legal system that ensures the rule of law, allows free economic activity, and ensures equality of opportunity for all.

Rights of women (*World Economic Forum Gender Gap Index*)²⁶



Score: 70.3%, Rank: 61 / 142 – Somewhat unequal rights²⁷

Women enjoy the same legal status and rights as men, even if they can occasionally face discrimination especially in the work place. Rape and domestic violence are still significant problems in Thailand as the law is not always effectively enforced in defence of women.

Rights of Children (*KidsRights Index Overall Score*)²⁸



Score: 79.7%, Rank: 15 / 165 – Protected²⁹

The rights of children are generally respected. However, children from migrant populations or ethnic minorities may encounter difficulties in access to education and are more prone to be victims of child prostitution, which remains a problem in Thailand.

Rights of persons with disabilities



Partially respected³⁰

National law prohibits discrimination against persons with disabilities and makes it mandatory for public accommodations and buildings to be accessible to persons with disabilities. Laws regarding persons with disabilities remained intact after the coup, but they are unevenly enforced.

Rights of national/racial/ethnic minorities (e.g. discrimination, Islamophobia, anti-Semitism etc.)



Partially respected³¹

Chinese and Vietnamese immigrants, refugees, as well as non-citizen hill tribe members, live under laws that restrict their freedom of movement, residence and access to education and employment.

Freedom from abuse and discrimination based on sexual orientation or gender identity



Partially respected^{32 33}

The law does not criminalize sexual orientation or same-sex sexual conduct. However, there were some reports of discriminatory treatments especially in schools, the work place, and from the police.

Section 7: Workers' Rights

Workers' rights are a group of legal rights relating to labour relations between workers and their employers. At their core are things like the ability to negotiate pay, benefits, terms of employment, and safe working conditions. These rights often devolve from the right to unionize and access to collective bargaining.

Rights to freedom of association and to collective bargaining



Partially respected³⁴

Although the interim constitution does not provide for the right to freedom of association and to collective bargaining, labour laws remain in force. The law authorizes workers, except civil servants and noncitizen migrant workers, to join trade unions, conduct strikes and bargain collectively.

Freedom from forced or compulsory labour



Partially respected³⁵

Although the law prohibits forced or compulsory labour, there were reports of such situations, especially for migrant workers in some specific sectors such as seagoing trawlers, garment industry and more generally in the informal economy.

Freedom from forced labour for children, and a minimum age of employment



Partially respected³⁶

Although the law prohibits child employment under 15 and provides regulations for work under the age of 18, the government does not enforce effectively those regulations in informal sectors such as fishing, agriculture and the garment industry.

Right to acceptable conditions of work



Largely disrespected³⁷

In theory, the law provides protections of minimum wage and a maximum workweek of 48 hours with specific regulations for work in hazardous environment. However, employers largely ignore regulations, and the government does not sufficiently enforce them.

Right to employment



0.8% - Reasonable unemployment³⁸

The unemployment rate in Thailand is incredibly low and is expected to remain stable in the following years.

¹ A hybrid human rights and freedoms model, leveraging both legal principles and intuitive classifications, has been used for this human rights assessment. The CJPME Foundation has sought to integrate as many independent sources and metrics into its summary analysis as possible. In many cases, for qualitative material pertaining to the respect for a particular right in a country, the CJPME Foundation has drawn on material from Human Rights Watch and the US State Department country reports. Human Rights Watch (HRW) publishes a World Report which assesses the respect for human rights in each country. HRW uses a methodology of local reporting and interviewing, combined with research and analysis to assess the level of respect of human rights. The U.S State Department keeps an updated publication on the state of human rights internationally. Their system of research and accountability draws from the research of official US State Department officials, as well as local civil-society and international human rights organizations.

² Commonly-known information on the country is drawn from various Internet sources, including Google country pages, and Amnesty International. For death penalty see: "Death sentences and executions in 2013." Amnesty International. March 24, 2014. Accessed October 15, 2015.

<https://www.amnesty.org/en/documents/act50/001/2014/en/>.

³ "Thailand 2014 Human Rights Report." U.S Department of State. January 1, 2015. Accessed October 15, 2015.

<http://www.state.gov/documents/organization/236692.pdf>.

⁴ Ibid. U.S Department of State. For purposes of the present analysis, a "disappearance" is different than simple arbitrary detention because a "disappearance" is considered permanent.

⁵ "Amnesty International report 2014/15 – Thailand", Amnesty International, January 1 2014. Accessed October 15, 2015.

<https://www.amnesty.org/en/countries/asia-and-the-pacific/thailand/report-thailand/>

⁶ Ibid. Amnesty International.

⁷ "Thailand 2014 Human Rights Report." U.S Department of State. January 1, 2015. Accessed October 15, 2015.

<http://www.state.gov/documents/organization/236692.pdf>.

⁸ "Human Rights Watch-World Report 2015-Thailand". January 1, 2015. Accessed October 15, 2015. <https://www.hrw.org/world-report/2015/country-chapters/thailand>.

⁹ "Amnesty International report 2014/15 – Thailand", Amnesty International, January 1 2014. Accessed October 15, 2015.

<https://www.amnesty.org/en/countries/asia-and-the-pacific/thailand/report-thailand/>.

¹⁰ "Thailand 2014 Human Rights Report." U.S Department of State. January 1, 2015. Accessed October 15, 2015.

<http://www.state.gov/documents/organization/236692.pdf>.

¹¹ The Press Freedom Index published by Reporters Without Borders ranks the level of freedom of information in 180 countries. This is determined through the polling of local NGOs and freedom of expression civil society organizations across the globe. This index is also determined by local correspondents and follow-up work done on reports of infringement to press freedom where ever it takes place. Their methodology looks at six different indicators: 1) Media pluralism, 2) Media independence, 3) Media atmosphere and self-censorship, 4) the Law around media, 5) Media transparency, and 6) Media infrastructure. The score from these six

indicators is combined with a rating for the violence against journalists in the country to create an overall score. The CJPME Foundation classifies the Press Freedom Index as follows: 0 – 14.99 (25 countries), Largely free, diverse and independent; 15 – 24.99 (29 countries), Mostly free, diverse and independent; 25 – 29.99 (32 countries), Partially free, diverse and independent; 30 – 39.99 (49 countries), Partially controlled, limited or intimidated; 40 & higher (42 countries), Highly controlled, limited or intimidated.

¹² "World Press Freedom Index." Reporters Without Borders: For Freedom of Information. January 1, 2015. Accessed September 29, 2015. <http://index.rsf.org/#/>

¹³ "Human Rights Watch-World Report 2015-Thailand". January 1, 2015. Accessed October 15, 2015. <https://www.hrw.org/world-report/2015/country-chapters/thailand>

¹⁴ "Thailand 2014 Human Rights Report." U.S Department of State. January 1, 2015. Accessed October 15, 2015. <http://www.state.gov/documents/organization/236692.pdf>.

¹⁵ "Amnesty International report 2014/15 – Thailand", Amnesty International, January 1 2014. Accessed October 15, 2015. <https://www.amnesty.org/en/countries/asia-and-the-pacific/thailand/report-thailand/>

¹⁶ "Thailand 2014 International Religious Freedom Report". US Department of State. January 1,2015. Accessed October 20, 2015. <http://www.state.gov/documents/organization/238548.pdf>

¹⁷ "Human Rights Watch-World Report 2015-Thailand". January 1, 2015. Accessed October 15, 2015. <https://www.hrw.org/world-report/2015/country-chapters/thailand>

¹⁸ Freedom House is an internationally recognized NGO based in the U.S which documents and rates the quality of democratic practice in a given country. Freedom House splits its grading system between the two areas of civil and political rights in a country. On each scale, the Freedom House rating is 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free). Freedom House's Civil Liberties index measures things such as a) freedom of expression and belief, b) associational and organizational rights, c) the rule of law, and d) personal autonomy and individual rights. Freedom House rates countries as 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free). Accessed September 29, 2015 <https://freedomhouse.org/report/freedom-world-2015/methodology>.

¹⁹ "Freedom in the world-2015-Thailand". Freedom House. January 1,2015. Accessed October 26, 2015. <https://freedomhouse.org/report/freedom-world/2015/thailand>

²⁰ See footnote about the Freedom House organization above. The Freedom House Political Rights assessment looks at a) the electoral process, b) political pluralism and participation, and c) the functioning of government. Accessed October 26, 2015 <https://freedomhouse.org/report/freedom-world-2015/methodology>.

²¹ "Freedom in the world-2015-Thailand". Freedom House. January 1,2015. Accessed October 26, 2015. <https://freedomhouse.org/report/freedom-world/2015/thailand>

²² Transparency International (TI) publishes a "Corruption Perceptions Index" annually, which is based on independent research and polling. The main categories of corruption are broken down within the index to provide particulars on issues including things such as perceptions of corruption, control of corruption, and financial secrecy. A country receives a score on 100; the higher the score, the less corrupt the society. The CJPME foundation has classified them into categories as follows: 80-100 (11 countries): Very limited corruption; 60-79 (27 countries): Limited corruption; 40-59 (41 countries): Some corruption; 20-39 (80 countries): Highly corrupt; 0-19 (15 countries): Extremely corrupt.

²³ "Thailand" Corruption by Country. January 1, 2015. Accessed October 26, 2015. <http://www.transparency.org/country#THA>

²⁴ "Thailand 2014 Human Rights Report." U.S Department of State. January 1, 2015. Accessed October 15, 2015. <http://www.state.gov/documents/organization/236692.pdf>.

²⁵ Ibid. U.S Department of State.

²⁶ This metric is based on the World Economic Forum's Gender Gap Index. 0.00 denotes inequality between the sexes, and 1.00 denotes fully equality between the sexes. This index looks at four subdomains: economic participation and opportunity; educational attainment; health and survival; and political empowerment. Each country is given a percentage score; the higher the percentage, the better the protections. The CJPME Foundation classed the percentages as follows: 80-100% (5 countries): Almost equal rights; 70-79% (60 countries): Somewhat unequal rights; 0-69% (77 countries): Very unequal rights

²⁷ "Thailand" World Economic Forum. January 1, 2014. Accessed October 26, 2015. <https://global-gender-gap-index.silk.co/page/Thailand>.

²⁸ This metric is based on the KidsRights Index Overall Score. This index has five subdomains: life expectancy and maternal mortality; health; education; protection; and child rights environment. Each country is given a percentage score; the higher the percentage, the better the protections. KidsRights classes the countries according to these percentages, and the CJPME Foundation has given each class a term as follows: 70-100% (77 countries): Protected; 60-70% (29 countries): Somewhat protected; 45-50% (33 countries): Slightly vulnerable; 30-45% (12 countries): Highly vulnerable; Lower than 30% (11 countries): Extremely vulnerable.

²⁹ "The KidsRights Index: Overall Score." The KidsRights Index. January 1, 2014. Accessed October 26, 2015.

<http://www.kidsrightsindex.org/Portals/5/Users/034/34/34/The%20KidsRights%20Index%20-%20Total%20view%20-%20may%202015.pdf>.

³⁰ "Thailand 2014 Human Rights Report." U.S Department of State. January 1, 2015. Accessed October 26, 2015. <http://www.state.gov/documents/organization/236692.pdf>

³¹ Ibid. U.S Department of State.

³² "State homophobia" International Lesbian Gay and Intersex Association. January 1, 2015. Accessed October 26, 2015.

http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2015.pdf. See also Ibid. U.S Department of State.

³³ ILGA, the International, Lesbian, Gay, Bisexual, Trans and Intersex Association, was founded in 1978 on the principle of highlighting state sponsored homophobia where it exists around the world. ILGA annually publishes a map with an accompanying report on sexual and gender based harassment, which focuses on both the legal and non-legal acts of state sponsored discrimination.

³⁴ "Thailand 2014 Human Rights Report." U.S Department of State. January 1, 2015. Accessed October 26, 2015.

<http://www.state.gov/documents/organization/236692.pdf>

³⁵ Ibid. U.S Department of State.

³⁶ Ibid. U.S Department of State.

³⁷ Ibid. U.S Department of State. See also a well-done Wikipedia comparison of wage, income and work week metrics across countries at

http://en.wikipedia.org/wiki/List_of_minimum_wages_by_country

³⁸ "Global Employment Trends." International Labour Organization. January 1, 2013. Accessed October 26, 2015. http://www.ilo.org/global/research/global-reports/global-employment-trends/2014/WCMS_233936/lang--en/index.htm.