

Country Summary: Thailand

For a detailed [examination](#) of the use of COVID-19 emergency legislation in Thailand, please see iLaw's [report, *Suppressing Dissent in the Name of Public Health*](#).

Introduction

The Thai government responded to the pandemic by instating emergency measures and activating existing laws. Many of these responses impacted civic freedoms by restricting the flow of information about the pandemic and the government's response, curtailing protests and social movements, and strengthening the government's surveillance tools. The following discusses the effect of Thailand's COVID-19 response measures on the freedom of expression, peaceful assembly, and privacy.

RESTRICTIONS ON THE FREEDOM OF EXPRESSION

When the pandemic began, the Thai government invoked the Emergency Decree on Public Administration in Emergency Situations, which grants the Prime Minister powers to respond to an emergency situation, including the power to issue orders to ban press releases and other publications that may instigate fear (Emergency Decree, Section 9). Authorities issued regulations under the Emergency Decree and also invoked existing laws such as the Computer-Related Crime Act (or Computer Crimes Act), and lèse-majesté and criminal defamation provisions under the Criminal Code, to regulate the publication and sharing of information related to the pandemic and government's pandemic response. The government extended the Emergency Decree throughout the pandemic when it was set to expire at least 19 times, keeping the state of emergency in force for more than two and a half years (Article 19, [2022](#)).

Emergency Decree on Public Administration in Emergency Situations, B.E. 2548 (Emergency Decree) and related regulations

The Prime Minister enacted multiple emergency regulations under the Emergency Decree. Regulation 29 empowered the National Broadcasting and Telecommunications Commission (NBTC) to cut off internet access for social media users who posted content that might frighten others. This regulation provided the NBTC with broad discretion to limit the dissemination of information online, thus undercutting the right to expression. The Bangkok Civil Court issued an injunction to suspend the regulation after a group of human rights lawyers, media companies, and reporters submitted a petition to revoke the regulation, noting that it violated rights under Thailand's Constitution. The Prime Minister revoked the regulation following the injunction (Bangkok Post, [2021](#)).

Restriction number 11 under Regulation 27 barred the media from disseminating information that was distorted, misleading, or deemed to be fearmongering. In April 2022, the National Human Rights Commission (NHRC) ruled the restriction to be a violation of the freedom of expression, requesting the Prime Minister to revoke it (The Nation Thailand, [2022](#)). However, while the government reportedly ceased enforcing some of its restrictive pandemic regulations, it failed to negate their retroactive effect, allowing hundreds of cases brought under these laws to continue to date (iLaw, [2024](#)).

Lèse-majesté prosecutions

Thai authorities also pursued lèse-majesté prosecutions, charging multiple individuals under Article 112 of the Thai Criminal Code for criticizing the government's pandemic management measures. Article 112 prohibits persons from insulting or defaming the Royal Family. For example, in 2022, authorities arrested and charged the leading opposition figure in Thailand and head of the Progressive Movement, Thanathorn Juangroongruangkit, under Article 112 for questioning the government's vaccine management (Peoples Dispatch, [2021](#)). Similarly, Thai legislator and prominent opposition member, Rukchanok Srinork, received a six-year prison sentence for insulting the monarchy under the Computer Crimes Act after criticizing the government's procurement of a COVID-19 vaccine from a pharmaceutical company linked to the king (CNN World [2023](#)).

Computer-Related Crime Act

Thai authorities also used Section 14 of the Computer Crimes Act to limit criticism of the government and dissent during the pandemic. Section 14 prohibits entering false information into a computer system, particularly if the information poses a threat to public security, induces public alarm, or inflicts harm on others. Section 15 penalizes a service provider such as a social media company for facilitating an offense under Section 14. The section also prohibits entering obscene data into a computer system that could be accessed by the general public. Although not always linked to the publication of pandemic-related information, authorities cited the Computer-Related Crimes Act when ordering social media platforms to restrict access to or remove content during the pandemic: the Ministry of Digital Economy and Society brought cases against 19 social media sites for violating the Computer Crimes Act between December 2021 and January 2022 (U.S Department of State, [2022](#)).

Retaliation against Whistleblowers

Whistleblowers in the public health sector and journalists faced retaliatory lawsuits and intimidation by the Thai authorities after they reported alleged corruption related to hoarding and profiteering of surgical masks and medical supplies. Some medical staff were also threatened with disciplinary action (including terminating employment

contracts and revoking medical licenses) for speaking out about shortages of essential supplies needed to treat Covid-19 (HRW, [2020](#)).

RESTRICTIONS ON THE FREEDOM OF PEACEFUL ASSEMBLY

During the pandemic, authorities invoked the Emergency Decree on Public Administration in Emergency Situations to ban all forms of public gatherings and impose social distancing requirements in 2020, following the emergency of mass democracy protests in February of that year. Authorities charged over 1,400 protest leaders and demonstrators for violating regulations under the Emergency Decree (ICNL, [2024](#)). For example, on May 13, 2020, Bangkok police apprehended Anurak Jeantawanich, a prominent pro-democracy activist, for breaching the prohibition on public gatherings, one of the emergency measures enacted to curb the spread of the coronavirus. The arrest stemmed from a memorial service organized by Anurak earlier that day, attended by approximately 40 supporters of the United Front for Democracy against Dictatorship, commonly known as the “Red Shirts.” The police accused Anurak of disregarding social distancing measures, potentially contributing to the spread of the virus, and defying lawful directives by taking a group photograph with attendees at the event (HRW, [2020](#)). Likewise, police arrested Benja Apan, a student and pro-democracy activist, for violating the Emergency Decree by attending a protest in September 2021.

Authorities also applied lèse-majesté charges under Article 112 of the Penal Code against people who criticized the government during demonstrations. For example, Anon Nampa, a well-known human rights lawyer, was found guilty of lèse-majesté and received a four-year prison sentence for advocating for a national dialogue about the role of the monarchy during a protest in October 2020. Benja Apan, the student activist noted above, was also charged for violating Article 112 because she criticized the government’s handling of the pandemic and called for reform of the monarchy (Monitor, [2021](#)).

Finally, Thai law enforcement used non-legal means to restrict protests during the pandemic, such as violence to control protests. For example, in 2021, law enforcement fired rubber bullets and used tear gas against protesters demonstrating against the Emergency Decree in 2021 (Aljazeera, [2021](#)). These violent responses grew as protests morphed from anger about the government’s pandemic response to general dissatisfaction with the government (New York Times, [2021](#)).

RESTRICTIONS ON THE RIGHT TO PRIVACY

Thailand’s COVID-19 contact-tracing app also raised concerns about privacy rights. The app used Bluetooth and GPS technology to track user movements and interactions to identify potential exposure to the virus. Because authorities did not clearly explain how they would collect, store, and use personal data gathered through the app, citizens raised concerns that authorities could abuse the app to surveil users beyond pandemic

purposes or that the app did not contain sufficient protections against data breaches or unauthorized access (Channel News Asia, [2021](#)).

Conclusion

Despite existing constitutional protections and international obligations, Thailand's pandemic approach generally restricted civic freedoms. Authorities used both existing laws and emergency laws to regulate the flow of pandemic-related information, limit public demonstrations against pandemic responses and more generally against the government, and employed an app that lacked sufficient privacy safeguards. These measures contributed to closing civic space in Thailand during the pandemic. It is important to ensure that these restrictions do not continue to limit civil society as Thailand moves forward from the pandemic.