Document #2004265
USDOS – US Department of State

Country Report on Human Rights Practices 2018 - Thailand

EXECUTIVE SUMMARY

Thailand is a constitutional monarchy, with King Maha Vajiralongkorn Bodindradebayavarangkun as head of state. In a 2014 bloodless coup, military leaders, taking the name National Council for Peace and Order (NCPO) and led by then army chief General Prayut Chan-o-cha, overthrew the civilian government administered by the Pheu Thai political party, which had governed since 2011 following lower house elections that were generally considered free and fair.

The military-led NCPO maintained control over the security forces and all government institutions.

An interim constitution, enacted by the NCPO in 2014 was in place until April 2017, when the king promulgated a new constitution, previously adopted by a popular referendum in 2016. The 2017 constitution stipulates the NCPO remain in office and hold all powers granted by the interim constitution until establishment of a new council of ministers and its assumption of office following the first general election under the new charter. The 2017 constitution also stipulates that all NCPO orders are "constitutional and lawful" and are to remain in effect until revoked by the NCPO, an order from the military-appointed legislative body, the prime minister, or cabinet resolution. The interim constitution granted immunity to coup leaders and their subordinates for any coup or postcoup actions ordered by the ruling council, regardless of the legality of the action. The immunity remains in effect under the 2017 constitution. Numerous NCPO decrees limiting civil liberties, including restrictions on freedoms of speech, assembly, and the press, remained in effect throughout most of the year. NCPO Order 3/2015, which replaced martial law in March 2015, granted the military government sweeping power to curb "acts deemed harmful to national peace and stability." In December, Prime Minister Prayut Chan-o-cha lifted the ban on political activities, including the ban on gatherings of five or more persons. The military government's power to detain any individual for a maximum of seven days without an arrest warrant remains in effect, however.

Human rights issues included unlawful or arbitrary killings by the government or its agents; torture by government officials; arbitrary arrest and detention by government authorities; censorship, site blocking, and criminal libel; abuses by government security

forces confronting the continuing ethnic Malay-Muslim insurgency in the southernmost provinces of Yala, Narathiwat, Pattani, and parts of Songkhla; restrictions on political participation; and corruption.

Authorities took some steps to investigate and punish officials who committed human rights abuses. Official impunity, however, continued to be a problem, especially in the southernmost provinces, where the Emergency Decree on Public Administration in the State of Emergency (2005), hereinafter referred to as "the emergency decree," and the 2008 Internal Security Act remained in effect.

Insurgents in the southernmost provinces committed human rights abuses and attacks on government security forces and civilian targets.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life or Other Unlawful or Politically Motivated Killings

There were reports that the government or its agents committed arbitrary or unlawful killings. According to the Ministry of Interior's Investigation and Legal Affairs Bureau, from October 1, 2017 to December 5, security forces--including police, military, and other agencies--killed 12 suspects during the arrest process, a decrease from 16 in 2017.

On June 6, the Chiang Mai Provincial Court ruled against the military, stating soldiers operating a military checkpoint in Mueng Na Subdistrict of Chiang Mai Province shot and killed Chaiyaphum Pasae, a prominent ethnic Lahu student activist, in March 2017. Military officials claimed he possessed drugs and had attempted to attack the soldiers with a hand grenade. The court forwarded the case to the public prosecutor to determine liability. Community members and local human rights activists questioned the military's account of the killing because the military did not submit existing CCTV footage as evidence to the court, and called for a full, transparent investigation into the incident.

There were reports of killings by both government and insurgent forces in connection with the conflict in the southernmost provinces (see section 1.g.).

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities from January to September. Prominent disappearance cases from prior years remained unsolved. In June the Department of Special Investigation reopened an investigation into the alleged forced disappearance of Pholachi "Billy" Rakchongcharoen, a prominent Karen human rights defender missing since 2014.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution states, "Torture, acts of brutality, or punishment by cruel or inhumane means shall not be permitted." Nonetheless, the emergency decree effectively provides immunity from prosecution to security officers for actions committed during the performance of their duties. As of September the cabinet had renewed the emergency decree in the southernmost provinces consecutively since 2005. Three districts were exempted from the decree: Su-ngai Kolok in Narathiwat Province in March 2018, Betong in Yala Province in June 2018, and Mae Lan in Pattani Province in January 2011.

Representatives of nongovernmental organizations (NGOs) and legal entities reported police and military officers sometimes tortured and beat suspects to obtain confessions, and newspapers reported numerous cases of citizens accusing police and other security officers of brutality. In July, Sayuti Salae was hospitalized after officers from the Mayo Police Station in Pattani Province allegedly beat him in order to get him to confess to drug possession.

There were numerous reports of hazing and physical abuse by members of military units. Pvt. Khacha Phacha, a 22-year-old military conscript who was hospitalized for three weeks for injuries sustained after he was beaten by three senior soldiers at Lopburi army camp, died September 14. Unit commander Lt. Col. Monchai Yimyoo accepted responsibility for the death. The trial of three soldiers arrested for the murder was underway in military court. According to media outlets, two other conscripts died during the year.

Prison and Detention Center Conditions

Conditions in prisons and various detention centers--including drug rehabilitation facilities and immigration detention centers (IDCs) where authorities detained undocumented migrants, refugees, and asylum seekers--remained poor, and most were overcrowded. The Ministry of Justice's Department of Corrections is responsible for monitoring prison conditions, while the Ministry of Interior's Immigration Department monitors conditions in IDCs.

The military government held some civilian suspects at military detention facilities. According to Thai Lawyers for Human Rights, there are at least two civilians at the 11th Military Circle detention facility in Bangkok, including a man charged with detonating a bomb at Bangkok's busy Rajaprasong intersection. The suspect now denies the charges, saying his confession was due to police torture. It is unclear if he is an insurgent.

Physical Conditions: Prison and detention facility populations were approximately 60 percent more than designed capacity. As of August 1, authorities held approximately 359,500 persons in prisons and detention facilities with a maximum designed capacity of 210,000 to 220,000 persons.

In some prisons and detention centers, sleeping accommodations were insufficient, there were persistent reports of overcrowding and poor facility ventilation, and a lack of medical care was a serious problem. Authorities at times transferred seriously ill prisoners and detainees to provincial or state hospitals.

Pretrial detainees comprised approximately 18 percent of the prison population. Prison officers did not segregate these detainees from the general prison population. The government often held pretrial detainees under the emergency decree in the southernmost provinces in military camps or police stations rather than in prisons.

NGOs reported that authorities occasionally held men, women, and children together in police station cells, particularly in small or remote police stations, pending indictment. In IDCs, authorities sometimes placed juveniles older than 14 with adults.

By law authorities can hold detainees and their children in IDCs for years unless they pay a fine and the cost of their transportation home. NGOs urged the government to enact legislation and policies to end detention of children who are out of visa status and adopt alternatives, such as supervised release and noncustodial, community-based housing while resolving their immigration status. Other NGOs reported complaints, especially by Muslim detainees in IDCs, of inadequate Halal food.

Prison authorities sometimes used solitary confinement, as permitted by law, to punish male prisoners who consistently violated prison regulations or were a danger to others. Authorities also used heavy leg irons on prisoners deemed escape risks or potentially dangerous to other prisoners.

According to the Ministry of Interior's Investigation and Legal Affairs Bureau, 536 persons died in official custody from October 2017 to August, including 21 deaths while in police custody and 515 in the custody of the Department of Corrections. Authorities attributed most of the deaths to natural causes. According to media reports, an inmate died in custody on April 18 after an apparent beating.

Administration: Authorities permitted prisoners and detainees or their representatives to submit complaints without censorship to ombudspersons but not directly to judicial authorities. Ombudspersons in turn can consider and investigate complaints and petitions received from prisoners and provide recommendations to the Department of Corrections, but they are not empowered to act on a prisoner's behalf, nor may they involve themselves in a case unless a person files an official complaint. According to NGOs, authorities rarely investigated complaints and did not make public the results of such investigations.

IDCs, administered by the Immigration Police Bureau, which reports to the Royal Thai Police (RTP), are not subject to many of the regulations that govern the regular prison system.

Independent Monitoring: The government facilitated monitoring of prisons by the National Human Rights Commission of Thailand (NHRCT), including meetings with prisoners without third parties present and repeat visits. According to human rights

groups, no external or international inspection of the prison system occurred, including of military facilities such as Bangkok's 11th Military Circle. International organizations reported cooperating with military and police agencies regarding international policing standards and the exercise of police powers.

Representatives of international organizations generally had access to some detainees in IDCs across the country for service delivery and resettlement processing.

d. Arbitrary Arrest or Detention

NCPO Order 3/2015 grants the military authority to detain persons without charge or trial for a maximum seven days. Military officials frequently invoked this authority. According to the Office of the High Commissioner for Human Rights, the military government summoned, arrested, and detained approximately 2,000 persons since the 2014 coup. Prior to releasing detainees, military authorities often required them to sign documents affirming they were treated well, would refrain from political activity, and would seek authorization prior to travel outside the local area. According to human rights groups, authorities often denied access to detainees by family members and attorneys.

The emergency decree, which gives the government authority to detain persons without charge for a maximum of 30 days in unofficial places of detention, remained in effect in the southernmost provinces (see section 1.g.).

Emergency decree provisions make it very difficult to challenge a detention before a court. Under the decree detainees have access to legal counsel, but there was no assurance of prompt access to counsel or family members, nor were there transparent safeguards against the mistreatment of detainees. Moreover, the decree effectively provides broad-based immunity from criminal, civil, and disciplinary liability for officials acting under its provisions.

Role of the Police and Security Apparatus

The law gives military forces authority over civilian institutions, including police, regarding the maintenance of public order. NCPO Order No. 13/2016, issued in 2016, grants military officers with the rank of lieutenant and higher power to summon, arrest, and detain suspects; conduct searches; seize assets; suspend financial transactions; and ban suspects from traveling abroad in cases related to 27 criminal offenses, including extortion, human trafficking, robbery, forgery, fraud, defamation, gambling, prostitution, and firearms violations. The order also grants criminal, administrative, civil, and disciplinary immunity to military officials executing police authority in "good faith."

The Border Patrol Police have special authority and responsibility in border areas to combat insurgent movements.

There were reports police abused prisoners and detainees, generally with impunity. Complaints of police abuse may be filed directly with the superior of the accused police officer, the Office of the Inspector General, or the police commissioner general. The NHRCT, the Lawyers' Council of Thailand, the Office of the National Anticorruption Commission (NACC), the Supreme Court of Justice, the Ministry of Justice, and the Office of the Prime Minister also accepted complaints of police abuse and corruption, as did the Office of the Ombudsman. Few complaints alleging police abuse resulted in punishment of alleged offenders, and there were numerous examples of investigations lasting years without resolution of alleged security force abuses. Human rights groups criticized the "superficial nature" of police and judicial investigations into incidents of alleged torture and other mistreatment by security forces and reported deficiencies in official investigations into deaths in custody.

In April an investigation was opened into the death of Pattanachirapong Boonyasema at Samut Prakan Provincial Prison after an autopsy revealed signs of physical abuse. Prison officials reported the prisoner was punished for selling drugs in the prison. The Department of Corrections was continuing its probe.

The Ministry of Defense requires service members to receive human rights training. Routine training occurred at various levels, including for officers, noncommissioned officers, enlisted personnel, and recruits. Furthermore, military service members who deploy in support of counterinsurgency operations in the southernmost provinces receive specific human rights training, including training for detailed, situation-specific contingencies. The RTP requires all cadets at its national academy to complete a course in human rights law.

Arrest Procedures and Treatment of Detainees

With few exceptions, the law requires police and military officers exercising law enforcement authority to obtain a warrant from a judge prior to making an arrest, although NCPO Order 3/2015 allows the detention of any individual for a maximum seven days without an arrest warrant. Issuance of arrest warrants was subject to a judicial tendency to approve automatically all requests for warrants. By law authorities must inform persons of likely charges against them immediately after arrest and allow them to inform someone of their arrest.

The law provides for access to counsel for criminal detainees in both civilian and military courts, but lawyers and human rights groups claimed police often conducted interrogations without providing access to an attorney.

Both the Court of Justice and the Justice Fund of the Ministry of Justice assign lawyers for indigent defendants. According to the most recent figures, from January to July the Court of Justice assigned attorneys to 16,357 adult and 14,383 juvenile defendants. From October 2017 to July, the Ministry of Justice provided lawyers for defendants in 1,863 cases.

The law provides defendants the right to request bail, and the government generally respected this right except in cases considered to involve national security, which included violations of the country's lese majeste (royal insult) law.

Arbitrary Arrest: Under NCPO Order 3/2015, the military has authority to detain persons without charge for a maximum of seven days without judicial review. Under the emergency decree, authorities may detain a person for a maximum of 30 days without charge (see section 1.g.). Military officers invoked NCPO Order 3/2015 authority to detain numerous politicians, academics, journalists, and other persons without charge. The military held most individuals briefly but held some for the maximum seven days.

Pretrial Detention: Under normal conditions the law allows police to detain criminal suspects for 48 hours after arrest for investigation. Lawyers reported police rarely brought cases to court within the 48-hour period. Laws and regulations place offenses for which the maximum penalty for conviction is less than three years under the jurisdiction of district courts, which have different procedures and require police to submit cases to public prosecutors within 72 hours of arrest. According to the Lawyers' Council of Thailand, pretrial detention of criminal suspects for as long as 60 days was common.

Before charging and trial, authorities may detain individuals for a maximum of 84 days (for the most serious offenses), with a judicial review required for each seven-day period. After formal charges and throughout trial, depending on prosecution and defense readiness, court caseload, and the nature of the evidence, detention may last for one to two years before a verdict and up to six years before a Supreme Court appellate review.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: Persons arrested or detained by police are entitled to judicial review of their detention within 48 hours in most cases. Persons detained by military officials acting under authority granted by NCPO Order 3/2015 are entitled to judicial review of their detention within seven days. Detainees found by the court to have been detained unlawfully (more than 48 hours or seven days) are entitled to compensation.

e. Denial of Fair Public Trial

The 2017 constitution provides for an independent judiciary, and the government generally respected judicial independence and impartiality, notwithstanding NCPO orders that prohibited members of the judiciary from making any negative public comments against the NCPO. Nevertheless, portions of the 2014 interim constitution left in place by the 2017 constitution's transitory provisions (article 279) provide the NCPO power to intervene "regardless of its effects on the legislative, executive, or judiciary" to defend the country against national security threats.

Human rights groups continued to express concern about the NCPO's influence on independent judicial processes, particularly the practice of prosecuting some civilians in military courts and the use of the judicial process to punish government critics.

Trial Procedures

The 2017 constitution provides for the right to a fair and public trial, and an independent judiciary generally enforced this right, except in certain cases involving national security, including lese majeste cases.

The law provides for the presumption of innocence. A single judge decides trials for misdemeanors; regulations require two or more judges for more serious cases. Most trials are public; however, the court may order a closed trial, particularly in cases involving national security, the royal family, children, or sexual abuse.

In ordinary criminal courts, defendants enjoy a broad range of legal rights, including access to a lawyer of their choosing, prompt and detailed information on the charges against them, free assistance of an interpreter as necessary, the right to be present at trial, and the right to adequate time and facilities to prepare a defense. They also have the rights not to be compelled to testify or to confess guilt, to confront witnesses, to present witnesses, and to appeal. Authorities did not always automatically provide indigent defendants with counsel at public expense, and there were allegations authorities did not afford defendants all the above rights, especially in small or remote provinces.

In a 2014 order, the NCPO redirected prosecutions for offenses against the monarchy, insurrection, sedition, weapons offenses, and violation of its orders from civilian criminal courts to military courts. In 2016 the NCPO ordered an end to the practice, directing that offenses committed by civilians after that date would no longer be subject to military court jurisdiction. According to the Judge Advocate General's Office, military courts initiated 1,728 cases involving at least 2,211 civilian defendants since the May 2014 coup, most commonly for violations of Article 112 (lese majeste); sedition; failure to comply with an NCPO order; and violations of the law controlling firearms, ammunition, and explosives. As of August approximately 278 civilian cases remained pending before military courts.

Military courts do not provide the same legal protections for civilian defendants as do civilian criminal courts. Military courts do not afford civilian defendants rights outlined by the 2017 constitution to a fair and public hearing by a competent, impartial, and independent tribunal. Civilians facing trial for offenses allegedly committed from May 2014 to March 2015--the period of martial law--have no right of appeal.

Political Prisoners and Detainees

The NCPO routinely detained those who expressed political views (see section 1.d.). As of August the Department of Corrections reported there were 128 persons detained or imprisoned in the country under lese majeste laws that outlaw criticism of the monarchy (see section 2.a.). Human rights groups claimed the prosecutions and convictions of several lese majeste offenders were politically motivated. As of December there were no new prosecutions of lese majeste during the year. Thai Lawyers for

Human Rights reported that courts dropped several lese majeste charges, opting instead to prosecute persons under statutes such as the Computer Crimes Act (see section 2.a.).

Civil Judicial Procedures and Remedies

The law provides for access to courts and administrative bodies to sue for damages for, or cessation of, a human rights violation. The government generally respected this right, but the emergency decree in force in the southernmost provinces expressly excludes administrative court scrutiny or civil or criminal proceedings against government officials. Victims may seek compensation from a government agency instead.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

NCPO Order 3/2015, along with the emergency decree, gives government security forces authority to conduct warrantless searches. Security forces used this authority regularly, particularly in the southernmost provinces and other border areas. The amended Computer Crimes Act establishes procedures for the search and seizure of computers and computer data in cases where the defendant allegedly entered information into computer systems that is "likely to cause damage to the public," is "false," or is "distorted" (see section 2.a.). The act gives the Ministry of Digital Economy and Society authority to request and enforce the removal of information disseminated via the internet. There were complaints during the year from persons who claimed security forces abused this authority.

There were reports military officers harassed family members of those suspected of opposing the NCPO, including parents of students involved in anti-NCPO protests, the families of human rights defenders, and democracy demonstrators (see section 2.b.).

Security services monitored persons, including foreign visitors, who espoused highly controversial views.

g. Abuses in Internal Conflicts

Internal conflict continued in the ethnic Malay-Muslim-majority southernmost provinces. Frequent attacks by suspected insurgents and government security operations stoked tension between the local ethnic Malay-Muslim and ethnic Thai-Buddhist communities.

An emergency decree in effect in the southern border provinces of Yala, Pattani, Narathiwat, and parts of Songkhla provides military, police, and some civilian authorities significant powers to restrict some basic rights and delegates certain internal security powers to the armed forces. The decree also provides security forces broad immunity from prosecution. Moreover, martial law--imposed in 2006--remained in effect and significantly empowered security forces in the southernmost provinces.

Killings: Human rights groups accused government forces of extrajudicial killings of persons suspected of involvement with the insurgency. According to the nongovernmental Deep South Watch (DSW), there were two reported cases of government-affiliated forces conducting suspected extrajudicial killings in the southernmost provinces from January to July. According to the NGO Duay Jai Group, there were five extrajudicial killings by security forces as of September. Seven suspects were killed during arrest. Government officials insisted the suspects in each case resisted arrest, necessitating the use of deadly force, a claim disputed by the families of the suspects and human rights groups.

According to DSW violence resulted in 126 deaths and 182 injuries in 341 incidents as of July, less than in 2017. DSW also reported that through July, violence caused more than 6,828 deaths and injured at least 13,429 persons in approximately 19,956 incidents in the region since 2004, but the organization did not differentiate among violence caused by insurgents, security forces, or criminal elements. As in previous years, suspected insurgents frequently targeted government representatives, including district and municipal officials, military personnel, and police, with bombings and shootings.

Some government-backed civilian defense volunteers received basic training and weapons from security forces. Human rights organizations continued to express concerns about vigilantism by these defense volunteers and other civilians.

Despite an overall decline in the level of violence, suspected insurgents continued to conduct attacks that resulted in civilian casualties. Insurgents carried out numerous attacks on civilians in the period immediately after the end of Ramadan. From June 28 to July 5, there were six reported landmine attacks in Yala Province, seriously wounding five rubber farmers.

Physical Abuse, Punishment, and Torture: Although local NGOs continued to receive complaints from insurgent suspects alleging torture by security forces while in custody, they reported the use of torture by security forces declined during the year. The same NGOs noted it was difficult to substantiate allegations due to the lack of cooperation from government officials in carrying out credible investigations and providing access to suspects in detention. Human rights organizations maintained the detention of suspects continued to be arbitrary and excessive, and they criticized overcrowded conditions at detention facilities.

Martial law in the southernmost provinces allows detention for a maximum of seven days without charge and without court or government agency approval. The emergency decree in effect in the same areas allows authorities to arrest and detain suspects for an additional maximum of 30 days without charge. After this period expires, authorities must begin holding suspects under normal criminal law. Unlike under martial law, detentions under normal criminal law require court consent, although human rights NGOs complained courts did not always exercise their right of review.

The Southern Border Provinces Police Operation Center reported through August that authorities arrested 103 persons via warrants issued under the emergency decree. Of these, authorities released 56, prosecuted 43, and held four in detention pending further investigation. The government did not use military courts to try civilian defendants in the southernmost provinces.

Other Conflict-related Abuses: According to the Ministry of Education, as of August, one teacher was killed and six students were wounded in insurgent attacks. The government frequently armed both ethnic Thai-Buddhist and ethnic Malay-Muslim civilian defense volunteers, fortified schools and temples, and provided military escorts to monks and teachers.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

Broad NCPO orders restricting freedom of expression, including for the press, issued following the 2014 coup, remained in effect at year's end. Invoking these orders, officials suspended media outlets, blocked access to internet sites, and arrested individuals engaging in political speech. In addition to official restrictions on speech and censorship, NCPO actions resulted in significant self-censorship by the public and media. The NCPO routinely banned dissemination of information that the NCPO asserted could threaten the NCPO or "create conflict" within the country.

Freedom of Expression: The NCPO enforced limits on free speech and expression using a variety of regulations and criminal provisions, including intimidation of speakers, monitoring meetings, and threats of prosecution or arrest.

Article 112 of the criminal code, the so-called lese majeste ("royal insult") law, makes it a crime--punishable by a maximum of 15 years' imprisonment for each offense--to criticize, insult, or threaten the king, queen, royal heir apparent, or regent. The government continued to use this law to prosecute anyone who was in any way critical of the monarchy or members of the royal family. The law also allows citizens to file lese majeste complaints against each other. The Attorney General's Office issued a directive on February 21 announcing that the decision to indict lese majeste suspects lies solely with the attorney general. Previously public prosecutors could also decide whether to indict lese majeste cases.

No new lese majeste prosecutions had begun this year as of September, but in January the government issued at least one summons under Article 112 to prodemocracy student activist Chanoknan Ruamsap, accusing her of sharing on her Facebook page a BBC profile of the king. No charges have been filed as the activist reportedly departed the country prior to being arrested and has not returned.

The government continued regularly to conduct lese majeste trials in secret and prohibited public disclosure of the content of the alleged offenses. The government also frequently tried lese majeste cases in military courts that provided fewer rights and

protections for civilian defendants, notwithstanding a September 2016 order that ended the practice of trying violations of Article 112 in military courts for offenses committed after that date (see section 1.e.). International and domestic human rights organizations and academics expressed concern about the lese majeste law's negative effect on freedom of expression.

Official statistics varied by agency, but new lese majeste cases increased dramatically following the 2014 coup. According to local NGO Internet Dialogue on *Law* Reform, as of September 94 new lese majeste cases had been filed since the 2014 coup with 43 convictions. In some of these cases, the accused committed the alleged offense prior to the 2014 coup, but authorities only filed charges afterwards. According to the Department of Corrections, 128 persons were imprisoned on lese majeste charges as of August (including a number of persons convicted for corruption-related offenses under Article 112 for misuse of royal title to further business interests).

In January the Yala Provincial Court sentenced 23-year-old Nurhayati Masoh, a visually impaired woman, to three years in prison, reduced to one and one-half years after she pled guilty to sharing an article deemed defamatory to the monarchy on her Facebook page. She appealed the conviction and was acquitted in February. She was rearrested in March and the Bangkok Criminal Court, after a one-day trial, sentenced her to two years in prison under the Computer Crimes Act, rather than lese majeste, for sharing audio clips deemed defamatory to the monarchy on her Facebook page.

Thai Lawyers for Human Rights reported that Nathee Suwajjananon was arrested this year and brought before the military court for pretrial detention for allegedly posting online comments related to the late king in 2016. On November 13, the military prosecutor issued a nonprosecution order on lese majeste charges and returned the case file to police. Police officials then submitted a request for Suwajjananon's pretrial detention to a civilian court, resulting in the public prosecutor indicting him on sedition charges under Article 116 rather than lese majeste charges under Article 112, an increasingly common prosecutorial tactic.

Press and Media Freedom: Independent media were active but faced impediments to operating freely. Many media contacts reported concerns about NCPO orders authorizing government officials to limit press freedom and suspend press operations without a court order.

The 2017 constitution requires owners of newspapers and other mass media to be citizens. Government entities owned and controlled most radio and broadcast television stations.

The Thai Journalists Association (TJA), the Thai Broadcast Journalists Association (TBJA), and the Online News Providers Association called on the NCPO to refrain from passing laws that could affect freedom of the press. Their joint statement also called on the NCPO to revoke its announcements and orders that restrict freedom of the press. The statement also called on the National Broadcasting and Telecommunications Commission (NBTC) to advocate for broadcast media reform without government interference.

In September police shut down a forum organized by foreign journalists to discuss whether senior military officers in Burma should face justice for alleged human rights abuses committed by their forces against Rohingya Muslims and other ethnic minorities. According to press reports, approximately one dozen police arrived ahead of the scheduled panel discussion at the Foreign Correspondents Club of Thailand and ordered the panelists not to speak.

Violence and Harassment: Senior government officials routinely made statements critical of media. There were numerous reports of security forces harassing citizens who publicly criticized the military government, including by visiting or surveilling their residences or places of employment. Media operators also complained of harassment and monitoring.

In April there were reports that the management of television station PPTV pressured the station's news director to resign after military officials repeatedly visited the station related to the journalist's coverage of alleged corruption involving the defense minister.

On May 21, the government warned journalists they would arrest them if they did not wear government-issued armbands while covering prodemocracy demonstrations. The TJA released a statement saying it was not aware of the new protocol and advised members of the press to abide by their regular procedures and display official badges.

Censorship or Content Restrictions: The NCPO restricted content deemed critical of or threatening to the military government, and media widely practiced self-censorship. NCPO Order No. 41/2016 empowers the National Broadcasting and Telecommunications Commission (NBTC) to suspend or revoke the licenses of radio or television operators broadcasting content deemed false, defamatory to the monarchy, harmful to national security, or unnecessarily critical of the military government. Authorities monitored media content from all media sources, including international press.

In September police arrested three women for possessing with intent to sell T-shirts with a small symbol deemed to be a logo for an antimonarchy, anti-NCPO movement advocating for removal of the color blue, the color representing the monarchy, from the Thai flag.

The emergency decree, which remained in effect in the conflict-affected southernmost provinces, empowers the government "to prohibit publication and distribution of news and information that may cause the people to panic or with an intention to distort information." It also authorizes the government to censor news considered a threat to national security.

Libel/Slander Laws: Defamation is a criminal offense punishable by a maximum fine of 200,000 baht ($6,015) and two years' imprisonment. Military and business figures filed criminal defamation and libel cases against political and environmental activists, journalists, and politicians.

There were several high-profile cases of criminal defamation filed against human rights defenders and government critics. In February the Internal Security Operations Command (ISOC) filed a complaint against Ismael Tae, founder of the Pattani Human Rights Organization, accusing him of defamation related to his appearance on a television show to discuss the torture he endured in military detention in 2008.

National Security: Various NCPO orders issued under Section 44 of the interim constitution, later extended by the 2017 constitution, provide authorities the right to restrict distribution of material deemed to threaten national security. Media associations expressed alarm regarding the sweeping powers they complained lacked clear criteria for determining what constitutes a threat to national security.

On May 9, the NBTC suspended for 30 days the broadcast license of Peace TV, a television channel operated by the United Front for Democracy against Dictatorship, on allegations the channel's content threatened national security and the morality of the country. The TJA and TBJA issued a joint statement calling on the NBTC to review its decision to suspend Peace TV.

Internet Freedom

The government continued to restrict or disrupt access to the internet and routinely censored online content. There were reports the government monitored private online communications without appropriate legal authority.

Under the Computer Crimes Act (CCA), the government may impose a maximum five-year prison sentence and a 100,000 baht ($3,000) fine for posting false content on the internet found to undermine public security, cause public panic, or harm others, based on vague definitions. The law also obliges internet service providers to preserve all user records for 90 days in case authorities wish to access them. Any service provider that gives consent to or intentionally supports the publishing of illegal content is also liable to punishment. By law authorities must obtain a court order to ban a website, although officials did not always respect this requirement. Media activists criticized the law, stating it defined offenses too broadly and some penalties were too harsh.

Individuals and groups generally were able to engage in peaceful expression of views via the internet, although there were numerous restrictions on content, including proscribing lese majeste, pornography, gambling, and criticism of the NCPO.

Civil society reported the government used prosecution, or threat of prosecution, under the Computer Crimes Act as a tool to suppress speech online. From January to June, 57 persons were charged or prosecuted under sedition and the Computer Crimes Act. On August 24, the Technology Crime Suppression Division charged three members of a political party with violating the Act. The charges stemmed from a Facebook Live video in which one of the party leaders criticized politicians who switched parties as supporters of the NCPO. If convicted, they could face a five-year prison term.

The government closely monitored and blocked thousands of websites critical of the monarchy. The prosecution of journalists, political activists, and other internet users for criminal defamation or sedition for posting content online further fostered an environment of self-censorship. Many political online message boards and discussion forums closely monitored discussions and self-censored to avoid being blocked. Newspapers restricted access to their public comment sections to minimize exposure to possible lese majeste or defamation charges. The NBTC also lobbied foreign internet content and service providers to remove or locally censor lese majeste content. Human rights contacts reported that police sometimes asked detained political activists to reveal passwords to their social media accounts.

Former Chiang Mai governor Pawin Chamniprasart filed a complaint alleging violations of the Computer Crimes Act in March against a local magazine for posting images of a student artist's drawing of three ancient Thai kings wearing pollution masks to call attention to seasonal air pollution. The complaint alleged the drawings negatively affected the image of Thailand's ancient kings. Chiang Mai authorities withdrew the complaint in September.

Internet access was widely available in urban areas and used by citizens, including through a government program to provide limited free Wi-Fi access at 300,000 hotspots in cities and schools. The government also undertook an initiative to expand internet access to rural areas throughout the country. International monitoring groups estimated 46 million citizens (67 percent of the population) had access to the internet during the year.

Academic Freedom and Cultural Events

The NCPO intervened to disrupt academic discussions on college campuses, intimidated scholars, and arrested student leaders critical of the coup. Universities also practiced self-censorship.

University authorities reported the regular presence of military personnel on campus, monitoring lectures and attending student events. There were numerous accounts of authorities arresting students for exercising freedom of speech and expression.

In February, six students and activists in Chiang Mai were charged with violating NCPO Order 3/2015 banning political gatherings of five or more people for their role in a February 14 prodemocracy rally at Chiang Mai University demanding elections in 2018. As of September the case was pending at the Office of the Prosecutor in Chiang Mai.

In August a group of university students filed a petition to the Prime Minister's Office, through the Ministry of Education, objecting to the amendment of the Education Ministerial Regulations on Student Behavior. The proposed amendments expand the prohibition on gatherings from those that cause public disorder to include also gatherings that violate public morality.

The Polling Director of the National Institute for Development Administration resigned in January in protest, alleging the Institute had prohibited the release of poll results related to Deputy Prime Minister Prawit Wongsuwan's wristwatch scandal (see section 4).

b. Freedoms of Peaceful Assembly and Association

The government restricted freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

The 2017 constitution grants the freedom to assemble peacefully, subject to restrictions enacted to "protect public interest, peace and order, or good morals, or to protect the rights and liberties of others." Nonetheless, NCPO orders, invoked under authority of Article 44 of the interim constitution and extended under the constitution, continued to prohibit political gatherings of five or more persons and penalize persons supporting any political gatherings.

According to a human rights advocacy group, the NCPO has moved away from disrupting public events, opting instead to charge event leaders and participants for violating NCPO orders and laws prohibiting gatherings and political activities. In September, the Foreign Correspondents' Club of Thailand announced police had ordered the club to cancel a scheduled panel discussion entitled "Will Myanmar's Generals Ever Face Justice for International Crimes." The club issued a statement noting this was the sixth event canceled by police order at the club since the 2014 coup.

In May police arrested 15 leaders and activists from the "We Want Elections" group for organizing a demonstration to commemorate the fourth anniversary of the 2014 coup. The group members were charged with sedition and violating the NCPO's ban on political gatherings of five or more persons.

Surat Thani, Phuket, and Phang Nga Provinces have regulations that prohibit migrant workers--specifically persons from Cambodia, Burma, and Laos--from gathering in groups, while Samut Sakhon Province prohibits migrant gatherings of more than five persons. Authorities did not enforce these provisions strictly, particularly for gatherings on private property. Employers and NGOs may request permission from authorities for migrant workers to hold cultural gatherings.

Freedom of Association

The 2017 constitution grants individuals the right to free association subject to restrictions by law enacted to "protect public interest, peace and order, or good morals."

The law prohibits the registration of a political party with the same name or logo as a legally dissolved party.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/ (http://www.state.gov/religiousfreedomreport/).

d. Freedom of Movement

The 2017 constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation. The government generally respected these rights, with some exceptions for "maintaining the security of the state, public peace and order or public welfare, town and country planning, or youth welfare."

Following the 2014 coup, the NCPO issued orders prohibiting travel outside the country for approximately 155 persons, the majority of which it lifted in 2016. Nevertheless, the Thai Lawyers for Human Rights Center (TLHR) estimated there were an additional 300 persons who, when summoned to appear before the NCPO following the 2014 coup, signed agreements as a condition of their release consenting not to travel abroad without NCPO approval. According to the TLHR, the NCPO had not revoked the restrictions contained in these agreements. The NCPO asserted the travel ban is the result of continuing litigation and not an NCPO initiated ban.

The government usually cooperated with the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration, and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern, although with some restrictions.

Abuse of Migrants, Refugees, and Stateless Persons: In 2015 authorities confined in IDCs and shelters approximately 870 Rohingya and Bangladeshi persons who arrived in the country irregularly by boat during the mass movement in the Bay of Bengal and Andaman Sea in May 2015. As of September approximately 100 persons (mostly Rohingya) remained in detention.

Authorities continued to treat all refugees and asylum seekers who lived outside of designated border camps as illegal migrants. Persons categorized as illegal migrants are legally subject to arrest and detention. Although reinstated in 2013, authorities have not universally permitted bail for detained refugees and asylum seekers since 2016.

International humanitarian organizations noted concerns about congested conditions, lack of exercise opportunities, and limited freedom of movement in the IDCs.

In-country Movement: The government restricted the free internal movement of members of hill tribes and other minority groups who were not citizens but held government-issued identity cards. Authorities prohibited holders of such cards from traveling outside their home districts without prior permission from the district office or outside their home provinces without permission from the provincial governor.

Offenders are subject to fines or a jail term of 45 to 60 days. Persons without cards may not travel at all. Human rights organizations reported police at inland checkpoints often asked for bribes in exchange for allowing stateless persons to move from one district to another.

Foreign Travel: Local authorities required resident noncitizens, including thousands of ethnic Shan and other non-hill-tribe minorities, to seek permission for foreign travel. A small number of nonregistered Burmese refugees, who were approved for third-country resettlement but not recognized as refugees by the government, waited for years for exit permits.

Protection of Refugees

The government's treatment of refugees and asylum seekers remained inconsistent. Nevertheless, authorities hosted significant numbers of refugees and asylum seekers, generally provided protection against their expulsion or return, and allowed persons fleeing fighting or other incidents of violence in neighboring countries to cross the border and remain until conflict ceased. Moreover, authorities permitted urban refugees recognized by UNHCR and registered camp-based Burmese refugees to resettle to third countries.

Refoulement: The government provided some protection against the expulsion or return of refugees to countries where they would face threats to their lives or freedom because of their race, religion, nationality, membership in a particular social group, or political opinion. Outside the camps, government officials did not distinguish between asylum-seeking Burmese and other undocumented Burmese, regarding all as illegal migrants. However, if caught outside of camps without permission the authorities generally allowed registered and verified Burmese refugees to return to their camp. Other Burmese, if arrested in Thailand without refugee status or legal permission to be in Thailand, were often escorted back to the Burmese border. Authorities generally did not deport persons of concern holding valid UNHCR asylum-seeker or refugee status; however, one Cambodian UNHCR-recognized person of concern was returned in February, and others with protection concerns were forcibly returned to their home countries.

As part of an overall operation to reduce illegal immigrants and visa overstayers in the country, immigration police in Bangkok sometimes arrested and detained asylum seekers and refugees, including women and children. The government, however, has not deported any UNHCR-registered persons of concern from these groups. There were approximately 412 refugees and asylum seekers residing in IDCs as of December 10, and approximately 50 Uighurs have been detained in Thailand since 2015.

Access to Asylum: The law does not provide for the granting of asylum or refugee status. Burmese asylum seekers and refugees who reside outside official refugee camps are by law considered illegal migrants, as are all non-Burmese asylum seekers and refugees in the country if they do not hold a valid passport and visa. If arrested they are subject to indefinite detention at IDCs in Bangkok and other provinces.

UNHCR's ability to provide protection to some groups of refugees outside the official camps remained limited. Its access to asylum seekers in the main IDC in Bangkok and at Suvarnabhumi International Airport to conduct status interviews and monitor new arrivals varied throughout the year. UNHCR had access to provincial IDCs where authorities detained ethnic Rohingya to conduct refugee status determinations. Authorities allowed resettlement countries to conduct processing activities in the IDCs, and humanitarian organizations were able to provide health care, nutritional support, and other humanitarian assistance.

The government allowed UNHCR to monitor the protection status of approximately 100,000 Burmese refugees and asylum seekers living in nine camps along the border with Burma. NGOs funded by the international community provided basic humanitarian assistance in the camps, including health care, food, education, shelter, water, sanitation, vocational training, and other services.

The government facilitated third-country resettlement for approximately 1,400 Burmese refugees from camps as of August. Refugees residing in the nine camps along the border who are not registered with the government were ineligible for third-country resettlement.

Freedom of Movement: Refugees residing in the nine refugee camps on the border with Burma had no freedom of movement, and authorities have confined them to the camps since the camps were established. A refugee apprehended outside the official camps is subject to possible harassment, fines, detention, deregistration, and deportation.

Refugees and asylum seekers were not eligible to participate in the official nationality-verification process, which allows migrant workers with verified nationality and passports to travel throughout the country.

Employment: The law prohibits refugees from working in the country. The government allowed undocumented migrant workers from neighboring Burma, Cambodia, and Laos to work legally in certain economic sectors if they registered with authorities and followed a prescribed process to document their status (see section 7.d.). The law allows victims of trafficking and witnesses who cooperate with pending court cases to work legally during and up to two years after the end of their trial involvement.

Access to Basic Services: The international community provided basic services for refugees living inside the nine camps on the border with Burma. For needs beyond primary care, a medical referral system allows refugees to seek other necessary medical services. For the urban refugee and asylum seeker population living in Bangkok, access to basic health services was minimal. Since 2014 two NGOs provided primary and mental health-care services. UNHCR coordinated referrals of the most urgent medical cases to local hospitals.

Since Burmese refugee children living in the camps generally did not have access to the government education system, NGOs continued to provide educational opportunities, and some were able to coordinate their curriculum with the Ministry of Education. In Bangkok some refugee communities formed their own schools to provide education for

their children. Others sought to learn Thai with support from UNHCR, because the law provides that government schools must admit children of any legal status who can speak, read, and write Thai with some degree of proficiency.

Temporary Protection: The government continued to extend temporary protection status to the migrants of Rohingya and Bangladeshi origin who arrived during the 2015 maritime migration crisis in the Bay of Bengal and Andaman Sea.

Stateless Persons

The government continued to identify stateless persons, provide documentation to preclude statelessness, and open paths to citizenship for long-time residents. An estimated 470,000 persons, mainly residing in the northern region, were likely stateless or at risk of statelessness, including persons from Burma who did not have evidence of Burmese citizenship, ethnic minorities registered with civil authorities, and previously undocumented minorities.

The government pledged to attain zero statelessness by 2024 and in 2016 approved a Cabinet resolution that provides a pathway to Thai nationality for approximately 80,000 stateless children and young adults. The resolution covers persons born in the country, whose parents are ethnic minorities, who are registered with the government, and who have resided in the country for a minimum of 15 years. The new resolution also applies to stateless youths certified by a state agency to have lived in the country for 10 years whose parentage is unknown.

Birth within the country does not automatically confer citizenship. The law bases citizenship on birth to at least one citizen parent, marriage to a male citizen, or naturalization. Individuals may also acquire citizenship by means of special government-designated criteria implemented by the Ministry of Interior with approval from the cabinet or in accordance with nationality law (see section 6, Children). Recent amendments to the law allow ethnic Thai stateless persons and their children, who meet the added definition of "displaced Thai," to apply for the status of "Thai nationality by birth."

The law stipulates every child born in the country receive an official birth certificate regardless of the parents' legal status. Many parents did not obtain birth certificates for their children due to the complexity of the process, the need to travel from remote areas to district offices, and a lack of recognition of the importance of the document.

By law stateless members of hill tribes may not vote or own land, and their travel is restricted. Stateless persons also may not participate in certain occupations reserved for citizens, including farming, although authorities permitted noncitizen members of hill tribes to undertake subsistence agriculture. Stateless persons had difficulty accessing credit and government services, such as health care. Although education was technically accessible for all undocumented and stateless children, it was usually of poor quality. School administrators placed the term "non-Thai citizen" on these

students' high school certificates, which severely limited their economic opportunities. Some public universities charged stateless and undocumented students higher tuition rates than citizens.

Without legal status, stateless persons were particularly vulnerable to various forms of abuse (see section 6, Children and Indigenous People).

Section 3. Freedom to Participate in the Political Process

The 2017 constitution largely provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage, although particulars about the electoral process remained pending, and elections had not been held by year's end.

Elections and Political Participation

Recent Elections: There had been no elections since the 2014 coup. NCPO Announcements No. 85/2557 and No. 86/2557, issued in July 2014, and NCPO Chairman Order No. 1/2557, issued in December 2014, ordered the suspension of all types of elections nationwide, at both the national and local levels.

Political Parties and Political Participation: New political parties were permitted to begin registration in March. Established political parties had to reregister their members in April. Political parties filed complaints with the Office of the Ombudsman alleging the requirement to reregister members violated the rights of party members. All registered parties could begin recruiting new members in September. Restrictions on political activity, particularly the prohibition on political gatherings of more than five persons, affected political party operations. However, in December the ruling military junta government issued orders loosening restrictions on political activities and election campaigning as the country prepared to hold elections widely expected to take place in early 2019.

Participation of Women and Minorities: The precoup constitution encouraged political parties to consider a "close proximity of equal numbers" of both genders. The 2017 constitution does not contain such a provision. No laws limit participation of women and members of minorities in the political process; however, their participation was limited. There were 13 women in the NCPO-appointed 249-member NLA and one female minister in the 36-person interim cabinet. The previous elected government had 81 women in the 500-seat lower house.

Few members of ethnic or religious minorities held positions of authority in national politics. The 249-member NLA included four Muslims and one Christian. No Muslims or Christians held cabinet posts. All governors (who are centrally appointed) in the southernmost, majority Muslim, provinces were Buddhist, but chief executives in those provincial administrative organizations were Muslim.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for conviction of corruption by officials. Government implementation of the law increased under the NCPO, although officials sometimes engaged in corrupt practices with impunity. There were reports of government corruption during the year.

Corruption: Corruption remained widespread among police. Authorities arrested police officers and convicted them of corruption, drug trafficking, and smuggling; police reportedly also committed intellectual property rights violations. In January the police Department of Special Investigation found at least 20 state officials, mostly police officers, were involved in illegal activities at a massage parlor in Bangkok. The investigation revealed the massage parlor had engaged in prostitution and employed more than 100 women, mostly foreign nationals, including some of whom were younger than 15. Five implicated police officers were immediately transferred to inactive police posts following the initial investigation. The investigation remained pending.

In 2015 the attorney general filed criminal charges against former prime minister Yingluck Shinawatra and 28 other officials in her administration related to alleged malfeasance in her government's handling of a rice-pledging program. In August 2017 the Supreme Court's Criminal Division for Holders of Political Positions found 20 defendants guilty of crimes related to corruption, sentencing former commerce minister Boonsong Teriyapirom to 42 years in prison for malfeasance in administering government-to-government deals involving Chinese companies as part of the rice-pledging program. In September 2017 the same court found Yingluck Shinawatra guilty of dereliction of duty in absentia for failing to address the corruption of Boonsong and other officials in her government and sentenced her to five years in prison. Prior to the verdict, Yingluck reportedly departed the country. Following the conviction the court issued a warrant for her immediate arrest. In July the government reportedly sought the extradition of Yingluck from the United Kingdom to face charges in Thailand. At year's end Yingluck remained outside of the country.

Separately, the National Anticorruption Commission (NACC) is investigating payments Yingluck's government made to victims of political violence that occurred from 2005 to 2010. The investigation centers on a claim the payments were not made according to the law and were disproportionately given to supporters of Yingluck's political party, Pheu Thai. As of September the NACC reported it was close to reaching a verdict. If the NACC finds corruption did take place, the case would be forwarded to the Supreme Court's Criminal Division for Political Office Holders. If found guilty, Yingluck and other implicated party leaders would be banned from politics for five years.

The NACC is also investigating claims that Deputy Prime Minister for Security Affairs and Defense Minister General Prawit Wongsuwan did not disclose among his assets personal watches and rings estimated to value $1.5 million. According to law leading

politicians must disclose all assets to the NACC. General Prawit claimed he borrowed the watches and rings from a close friend, and reportedly delayed his responses to the NACC's written inquires. The NACC investigation continued.

The government continued to enforce the 2009 arrest warrant against former prime minister Thaksin Shinawatra, who faced two and one-half years in prison after conviction of malfeasance by the Supreme Court of Justice for Persons Holding Political Positions for his involvement with a government bank loan to Burma. He continued to reside outside the country.

Financial Disclosure: Financial disclosure laws and regulations require elected and appointed public officials to disclose assets and income according to standardized forms. The law penalizes officials who fail to submit declarations, submit inaccurate declarations, or conceal assets. Penalties include a five-year political activity ban, asset seizure, and discharge from position, as well as a maximum imprisonment of six months, a maximum fine of 10,000 baht ($300), or both.

The NACC financial disclosure rules do not apply to NCPO members, although NCPO members who serve in cabinet positions must comply with the rules. Likewise authorities also exempted members of the NCPO-appointed 200-member National Reform Steering Assembly, which was dissolved in July.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A wide variety of domestic and international human rights organizations operated in the country. NCPO orders affected NGO operations, including prohibitions on political gatherings and activities, as well as media restrictions. NGOs that dealt with sensitive political matters, such as political reform or opposition to government-sponsored development projects, faced periodic harassment.

Human rights workers focusing on violence in the southernmost provinces were particularly vulnerable to harassment and intimidation by government agents and insurgent groups. Several NGOs reported pervasive online harassment and threats. The government accorded very few NGOs tax-exempt status, which sometimes hampered their ability to secure funding.

In August the United Nations highlighted the country in a report on reprisals against human rights defenders because of a lack of cooperation with UN human rights mechanisms. In response to the report, the Ministry of Foreign Affairs stated that these cases were not relevant to cooperation with human rights mechanisms and that officials acted in accordance with relevant laws and regulations.

The United Nations or Other International Bodies: The Working Group on Business and Human Rights visited the country in April. According to the United Nations, there were no developments regarding official visits previously requested by the UN working group on disappearances; by the UN special rapporteur on the freedoms of expression,

assembly, and association; or by the UN special rapporteur on the situations of human rights defenders, migrants, and internally displaced persons. As of September, 20 official visit requests from UN special procedures were pending.

Government Human Rights Bodies: The independent (NHRCT has a mission to protect human rights and to produce an annual country report. The commission received 225 cases from October 2017 through September. Of these complaints, 36 related to alleged abuses by police. Human rights groups continued to criticize the commission for not filing lawsuits against human rights violators on its own behalf or on behalf of complainants.

The Office of the Ombudsman is an independent agency empowered to consider and investigate complaints filed by any citizen. Following an investigation, the office may refer a case to a court for further review or provide recommendations for further action to the appropriate agency. The office examines all petitions, but it may not compel agencies to comply with its recommendations. From October 2017 through August, the office received 2,062 new petitions, of which 523 related to allegations of police abuses.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: Rape is illegal, although the government did not always enforce the law effectively. The law permits authorities to prosecute spousal rape, and prosecutions occurred. The law specifies penalties for conviction of rape or forcible sexual assault ranging from four years' imprisonment to the death penalty as well as fines.

NGOs asserted rape was a serious problem, and noted a measure in the law allows offenders younger than 18 years to avoid prosecution by choosing to marry their victim. They also maintained that victims underreported rapes and domestic assaults, in part due to a lack of understanding by authorities that impeded effective implementation of the law regarding violence against women.

According to NGOs the government underfunded agencies tasked with addressing the problem, and victims often perceived police as incapable of bringing perpetrators to justice.

In June a female British tourist claimed she was raped while she was vacationing on the resort island of Koh Tao. Initially the police rejected her claim and refused to investigate the incident. Following the incident, authorities arrested 12 Thai persons and charged them with violating the Computer Crimes Act for sharing information about the alleged inadequate police investigation on Facebook.

Domestic violence against women was a significant problem. The Ministry of Public Health operated one-stop crisis centers to provide information and services to victims of physical and sexual abuse throughout the country. The law establishes measures designed to facilitate both the reporting of domestic violence complaints and reconciliation between the victim and the perpetrator. Moreover, the law restricts media reporting on domestic violence cases in the judicial system. NGOs expressed concern the law's family unity approach puts undue pressure on a victim to compromise without addressing safety issues and led to a low conviction rate.

Authorities prosecuted some domestic violence crimes under provisions for assault or violence against a person, where they could seek harsher penalties. Women's rights groups reported domestic violence frequently went unreported, however, and police often were reluctant to pursue reports of domestic violence. The government operated shelters for domestic violence victims, one in each province. The government's crisis centers, located in all state-run hospitals, cared for abused women and children.

The Ministry of Social Development and Human Security continued to develop a community-based system, operating in all regions of the country, to protect women from domestic violence. The program focused on training representatives from each community on women's rights and abuse prevention to increase community awareness.

Female Genital Mutilation/Cutting (FGM/C): No specific law prohibits this practice. NGOs reported that FGM/C occurred in the Muslim-majority south, although statistics were unavailable. There were no reports of governmental efforts to prevent or address the practice.

Sexual Harassment: Sexual harassment is illegal in both the public and private sectors. The law specifies maximum fines of 20,000 baht ($600) for those convicted of sexual harassment, while abuse categorized as an indecent act may result in a maximum 15 years' imprisonment and a maximum fine of 30,000 baht ($900). The law governing the civil service also prohibits sexual harassment and stipulates five levels of punishment: probation, docked wages, salary reduction, suspension, and termination. NGOs claimed the legal definition of harassment was vague and prosecution of harassment claims difficult, leading to ineffective enforcement of the law.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The 2017 constitution provides that "men and women shall enjoy equal rights and liberties. Unjust discrimination against a person on the grounds of differences in origin, race, language, sex, age, disability, physical or health condition, personal status, economic or social standing, religious belief, education or political view, shall not be permitted."

The Ministry of Social Development and Human Security took steps to implement the Gender Equality Act by allocating funding to increase awareness about the Act, and hearing from complainants who experienced gender discrimination. Since the Act became law in 2015, the Ministry of Social Development has received more than 25

complaints, and issued judgement in four cases. The majority of cases related to transgender persons facing discrimination (see subsection on Discrimination Based on Sexual Orientation and Gender Identity below). Human rights advocates expressed concern about the act's implementation, given lengthy delays in reviewing individual discrimination complaints, and a lack of awareness about the act among the public and within the ministry's provincial offices.

Women generally enjoy the same legal status and rights as men, but sometimes experienced discrimination particularly in employment. The law imposes a maximum jail term of six months or a maximum fine of 20,000 baht ($600) or both, for anyone convicted of gender discrimination. The law mandates nondiscrimination based on gender and sexual identity in policy, rule, regulation, notification, project, or procedures by government, private organizations, and any individual, but it also stipulates two exceptions criticized by civil society groups: religious principles and national security.

Women were unable to confer citizenship to their noncitizen spouses in the same way as male citizens.

Women comprised approximately 9 percent of the country's military personnel. Ministry of Defense policy limits the percentage of female officers to not more than 25 percent in most units, with specialized hospital/medical, budgetary, and finance units permitted 35 percent. Military academies (except for the nursing academy) refused admission to female students, although a significant number of instructors were women.

In August women were banned from applying to the Royal Thai Police Academy. The RTP did not provide an explanation for the decision. Activists criticized the decision as contrary to the aims of the Gender Equality Act. Activists also formally petitioned the Office of the Ombudsman to urge the decision be revisited. Separately, the RTP listed "being a male" as a requirement in an employment announcement for new police investigators. The NHRCT and the Association of Female Police Investigators objected publicly to this announcement. In media reports the RTP cited the need for this requirement given that police investigations require hard work and the perception that female officers take frequent sick leave or abruptly resign.

Children

Birth Registration: Citizenship is conferred at birth if at least one parent is a citizen. Birth within the country does not automatically confer citizenship, but regulations entitle all children born in the country to birth registration, which qualifies them for certain government benefits regardless of citizenship (see section 2.d.). NGOs reported that hill tribe members and other stateless persons sometimes did not register births with authorities, especially births occurring in remote areas, because administrative complexities, misinformed or unscrupulous local officials, language barriers, and restricted mobility made it difficult to do so.

Education: NCPO Order No. 28/2559 provides that all children receive free "quality education for 15 years, from preschool to the completion of compulsory education," which is defined as through grade nine. NGOs reported children of registered migrants, unregistered migrants, refugees, or asylum seekers also had limited access to government schools.

Child Abuse: The law provides for the protection of children from abuse, and laws on rape and abandonment carry harsher penalties if the victim is a child. The law provides for protection of witnesses, victims, and offenders younger than 18 years in abuse and pedophilia cases. According to advocacy groups, police showed reluctance to investigate abuse cases, and rules of evidence made prosecution of child abuse difficult.

Early and Forced Marriage: According to the Civil and Commercial Code, the minimum legal age for marriage for both sexes is 17 years, while anyone younger than 20 requires parental consent. A court may grant permission for children between 15 and 16 years to marry.

According to the UN International Children's Emergency Fund (UNICEF), the country has the second-highest rate of child marriage in Southeast Asia. UNICEF further reported that one in seven Thai teens from 15 to 19 years, is married.

In the Muslim majority southernmost provinces, families may use Sharia (Islamic law) to allow marriages of young girls after their first menstrual cycle, with parental approval. According to media reports, public hospital records in Narathiwat Province indicated that 1,100 married teenage girls gave birth in 2016. In August an 11-year-old Thai girl was returned to Thailand after marrying a 41-year-old Malaysian man. They resided in northern Malaysia but were married in Thailand. Child rights advocates and journalists reported it was common for Malaysian men to cross into Southern Thailand to engage in underage marriages for which getting approval in Malaysia would be impossible or a lengthy process. In December the Islamic Committee of Thailand raised the minimum age for Muslims to marry from 15 to 17 years old. Under the new regulation, however, a Muslim younger than the age of 17 can still marry with a written court order or written parental consent, which will be considered by a special subcommittee of three members, of which at least one member must be a woman with knowledge of Islamic laws. Islamic law is used in place of the Civil Code for family matters and inheritance in the country's predominantly Muslim southern provinces.

Sexual Exploitation of Children: The law provides heavy penalties for persons who procure, lure, compel, or threaten children younger than 18 years for the purpose of prostitution, with higher penalties for persons who purchase sexual intercourse with a child younger than 15. Authorities may punish parents who allow a child to enter into prostitution and revoke their parental rights. The law prohibits the production, distribution, import, or export of child pornography. The law also imposes heavy penalties on persons convicted of sexually exploiting persons younger than 18 years, including for pimping, trafficking, and other sexual crimes against children.

Child sex trafficking remained a problem and the country continued to be a destination for child sex tourism, although the government initiated new programs to combat the problem. Children from migrant populations, ethnic minorities, and poor families remained particularly vulnerable, and police arrested parents who forced their children into prostitution. Citizens and foreign sex tourists committed pedophilia crimes, including the commercial sexual exploitation of children.

The government made efforts throughout the year to combat the sexual exploitation of children, including opening two new child advocacy centers in Pattaya and Phuket that allow for developmentally appropriate interviews of child victims and witnesses. The centers allowed both forensic interviewing and early social service intervention in cases of child abuse, trafficking, and exploitation. The multiagency Thailand Internet Crimes against Children Task Force also accelerated its operations, leveraging updated regulations and investigative methods to track internet-facilitated child exploitation.

Displaced Children: Authorities generally referred street children to government shelters located in each province, but foreign undocumented migrants avoided the shelters due to fear of deportation. The government generally sent citizen street children to school, occupational training centers, or back to their families with social worker supervision. The government repatriated some street children who came from other countries.

Institutionalized Children: There were limited reports of abuse in orphanages or other institutions.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html (https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html).

Anti-Semitism

The resident Jewish community is very small, and there were no reports of anti-Semitic acts. During the year Nazi symbols and figures were sometimes displayed on merchandise and used in advertising.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/ (http://www.state.gov/j/tip/rls/tiprpt/).

Persons with Disabilities

The 2017 constitution prohibits discrimination based on disability and physical or health conditions. The Persons with Disabilities and Empowerment Act establishes the National Commission for the Promotion and Development of Disabled Persons' Life Quality and sets out its compositions, functions, and powers. The law also establishes an office to implement recommendations of the commission, as well as a fund to be managed by the Office for the Rehabilitation of Disabled Persons. The law provides tax benefits to employers employing a certain number of disabled persons. The tax revenue code provided special income tax deductions to promote employment of persons with disabilities. Some employers subjected persons with disabilities to wage discrimination.

The government modified many public accommodations and buildings to accommodate persons with disabilities, but government enforcement was not consistent. The law mandates persons with disabilities have access to information, communications, and newly constructed buildings, but authorities did not uniformly enforce these provisions. The law entitles persons with disabilities who register with the government to free medical examinations, wheelchairs, and crutches.

The government's Community-based Rehabilitation Program and the Community Learning Center for People with Disabilities project operated in all provinces. The government provided five-year, interest-free, small-business loans for persons with disabilities.

The government maintained dozens of separate schools and education centers for students and persons with disabilities. The law requires all government schools nationwide to accept students with disabilities, and a majority of schools taught students with disabilities during the year. The government also operated shelters and rehabilitation centers specifically for persons with disabilities, including day-care centers for autistic children.

Disability rights organizations reported difficulty in accessing information about a range of public services, as well as political platforms in advance of elections.

In May the Disabilities Council, together with 100 activists, filed 430 complaints in the Central Administrative Court in Bangkok demanding financial compensation for the city hall's failure to provide disabled-friendly access to the Bangkok Mass Transit System's green electric train network. The Disabilities Council indicated Bangkok's Metropolitan Administration failed to implement the Central Administrative Court ruling of January 2015, which stated that the company must upgrade 23 of its stations and improve access for persons with disabilities in all its train stations within one year after the ruling.

National/Racial/Ethnic Minorities

Two groups--former Chinese civil war belligerents and their descendants living in the country for several decades, and children of Vietnamese immigrants residing in 13 northeastern provinces--lived under laws and regulations restricting their movement, residence, education, and access to employment. A law confines the Chinese group to residence in the northern provinces of Chiang Mai, Chiang Rai, and Mae Hong Son.

Indigenous People

Noncitizen members of hill tribes faced restrictions on their movement, could not own land, had difficulty accessing bank credit, and faced discrimination in employment. Although labor laws give them the right to equal treatment as employees, employers often violated those rights by paying them less than their citizen coworkers and less than minimum wage. The law also limits noncitizens in their choice of occupations. The law further bars them from government welfare services, such as universal health care.

The law provides citizenship eligibility to certain categories of hill tribes who were not previously eligible (see section 2.d.). The government supported efforts to register citizens and educate eligible hill tribe members about their rights.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

No laws criminalize expression of sexual orientation or consensual same-sex sexual conduct between adults.

The lesbian, gay, bisexual, transgender, and intersex (LGBTI) community reported that police treated LGBTI victims of crime the same as other persons except in the case of sexual crimes, where there was a tendency to downplay sexual abuse or not to take harassment seriously.

The law does not permit transgender persons to change their gender on identification documents, which, coupled with societal discrimination, limited their employment opportunities.

The United Nations Development Program and NGOs reported that LGBTI persons experienced discrimination, particularly in rural areas. The United Nations Development Program also reported media represented LGBTI persons in stereotypical and harmful ways resulting in discrimination.

The Gender Equality Act prohibits discrimination "due to the fact that the person is male or female or of a different appearance from his or her own sex by birth." The Act is the first law in Thailand to protect transgender students from discrimination. The country's *Third National Human Rights Plan 2014-2018* includes a "sub-human rights plan" on "persons with different sexual orientation/gender identities."

NGOs and the United Nations reported transgender persons faced discrimination in various sectors, including in the military conscription process, while in detention, and because of strict school and university uniform policies, which require students to wear uniforms that align with their biological gender. If university or school uniform codes are not followed, students may be denied graduation documents, have their grades deducted, or both. In January the Gender Equality Act's judicial committee ruled Chiang Mai University had discriminated against transgender students by not allowing them to wear uniforms that correspond to their identified gender in graduation ceremonies. Following the committee's ruling, the individual students were allowed to wear uniforms that aligned with their identified gender, but the overall policy remained unchanged and in place.

The NHRCT provided advice and support to transgender individuals who faced discrimination during the military conscription process. The NHRCT also represented transgender individuals who faced discrimination in society, including a transgender person who was refused entry to a Bangkok pub.

There was some commercial discrimination based on sexual orientation and gender identity.

HIV and AIDS Social Stigma

Some social stigma remained for persons with HIV/AIDS despite intensive educational efforts by the government and NGOs. There were reports some employers refused to hire persons who tested positive for HIV.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The constitution provides that a person shall enjoy the liberty to unite and form an association, cooperative, union, organization, community, or any other group. The Labor Relations Act (LRA) and State Enterprise Labor Relations Act (SELRA) remained in effect. The LRA allows private-sector workers to form and join trade unions of their choosing without prior authorization, to bargain collectively, and to conduct legal strikes with a number of restrictions. Workers seeking to demonstrate or strike were subject to limits on assembly of more than five people under the 2015 Public Assembly Act and NCPO order No. 7/2014.

Legal definitions of who may join a union and requirements that the union represent at least one-fifth of the workforce hampered collective bargaining efforts. Under the law, only workers who are in the same industry may form a union. For example, despite working in the same factory, contract workers performing a manufacturing job function may be classified under the "service industry" may not join the same union as full-time workers who are classified under the "manufacturing industry." This restriction often diminished the ability to bargain collectively as a larger group. Labor advocates claimed

companies exploited this required ratio to avoid unionization by hiring substantial numbers of temporary contract workers. The law also restricts formal affiliations between unions of state-owned enterprises (SOE) and private-sector unions because two separate laws govern them. Therefore, workers in state-owned aviation, banking, transportation, and education enterprises may not affiliate formally with workers in similar jobs in private sector enterprises.

The law allows employees to submit collective demands if at least 15 percent of employees are listed as supporting that demand. The law allows employees in private enterprises with more than 50 workers to establish “employee committees” to represent workers’ collective requests and to negotiate with employers and “welfare committees” to represent workers’ welfare-related collective requests. Employee and welfare committees may give suggestions to employers, but the law bars them from submitting labor demands or conducting legal strikes. The law prohibits employers from taking adverse employment actions against workers for their participation in these committees and from obstructing the work of the committees. Therefore, union leaders often join employee or welfare committees.

The SELRA allows one union per SOE. SOEs in the country included state banks, trains, airlines, airports, marine ports, and postal services. Under the law civil servants, including teachers at public and private schools, university professors, soldiers, and police, do not have the right to form or register a union; however, civil servants (including teachers, police, and nurses), and self-employed persons (such as farmers and fishers) may form and register associations to represent member interests. If a SOE union’s membership falls below 25 percent of the eligible workforce, regulations require dissolution of the union.

The law forbids strikes and lockouts in the public sector and at SOEs. The government has authority to restrict private-sector strikes that would affect national security or cause severe negative repercussions for the population at large, but it did not invoke this provision during the year.

Noncitizen migrant workers, whether registered or undocumented, do not have the right to form unions or serve as union officials. Registered migrants may be members of unions organized and led by citizens. Migrant worker participation in unions was limited due to language barriers, weak understanding of rights under the law, frequent changes in employment, membership fees, restrictive labor union regulations, and segregation of citizen workers from migrant workers by industry and by zones (particularly in border and coastal areas). In practice thousands of migrant workers formed unregistered associations, community-based organizations, or religious groups to represent member interests.

The law does not protect union members against antiunion actions by employers until their union is registered. To register a union, at least 10 workers must submit their names to the Department of Labor Protection and Welfare (DLPW). The verification process of vetting the names and employment status with the employer exposes the

workers to potential retaliation before registration is complete. Moreover, the law requires that union officials be full-time employees of the company or SOE and prohibits permanent union staff.

The law protects employees and union members from criminal or civil liability for participating in negotiations with employers, initiating a strike, organizing a rally, or explaining labor disputes to the public. The law does not protect employees and union members from criminal charges for endangering the public or for causing loss of life or bodily injury, property damage, and reputational damage. The law does not prohibit lawsuits intended to censor, intimidate, or silence critics through costly legal defense.

The law prohibits termination of employment of legal strikers but permits employers to hire workers or use subcontract workers to replace strikers. The legal requirement to call a general meeting of trade union members and obtain strike approval by at least 50 percent of union members constrained strike action, particularly in the face of the common manufacturing practice of shift work at most factories, made it more difficult to achieve a quorum of union members. The law provides for penalties, including imprisonment, a fine, or both, for strikers in SOEs.

Labor law enforcement was inconsistent, and in some instances ineffective, in protecting workers who participated in union activities. Employers may dismiss workers for any reason except participation in union activities, provided the employer pays severance. There were reports of workers dismissed for engaging in union activities, both before and after registration, and, in some cases, labor courts ordered workers reinstated. Labor courts or the Labor Relations Committee may make determinations on complaints of unfair dismissals or labor practices and may require compensation or reinstatement of workers or union leaders with wages and benefits equal to those received prior to dismissal. The Labor Relations Committee is comprised of representatives of employers, government, and workers groups, and there are associate labor court judges who represent workers and employers. There were reports employers attempted to negotiate terms of reinstatement after orders were issued, offering severance packages for voluntary resignation, denying reinstated union leaders access to work, or demoting workers to jobs with lower wages and benefits.

In some cases judges awarded compensation in lieu of reinstatement when employers or employees claimed they could not work together peacefully; however, authorities rarely applied penalties for conviction of labor violations, which include imprisonment, a fine, or both. International organizations reported DLPW leadership increasingly promoted good industrial relations and enforcement during inspector training across the country. Labor inspection increasingly focused on high-risk workplaces and the use of intelligence from civil society partners. Trade union leaders suggested that inspectors should move beyond perfunctory document reviews toward more proactive work site inspections. Rights advocates reported that provincial-level labor inspectors often attempted to mediate cases, even when there was a finding that labor rights violations requiring penalties occurred.

There were reports employers used various techniques to weaken labor union association and collective bargaining efforts. These included replacing striking workers with subcontractors, which the law permits when strikers continue to receive wages; delaying negotiations by failing to show up at Labor Relations Committee meetings or sending nondecision makers to negotiate; threatening union leaders and striking workers; pressuring union leaders and striking workers to resign; dismissing union leaders, citing business reasons; violation of company rules, or negative attitudes toward the company; prohibiting workers from demonstrating in work zones; and inciting violence to get a court warrant to prohibit protests. For example, an automotive company, upon reinstating nine union members who had been locked out since 2014, transferred the workers to distant work locations and reduced their pay to the minimum wage. There were reports that a firm and union workers reached impasse on collective bargaining arbitration with the Ministry of Labor and locked out workers after they went on strike. After workers conceded to most of the company's proposals, the company forced the locked-out workers to attend a four-day camp at a military base to "learn discipline and order," undergo five days of training by an external human resources firm, where they were expected to "reflect on their wrongdoing," one day of cleaning old people's homes to "earn merit," and three days at a Buddhist temple, with no regard for their religious beliefs. The workers were also made to post apologies to the company on their personal social media accounts.

In some cases employers filed lawsuits against union leaders and strikers for trespassing, defamation, and vandalism. For example, during the year private companies pursued civil and criminal lawsuits against union leaders, including civil damages for allegations of disruption of production lines due to illegal strikes, trespassing, and civil and criminal defamation. Human rights defenders said these lawsuits, along with unfair dismissal of union leaders, and were used by employers to attempt to camouflage or justify antiunion activities or other efforts to promote workers' rights; such tactics had a chilling effect on freedoms of expression and association (also see section 7.b.).

During the year there were reports some employers transferred union leaders to other branches to render them ineligible to participate in employee or welfare committees and then dismissed them. Some employers also transferred union leaders and striking workers to different, less desirable positions or inactive management positions (with no management authority) to prevent them from leading union activities. There were reports some employers supported the registration of competing unions to circumvent established unions that refused to accept the terms of agreement proposed by employers.

There were also reports government officers interrupted collective bargaining and association efforts of public hospital and social security office workers who demanded increased wages and welfare benefits for temporary employees.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, except in the case of national emergency, war, martial law, or imminent public calamity. The prescribed penalties for human trafficking were sufficiently stringent to deter violations. Rights groups and international organizations continued to call, however, for a more precise legal definition of forced labor and penalties equivalent to those in the Criminal Code and the Anti Trafficking in Persons Act. They noted a clearer and more comprehensive legal definition of forced labor could address challenges in applying existing anti-human-trafficking laws to forced labor cases, particularly when physical indicators of forced labor are not present.

The government did not effectively enforced the law in all sectors.

Government and NGOs continued to report forced labor in the fishing sector; however, an International Labor Organization (ILO) report published in March found considerable decline in worker claims of abuses such as intimidation and violence on short-haul fishing boats and seafood processing facilities. The study also pointed to declines in some indicators of forced labor, including non- or underpayment of wages, document holding, and lack of contracts. NGOs acknowledged a decline in the most severe forms of labor exploitation in the fishing sector, although they pointed to persistent weaknesses in enforcing labor laws. The government and NGOs noted efforts to regulate the fishing industry, document migrant workers, and improve inspections had contributed to improvements in the sector. There are anecdotal reports that forced labor continued in agriculture, domestic work, and forced begging.

Labor rights groups reported indicators of forced labor among employers who sought to prevent migrant workers from changing jobs through delayed payment of wages, incurred debt, and spurious accusations of stealing or embezzlement.

Private companies pursued civil and criminal lawsuits against labor leaders, including accusing workers of civil and criminal defamation (also see section 7.a.). In July the Bangkok Magistrate Court dismissed criminal defamation charges filed by an employer against 14 Burmese poultry workers. The employer filed the criminal defamation charges in response to the workers filing a complaint with the NHRCT alleging they were victims of forced labor. In 2017 a civil labor court ordered the employer to pay the workers 1.7 million baht ($51,100) in unpaid wages, plus unpaid overtime and holiday pay. In 2017 the Supreme Court upheld the labor court's decision; as of the end of the year the employer had not yet provided compensation. In December the employer brought new criminal defamation charges against another rights organization, which had raised concerns over the defamation charges against the workers and other rights defenders. In September the Lopburi Provincial Court dismissed related criminal theft charges the employer brought against the workers for alleged theft of the workers' timecards; the court found the employer failed to provide sufficient evidence that the workers had stolen their timecards.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/ (http://www.state.gov/j/tip/rls/tiprpt/).

c. Prohibition of Child Labor and Minimum Age for Employment

The law regulates the employment of children younger than 18 years and prohibits employment of children younger than 15. Children younger than 18 years are prohibited from work in an activity involving metalwork, hazardous chemicals, poisonous materials, radiation, and harmful temperatures or noise levels; exposure to toxic microorganisms; operation of heavy equipment; and work underground or underwater. The law also prohibits children younger than 18 years from work in hazardous workplaces, such as slaughterhouses, gambling establishments, places where alcohol is sold, massage parlors, entertainment venues, sea fishing vessels, and seafood processing establishments. The law provides limited coverage to child workers in some informal sectors, such as agriculture, domestic work, and home-based businesses. Self-employed children and children working in nonemployment relationships are not protected under national labor law, but they are protected under the Child Protection Act and the third amendment of the Antitrafficking in Persons Act of January.

Penalties for violations of the law may include imprisonment or fines, and were sufficient to deter violations. Parents who the court finds were "driven by unbearable poverty" can be exempt from penalties.

Government and private-sector entities, particularly medium and large manufacturers, advocated against the use of child labor through public awareness campaigns and conducted bone-density checks or dental age to identify potentially underage job applicants. Such tests were not, however, always accurate. Labor inspectors used information from civil society to target inspections for child labor and forced labor. In 2017 the DLPW recorded 103 cases of child labor violations (compared to 71 cases in 2016) and collected approximately 1.5 million baht ($46,000) in fines.

Some civil society and international organizations reported fewer cases of child labor in manufacturing, fishing, shrimping, and seafood processing. They attribute the decline to legal and regulatory changes in 2014 that expanded the number of hazardous job categories in which children younger than 18 years are prohibited from working and in 2017 that increased penalties for employing child laborers.

NGOs reported, however, that some children from Thailand, Burma, Cambodia, Laos, and ethnic minority communities were engaged in labor in informal sectors and small businesses, including farming, home-based businesses, restaurants, street vending, auto services, food processing, construction, domestic work, and begging. Some children engaged in the worst forms of child labor, including in commercial sexual exploitation, child pornography, forced child begging, and production and trafficking of drugs (see section 6, Children). The Thailand Internet Crimes against Children task force became a stand-alone unit in 2017 with its own budget and administrative personnel; the number of officers assigned to the task force team increased in an effort to counter the commission of online crimes against children.

The DLPW is the primary agency charged with enforcing child labor laws and policies. In 2017 labor inspectors increased the number of inspections; 84 percent were unannounced and targeted to high-risk sectors for child labor, including seafood processing, garment, manufacturing, agriculture and livestock, construction, gas

stations, restaurants, and bars. Violations included employing underage child labor in hazardous work, unlawful working hours, and failure to notify the DLPW of employment of child workers.

Observers noted several limiting factors in effective enforcement of child labor laws, including insufficient number of labor inspectors, insufficient number of interpreters during labor inspections, ineffective inspection procedures for the informal sector or hard-to-reach workplaces (such as private residences, small family-based business units, farms, and fishing boats), and lack of official identity documents or birth certificates among young migrant workers from neighboring countries. Moreover, a lack of public understanding of child labor laws and standards was also an important factor. The government conducted a nationally representative working child survey during the year; the data had not been released at year's end.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings (http://www.dol.gov/ilab/reports/child-labor/findings).

d. Discrimination with Respect to Employment and Occupation

Labor laws did not specifically prohibit discrimination in the workplace. The law does impose penalties of imprisonment, fines, or both for anyone committing gender or gender identity discrimination, including in employment decisions. Another law requires workplaces with more than 100 employees to hire at least one worker with disabilities for every 100 workers.

Discrimination with respect to employment occurred against LGBTI persons, women, and migrant workers (also see section 7.e.). Government regulations require employers to pay equal wages and benefits for equal work, regardless of gender. Union leaders stated the wage differences for men and women were generally minimal and were mostly due to different skills, duration of employment, types of jobs, as well as legal requirements, which prohibit the employment of women in hazardous work. Nonetheless, a 2016 ILO report on migrant women in the country's construction sector found female migrant workers consistently received less than their male counterparts, and more than one-half were paid less than the official minimum wage, especially for overtime work.

Union leaders reported pregnant women were dismissed unfairly, although reinstatements occurred after unions or NGOs filed complaints. In May, for example, the Eastern Labor Union Group, an affiliate of the Thai Labor Solidarity Committee, helped a pregnant woman to file a grievance with the Rayong provincial labor protection and welfare office alleging that her employer had forced her to resign. She was reinstated.

In September the police cadet academy announced it would no longer admit female cadets. This decision was widely criticized as discriminatory and detrimental to the ability of the police force to identify some labor violations against women. Discrimination against persons with disabilities occurred in employment, access, and training.

Persons of diverse sexual orientations and gender identities faced frequent discrimination in the workplace, partly due to common prejudices and a lack of protective laws and policies on discrimination. Transgender workers reportedly faced even greater constraints, and their participation in the workforce was often limited to a few professions, such as cosmetology and entertainment.

e. Acceptable Conditions of Work

Effective January 1 there were seven rates of daily minimum wage depending on provincial cost of living, ranging from 308 baht ($9.26) to 330 ($9.93) baht. This daily minimum wage was three times higher than the government-calculated poverty line of 2,667 baht ($80) per month, last calculated in 2016.

The maximum workweek by law is 48 hours, or eight hours per day over six days, with an overtime limit of 36 hours per week. Employees engaged in "dangerous" work, such as chemical, mining, or other industries involving heavy machinery, may work a maximum of 42 hours per week and may not work overtime. Petrochemical industry employees may not work more than 12 hours per day but may work continuously for a maximum period of 28 days.

The law requires safe and healthy workplaces, including for home-based businesses, and prohibits pregnant women and children younger than 18 from working in hazardous conditions. The law also requires the employer to inform employees about hazardous working conditions prior to employment. Workers do not have the right to remove themselves from situations that endangered health or safety without jeopardy to their employment.

Legal protections do not apply equally to all sectors. For example, the daily minimum wage does not apply to employees in the public sector, SOEs, domestic work, nonprofit work, and seasonal agricultural work. Ministerial regulations provide household domestic workers some protections regarding leave, minimum age, and payment of wages, but they do not address minimum wage, regular working hours, social security, or maternity leave.

A large income gap remained between formal and informal employment, with workers in nonagricultural sectors earning an average of three times more than those in the agricultural sector. According to government statistics, 55 percent of the labor force worked in the informal economy, with limited protection under labor laws and the social security system.

There were reports daily minimum wages, overtime, and holiday pay regulations were not well enforced in small enterprises, in some areas (especially rural or border areas), or in some sectors (especially agriculture, construction, and sea fishing). Labor unions estimated 5-10 percent of workers received less than the minimum wage; however, the share of workers who received less than minimum wage was likely higher among unregistered migrant workers. Unregistered migrant workers rarely sought redress under the law due to their lack of legal status to work and live in the country legally and the fear of losing their livelihood.

The DLPW enforces laws related to labor relations and occupational safety and health. The law subjects employers to fines and imprisonment for minimum wage noncompliance, but enforcement was inconsistent. There were reports many cases of minimum wage noncompliance went to mediation in which workers agreed to settlements for owed wages lower than the daily minimum wage.

Convictions for violations of occupational safety and health (OSH) regulations include imprisonment and fines; however, the number of OSH experts and inspections was insufficient, with most inspections taking place in reaction to complaints. Union leaders estimated only 20 percent of workplaces, mostly large factories for international companies, complied with government OSH standards.

Medium and large factories often applied government health and safety standards, but overall enforcement of safety standards was lax, particularly in the informal economy and smaller businesses. NGOs and union leaders noted the main factors for ineffective enforcement as an insufficient number of qualified inspectors, overreliance on document-based inspection (instead of workplace inspection), lack of protection for workers' complaints, lack of interpreters, and failure to impose effective penalties on noncompliant employers. The Ministry of Labor hired and trained more inspectors and foreign language interpreters. The foreign language interpreters were assigned primarily to fishing port inspection centers and multidisciplinary human-trafficking teams.

The country provides universal health care for all citizens, and social security and workers' compensation programs to insure employed persons in cases of injury or illness and to provide maternity, disability, death, child allowance, unemployment, and retirement benefits. Registered migrant workers in both the formal and informal labor sectors and their dependents are also eligible to buy health insurance from the Ministry of Public Health.

NGOs reported many construction workers, especially subcontracted workers and migrant workers, were not in the social security system or covered under the workers' compensation program, despite requirements of the law. While the social security program is mandatory for employed persons, it excludes workers in the informal sector such as domestic work, seasonal agriculture, and fishing. Workers employed in the informal sector, temporary or seasonal employment, or self-employed may also contribute voluntarily to the workers' compensation program and receive government matching funds.

NGOs reported several cases of denial of government social security and accident benefits to registered migrant workers due to employers' failure to fulfill mandatory contribution requirements or because of migrant workers' failure to pass nationality verification. Compensation for work-related illnesses was rarely granted because the connection between some illnesses (such as respiratory disease, anemia, or vitamin B deficiency) and the workplace was often difficult to prove.

Workers in the fishing industry were often deemed seasonal workers and therefore not required by law to have access to social security and workers' compensation; however, the government requires registered migrant workers to buy health insurance. The lack of sufficient occupational safety and health training, inspections by OSH experts, first aid, and reliable systems to ensure timely delivery of injured workers to hospitals after serious accidents exacerbated the vulnerability of fishery workers. NGOs reported several cases of migrant workers who received only minimal compensation from employers after becoming disabled on the job.

NGOs reported poor working conditions and lack of labor protections for migrant workers, including those near border-crossing points. In July the Royal Ordinance Concerning the Management of Foreign Workers' Employment to regulate the employment, recruitment, and protection of migrant workers, went into full effect. The decree provides for civil penalties for employing or sheltering unregistered migrant workers, while strengthening worker protections by prohibiting Thai employment brokers and employers from charging migrant workers additional fees for recruitment. The decree also bans subcontracting and prohibits employers from holding migrant worker documents. It also outlaws those convicted of labor and anti-trafficking-in-persons laws from operating employment agencies. During the first six months of the year, the government worked with the governments of Burma, Cambodia, and Laos to verify identity documents and issue work permits for more than one million migrant workers from those countries.

Labor brokerage firms used a "contract labor system" under which workers sign an annual contract. By law businesses must provide contract laborers "fair benefits and welfare without discrimination"; however, employers often paid contract laborers less and provided fewer or no benefits.

NGOs noted local moneylenders, mostly informal, offered loans at exorbitant interest rates so citizen workers looking for work abroad could pay recruitment fees, some as high as 500,000 baht ($15,000). Department of Employment regulations limit the maximum charges for recruitment fees, but effective enforcement of the rules remained difficult and inadequate; effective enforcement was hindered by workers' unwillingness to provide information and the lack of legal documentary evidence regarding underground recruitment and documentation fees and migration costs. Exploitative employment service agencies persisted in charging citizens working overseas large, illegal fees that frequently equaled their first- and second-year earnings.

In 2017, the latest year for which data were available, there were 86,278 reported incidents of diseases and injuries from workplace accidents. The Social Security Office reported most serious workplace accidents occurred in manufacturing, wholesale retail

trade, construction, transportation, hotels, and restaurants. Observers said workplace accidents in the informal and agricultural sectors and among migrant workers were underreported. Employers rarely diagnosed or compensated occupational diseases, and few doctors or clinics specialized in them.

ecoi.net summary:
Annual report on human rights in 2018

Country:
Thailand

Source:
USDOS – US Department of State (/en/source/11558.html)

Original link:
https://www.state.gov/j/drl/rls/hrrpt/2018/eap/289085.htm (https://www.state.gov/j/drl/rls/hrrpt/2018/eap/289085.htm)

Document type:
Periodical Report

Language:
English

Published:
13 March 2019

Document ID:
2004265

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.