

## Human rights in Thailand

Thailand is one of several south-east Asian countries where the human rights situation has recently deteriorated. Following a military coup in May 2014, the junta clamped down on political dissent. In 2017 a new constitution restored some of the rights taken away in 2014, but the timing of elections remains uncertain and the military is likely to maintain political influence even after handing over power to a civilian government. Other long-standing concerns include abuses of migrant workers' labour rights and restrictions on freedom of expression.

### Ratification of international instruments

Thailand has ratified 12 of the UN's [18](#) human rights instruments, a similar number to Cambodia and Bangladesh, but fewer than Nepal (13) or the Philippines (14). During the [Universal Periodic Review](#) of human rights performed by the UN in 2016, Thailand agreed to ratify four more international conventions.

### Domestic human rights guarantees

In 2014, the Thai military [seized power](#) after a prolonged political crisis, and adopted an [interim constitution](#) which made no mention of rights. A new [constitution](#) adopted in 2017 brought some improvement by restoring provisions on social rights (free healthcare and education) and political freedoms. The latter are subject to restrictions in the name of 'State security, public order or good morals' and the monarch's 'position of revered worship'. For example, the country has the world's harshest [lèse-majesté law](#), under which critics of the royal family can be sent to jail for up to 15 years.

### Human rights in practice

#### Dignity and right to life

[Torture](#) during military and police custody has long been a problem in Thailand. The 2017 constitution reinstates a ban on 'torture and brutal acts' suspended in 2014, and the government has set up a committee to investigate complaints of torture. However, a promise to enact anti-torture legislation has not yet been [fulfilled](#), meaning that perpetrators continue to enjoy impunity.

According to the US State Department, in 2017 [135 prisoners](#) were held under *lèse-majesté* legislation, up from [103](#) in 2016. Conditions in overcrowded jails are poor: [307 500](#) persons are held in prisons with a maximum capacity of 220 000, and often lack access to medical care.

Thailand abolished the [death penalty](#) for minors in 2012, but continues to apply it for adults; [500](#) prisoners are currently on death row, mostly convicted murderers and drug traffickers. Although few are executed (a June 2018 [execution](#) was the first in nine years), there are no plans to scrap capital punishment altogether.

#### Freedom and citizens' rights

A multi-party democracy until 2014, Thailand has been governed since then by a military junta, the National Council for Peace and Order. There is also a rubber-stamp National Legislative Assembly, overwhelmingly comprising junta supporters. The 2017 constitution envisages a return to civilian rule; plans to hold an election have been repeatedly postponed, most recently until [May 2019](#). Even after the election, the military is expected to retain indirect [influence](#), for example by helping to appoint members of the Senate.

Though constitutionally guaranteed, freedom of expression is severely restricted by secondary legislation – Thai [criminal law](#) includes vaguely worded provisions prohibiting criticism of the royal family, sedition and defamation. Most of these laws pre-date the military coup, but have been used increasingly often since then to clamp down on opposition politicians and [civil-society activists](#). According to Freedom House, 2016 saw a [spike](#) in censorship due to two events: the passing away of King Bhumibol Adulyadej, and the referendum on the new constitution, criticism of which was not allowed.

Thailand's formerly independent media regulator has been brought under [government control](#). Several media outlets have been shut down or [suspended](#) for challenging military rule; in May 2018, *Bangkok Post* editor Umesh Pandey [claimed](#) he was forced to step down due to his newspaper's critical coverage of Thai

politics. As a result of such developments, Thailand has dropped 11 places in Reporters Without Borders' [World Press Freedom](#) ranking; it is currently [140th](#) out of 180 countries (fourth out of ten south-east Asian countries). There has been a similar decline in [internet](#) freedom, partly due to [amendments](#) adopted in 2016 to the Computer Crimes Act, which make it easier to block websites for content deemed to be 'false'.

In terms of labour rights, migrant workers (estimated to number 4-5 million) from neighbouring countries such as Myanmar and Cambodia are particularly [vulnerable](#). [Human trafficking](#) and forced labour are rife. In the Thai fishing sector (which mostly employs migrants), [abuses](#) include not being allowed to leave boats, 20-hour workdays, and non-payment of wages. In response to an EU [threat](#) to block imports of Thai fish, Thailand has attempted to clean up the sector with stricter laws and improved inspection procedures, but [research](#) suggests that the impact of these measures has been limited.

The constitution guarantees [religious freedom](#), but also contains an inherent [bias](#) towards Buddhism, the religion of 93 % of the population, which the state is required to promote. Relations between Buddhists and Muslims (5 % of Thais) are generally harmonious, despite a low-level [insurgency](#) in the Muslim south.

## Equality

Violence in southern Thailand is fuelled by resentment among Malay Muslims – the country's largest ethnic majority – at perceived [discrimination](#). Ethnic Malays are disproportionately affected by [poverty](#) and do less well in the country's [education system](#). [Hill tribes](#) living in the north are also economically disadvantaged.

Thailand does relatively well in terms of economic opportunities for [women](#): the gender pay gap (-23 %) is lower than in many other Asian countries, 71 % of working-age women are in employment, and 39 % of management-level posts are held by them. On the other hand, there is serious gender inequality in politics: only [one](#) of 36 cabinet ministers and [5 %](#) of parliamentarians are women.

Thailand has a reputation for tolerance of sexual minorities. The 2015 [Gender Equality Act](#) prohibits discrimination on the basis of gender, including for transsexuals. However, this progressive legislation is not [being implemented](#), with all categories of LGBTI people [reporting](#) discrimination in access to services, education, [employment](#) and housing. There is no provision for transsexuals to [legally change](#) their gender. Same-sex couples are tolerated, but gay marriage is not yet possible (however, the government is [considering](#) legalising it).

## Justice

Despite military rule, civilian courts have resisted political pressure, and Thailand comes [62nd](#) out of 137 countries in terms of perceived judicial independence – better than most Asian countries. In several [cases](#), courts have acquitted human-rights activists. However, defendants have less chance of a fair hearing in military courts, which between 2014 and 2016 had jurisdiction for civilians accused of security offences such as *lèse-majesté* and sedition. Since 2016, such offences have returned to civilian courts, but there is no provision for overturning convictions in the [1 800 cases](#) previously heard by military courts.

## The EU and human rights in Thailand

A month after the May 2014 coup, the [Council of the EU](#) announced that it would not sign the Partnership and Cooperation Agreement (PCA) concluded with Thailand in November 2013 'until a democratically elected government is in place'. Official visits, together with negotiations on a free-trade agreement (FTA), were also suspended.

In December 2017 the Council of the EU [criticised](#) continuing human rights abuses, but welcomed the announcement of forthcoming elections, and therefore announced that the EU would resume political contacts with Thailand. In line with this announcement, in March 2018 EU High Representative Federica Mogherini [met](#) Thai Foreign Minister Don Pramudwinai. However, until democratic elections are held, the PCA will not be signed, and there will be no full resumption of talks on the [FTA](#).

Three recent **European Parliament resolutions** (on [the case of Andy Hall](#) (October 2016), [the situation in Thailand](#) (October 2015), and [the plight of Rohingya refugees](#) (May 2015)) tackle human rights in Thailand. Among the issues raised are: the right to a fair trial; protection of migrant workers; restoring jurisdiction over civilians to civilian courts; free and fair elections to transfer power from military to civilian authorities; and ending abuses of the *lèse-majesté* law to suppress political dissent.

