



2014 Country Reports on Human Rights Practices - Thailand

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Thailand is a constitutional monarchy. The king serves as head of state and has traditionally exerted strong influence. On May 22, in a bloodless coup, military and police leaders, taking the name of the National Council for Peace and Order (NCPO) and led by General Prayut Chan-Ocha, overthrew the interim government led by the Puea Thai political party. Puea Thai, led by Yingluck Shinawatra, had governed since 2011 following National Assembly lower house elections that were generally viewed as free and fair. The military-led NCPO maintained effective control over the security forces.

The coup leaders repealed the constitution (except for provisions related to the monarchy), suspended parliament, continued martial law imposed two days earlier on May 20, and issued numerous decrees severely limiting civil liberties, including restrictions on freedom of speech, freedom of assembly, and freedom of the press. The NCPO summoned and detained, without charge, more than 900 political leaders, academics, journalists, and others, holding many for up to seven days.

The NCPO promulgated an interim constitution on July 22 and appointed individuals to a National Legislative Assembly on July 31, the members of which unanimously selected coup leader and head of the army, General Prayut, as prime minister on August 21.

In addition to limitations on human rights occasioned by the coup and implemented by the NCPO, the most persistent human rights problems consisted of abuses by government security forces and local defense volunteers in the context of the continuing Malay-Muslim insurgency in the three southernmost provinces, and occasional excessive use of force by security forces, including police killing, torturing, and otherwise abusing criminal suspects, detainees, and prisoners. After the May 22 coup, citizens no longer had the ability to change the government through the right to vote in free and fair elections.

Other human rights problems included arbitrary arrests and detention; poor, overcrowded, and unsanitary prison and detention facilities; insufficient protection for vulnerable populations, including refugees; violence and discrimination against women; sex tourism; sexual exploitation of children; trafficking in persons; discrimination against persons with disabilities, minorities, hill tribe members, and foreign migrant workers; child labor; and some limitations on worker rights.

Authorities occasionally dismissed, arrested, prosecuted, and convicted security force members who committed abuses. Official impunity, however, continued to be a serious problem, especially in provinces where the 2005 Emergency Decree and the 2008 Internal Security Act (ISA) remained in effect. The military's invocation of martial law nationwide on May 20 magnified this problem. Article 48 of the NCPO-imposed interim constitution grants immunity to coup leaders and their subordinates for any pre-or postcoup actions ordered by the NCPO, regardless of the legality of the action.

Insurgents in the southernmost provinces continued to commit human rights abuses, including attacks on civilian targets.

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

a. Arbitrary or Unlawful Deprivation of Life

There were continued reports that security forces at times used excessive and lethal force against criminal suspects and committed or were connected to extrajudicial, arbitrary, and unlawful killings. According to the Ministry of Interior's Investigation and Legal Affairs Bureau, from August 2013 to June 2014 security forces – including police, military, and other agencies – killed 45 suspects during the arrest process. The police department with jurisdiction over the location of the killings investigated each case, although no details were available.

While there were no confirmed reports that the government or its agents committed politically motivated killings during the year, there were at least 28 deaths linked to attacks during large antigovernment demonstrations in Bangkok and elsewhere from late 2013 to May 2014. Unknown assailants shot and killed Suthin Thararin, a protest leader of the anti-Puea Thai government People's Democratic Reform Committee, as he led demonstrators who blocked and closed a voting station in Bangkok on January 26 during national legislative elections. The shooting also injured nine others.

Armed individuals on January 22 shot and seriously injured Khwanchai Phraiphana Sarakham, a leader of the United Front of Democracy against Dictatorship (Red-Shirts) – allied with former prime minister Thaksin Shinawatra – at his community radio station and residence compound in Udon Thani Province. Authorities charged six individuals involved in the attack: Maduenang Masae, a Territorial Defense Volunteer with the Narathiwat Provincial Authority; Master Sergeant Mawin Yangbua; Sergeant Wirot Phimsing; Sub-Lieutenant Praty Chanrotphai; Sergeant Chanon Thapthimthong; and Sergeant Banchong Kanthathon, all of whom, except Maduenang, were assigned to the 19th Cavalry Battalion of the 9th Infantry Division in Kanchanaburi province. All individuals except Maduenang were free on bail as of August 1.

On April 23, unknown assailants shot and killed poet Kamol Duangphasuk, a vocal critic of the country's lese majeste laws (see section 2.a.) and Red Shirt activist. The investigation of the killing continued as of November with no arrests.

There were reports of killings during the year in connection with the conflict in the southernmost provinces (see section 1.g.).

On August 28, the Criminal Court dismissed murder charges against former prime minister and current Democrat Party leader Abhisit Vejjajiva and his then deputy Suthep Thaugsuban for their roles in the 2010 clashes between security forces and antigovernment protesters in Bangkok and the Northeast. The court ruled it lacked jurisdiction because both individuals were public office holders at the time of the killings and had acted under an emergency decree. The court stated that only the Supreme Court's Criminal Division for Holders of Political Positions had the authority to

consider the allegations. Cases brought on behalf of individual victims against Abhisit and Suthep remained with the Department of Special Investigations (DSI), the National Anti-Corruption Commission (NACC), and other government entities. As in previous cases, the DSI did not file charges against the soldiers who killed individuals as part of the government's response to protests, since it found they acted in accordance with executive orders.

Thai security forces clashed with loggers engaged in illegal cross-border logging, mostly Cambodian citizens, throughout the year. On April 6, Thai security forces killed one Cambodian allegedly involved in illegal logging. In a clash at the border with Laos on June 6, one Thai officer was injured.

b. Disappearance

On April 17, a prominent ethnic Karen activist, Porlajee Rakchongcharoen (known as "Billy"), disappeared in southwest Thailand. Billy had led a legal fight against government authorities, including the superintendent of Kaengkrachan National Park in Petchaburi Province, Chaiwat Limlikitsorn, whom community members alleged had ordered the destruction in 2011 of more than 100 houses and rice stocks belonging to more than 20 Karen households for their alleged encroachment into the park. At the time of his disappearance, Billy was reportedly traveling to meet with ethnic Karen villagers and activists to prepare for a court hearing. On April 18, Chaiwat stated that park authorities detained Billy on April 17 but released him after questioning. In an April 20 statement, Human Rights Watch urged, "Thai authorities should not stay silent about Billy's case but explain what happened to him." At year's end police officials neither identified any suspects nor made any arrests.

After the coup security forces detained hundreds of activists and in some instances withheld information about their safety for brief periods before announcing their whereabouts. For instance, on September 5, plainclothes soldiers arrested Kittisak Soomsri at a teacher-training center in Bangkok. Military officials refused to acknowledge his detention for six days. On September 11, authorities charged Kittisak as one of the "men in black," who allegedly initiated violent acts during the 2010 protests.

As of August the government had not taken action on the UN Working Group on Enforced or Involuntary Disappearances' June 2011 request for a country visit.

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

Prior to the coup, the constitution prohibited such practices; upon the military coup, however, its leaders revoked the constitution and decreed martial law. The interim constitution protects "all human dignity, rights, [and] liberties," but it does not specifically prohibit torture. Section 17 of the Emergency Decree on Public Administration in the State of Emergency (2005), hereinafter "the emergency decree," and article 48 of the interim constitution effectively provide immunity from prosecution to security officials for actions committed during the performance of their duties. As of September the cabinet renewed the emergency decree 37 times for consecutive three-month periods since 2005 in several provinces in the South.

Credible nongovernmental organizations (NGOs) and legal entities continued to report that police and military officials occasionally tortured and beat suspects to obtain confessions, and newspapers continued to report numerous cases of citizens accusing police and other security officials of brutality. There were criminal actions pursued against Royal Thai Police (RTP) officers. Available official statistics showed 332 charges filed from January to mid-July, compared with 456 charges during January-August in 2013. There were 1,963 internal investigations of official misconduct from January through June, compared with 2,663 during all of 2013.

On August 5, the Office of the UN High Commissioner for Human Rights (OHCHR), Human Rights Watch, and the International Commission of Jurists called on authorities to investigate the claims of Red Shirt leader Kritsuda Khunasen that officials tortured her during her 29-day detention at a military facility. Military authorities subsequently claimed that an internal investigation revealed no evidence of torture (see section 1.d.). On August 9, police officials filed criminal charges against Kritsuda for illegal weapons possession.

On August 24, police officials summoned Somchai Homlaor and Pornpen Khongkachonkiet in response to libel and defamation charges made by the army. Paramilitary Unit 41 charged that Somchai and Pornpen disseminated an open letter, which included allegations of torture by the unit, and caused embarrassment to the army (see section 5).

In October human rights organizations called on the government to investigate allegations by two Burmese nationals accused of killing two British tourists in September that police officials tortured them to extract confessions, which the Burmese nationals later recanted. Police authorities denied the allegations.

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 and detention facility conditions.

Physical Conditions: As of June 1, approximately 303,000 persons were in prisons and detention facilities with a maximum design capacity of 217,000. An estimated 15 percent of the detainees were women, and less than 1 percent were juveniles.

At the IDC in Bangkok, as of August 1, authorities detained approximately 900 foreign nationals.

In some prisons sleeping accommodations were insufficient, the lack of medical care was a serious problem, and communicable diseases were widespread. Prisoners generally had access to potable water. Authorities at times transferred seriously ill prisoners and detainees to provincial or state hospitals.

Approximately 28 percent of the prison population consisted of pretrial detainees. Prison officials did not segregate these detainees from the general prison population. The government often detained individuals held under the emergency decree in the southernmost provinces in military camps or police stations rather than 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. Separate detention facilities for juvenile offenders were available in all provinces. Conditions for women were typically better than for men, in large part because the prisoners themselves managed and implemented much of the prison's maintenance and cleaning.

In IDCs, however, authorities detained women and men together and placed juveniles above age 14 with adults. On September 2, Human Rights Watch released a report on detention of children in IDCs that claimed the government arbitrarily detained thousands of undocumented migrant, asylum seekers, and refugee children – including infants and toddlers – in squalid immigration facilities and police lock-ups, some for weeks, months, or years. The report was based on more than 100 interviews, including with 41 migrant children, and asserted that child detainees lacked a nutritional diet or opportunities for physical exercise and that their detention exacerbated previous

traumas and contributed to lasting depression and anxiety. The report urged the government to enact legislation and policies to end detention of children and adopt alternatives, such as supervised release and noncustodial, community-based housing while their immigration status was being resolved. Other NGOs reported complaints, especially by Muslim detainees, of inadequate and culturally inappropriate food. There also were persistent reports of forced labor and extortion by guards and poor facility ventilation.

Prison authorities sometimes used solitary confinement of not more than one month, as permitted by law, to punish male prisoners who consistently violated prison rules or regulations or were a danger to others. The Department of Corrections maintained that the average confinement was approximately seven days. Authorities also used heavy leg irons on 600 to 1,000 prisoners deemed escape risks or possibly dangerous to other prisoners.

According to the Ministry of Interior's Investigation and Legal Affairs Bureau, 823 persons died in official custody from August 2013 to June 2014. Authorities attributed most of those deaths to natural causes. There were no reports of officials killing prisoners as of July.

The law classifies drug users as patients rather than criminals, and the government may detain individuals who use drugs in compulsory rehabilitation centers for either 120 or 180 days to convert drug addicts into "decent citizens." These centers, a joint project of the Ministries of Justice and Public Health as well as the armed forces, were located in approximately 56 military camps and 11 civilian centers and held an estimated 18,000 individuals as of July. Military personnel with no medical background operated most centers.

Department of Probation authorities contended that the government periodically evaluated the effectiveness of the operations and that medical personnel or a medical team visited many military camps at least once a week. Prior to detention, local authorities made no individual clinical assessments of the severity of drug dependence and afforded no due process. After release, government officials typically did not offer patients follow-up treatment. Media reports catalogued abuses of addict detainees, including physical abuse. Health services such as medically assisted detoxification; HIV prevention, treatment, care, and support; and evidence-based drug dependence treatment were unavailable.

For instance, authorities closed a center in Phetchaburi Province, and the army replaced it with a new center, after a military trainer allegedly forced an addict detainee to withdraw 600,000 baht (\$18,000) from a bank before fatally shooting him in 2013. As of July the accused was on trial in a military court. There were no reports during the year of violent incidents involving military personnel at these rehabilitation centers.

Civil society groups operating harm-reduction programs faced barriers to delivering their services to drug users, and there continued to be reports that law enforcement officers arrested and harassed outreach workers acting within this government-approved project.

Administration: Officials used an online data-sharing system for prisoner recordkeeping, which they sometimes supplemented with letters and telephone calls if information conflicted. Prisoners and detainees had access to visitors, and authorities permitted religious observance. Authorities permitted prisoners and detainees or their representatives to submit complaints without censorship to ombudsmen but not directly to judicial authorities. Ombudsmen in turn may 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 an individual files an official complaint. Authorities rarely investigated complaints and did not make public the results of such investigations.

In IDCs, according to independent human rights observers, detainees and their children may be held for years unless they pay a fine and their way home, since by law, " ... the alien will have to pay the expense of deportation ... [and] [t]he expense of detention shall be charged to the alien's account."

Judicial authorities often imposed alternative penalties (e.g., probation, suspended sentence, fine, or restriction on movement) rather than imprisonment on nonviolent offenders, minors, and convicts with disabilities. The Department of Probation used personal electronic monitoring devices during the year to detain 190 persons at their homes instead of in prisons.

IDCs, administered by the Immigration Police Bureau, which reports to the RTP, were not subject to many of the regulations that govern the regular prison system.

Independent Monitoring: The government permitted visits to prisons and IDCs by independent human rights observers, and it allowed representatives of human rights organization to meet prisoners without third parties present, make repeated visits, and receive access to all police facilities in the southernmost provinces. An international human rights organization reported that authorities allowed access to all prisons in the country during the year and continued to engage with military and police agencies regarding international policing standards and the exercise of police powers.

Representatives of the Office of the UN High Commissioner for Refugees (UNHCR) had access to some detainees at the Suvarnabhumi Airport IDC in Bangkok, but access to these detainees varied on a case-by-case basis. Access to detainees at other IDCs also varied on a case-by-case basis. UNHCR officials were able to interview detainees in the Suan Phlu IDC, and access continued for resettlement country representatives to process recognized refugees for third-country resettlement. The International Organization for Migration and the International Committee of the Red Cross also had access to detainees in various IDCs elsewhere in the country.

d. Arbitrary Arrest or Detention

Prior to the coup, the constitution prohibited arbitrary arrest and detention, but government forces occasionally arrested and detained persons arbitrarily. On May 20, then army commander in chief Prayut declared martial law throughout the country, which allows the government to detain individuals without warrant for up to seven days.

The emergency decree, which gives the government authority to detain persons without charge for up to 30 days in unofficial places of detention, was in effect in the three southernmost provinces of Yala, Narathiwat, and Pattani, except the Mae Lan District of Pattani Province, throughout the year (see section 1.d., Role of the Police and Security Apparatus).

On January 22, the Yingluck Administration extended the emergency decree for 60 days to areas of Bangkok and surrounding provinces. On March 18, the administration replaced the decree with the less expansive ISA, which was in effect until June 30. The decree is in addition to martial law, which was in force nationwide at year's end by order of the NCPO.

On May 20, Prayut invited political party and movement leaders as well as government officials to engage in talks to end the political crisis. Two days later he abruptly ended the talks, ordered all participants detained, and announced the military coup on state television. Over the next several months, military authorities summoned at least 900 persons, including political leaders, government officials, academics, and journalists, and held many without charge, in some cases for up to seven days. Military authorities required many detained individuals, in order to secure release, to sign documents affirming that officials had treated the detainee well, the individual would refrain from political activity, and the individual would seek authorization prior to travel

outside of the local area. Military authorities threatened those who failed to respond to summonses with prison and seizure of assets.

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

According to the DSI, of the 269 protest-related cases under its jurisdiction, it completed 232 investigations as of August. The DSI continued to investigate the 37 remaining cases. In September police arrested four men and one woman – Kittisak Soomsri, Chamnan Phakeechai, Preecha Yuyen, Ronnarit Suricha, and Punika Chusri, known as the "men in black" – for their alleged involvement in protests that killed soldiers and civilians in 2010. The five remained in detention pending further investigation as of November.

Role of the Police and Security Apparatus

The declaration of martial law on May 20 gave military forces authority over civilian institutions, including the police, regarding the maintenance of public order. On August 24, the National Police Policy Commission, chaired by coup leader and NCPO chief General Prayut, appointed Somyot Pumpunmuang as the new national police chief.

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

The ISA created the Internal Special Operations Command (ISOC) as a state agency under the command of the prime minister, who acts as ISOC director. The ISOC is an interagency monitoring body with both civilian and military representation.

Human rights organizations and academics criticized the government for using the ISA to respond to alleged threats to national security by restricting fundamental rights.

There were reports that police abused prisoners and detainees, generally with impunity. Article 48 of the interim constitution and Section 17 of the emergency decree effectively provide immunity from prosecution to security officials for actions committed during the performance of their duties.

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 National Human Rights Commission (NHRC), Lawyers' Council of Thailand (LCT), NACC, Supreme Court of Justice, Ministry of Justice, and Office of the Prime Minister also accepted complaints of police abuse and corruption, as did the Office of the Ombudsman. The NHRC received 60 complaints of police abuse from September 2013 to July 2014, a substantial decrease from the 254 complaints received during the first eight months of 2013.

When police receive a complaint, an internal investigation committee takes up the matter and may temporarily suspend the officer involved in the complaint during the investigation. Various administrative penalties exist, and authorities may refer serious cases to a criminal court.

Procedures for investigating suspicious deaths, including deaths occurring in police custody, require that a prosecutor, forensic pathologist, and local administrator participate in the investigation and that, in most cases, family members have legal representation at the inquests. Officials often did not follow these procedures. Families rarely took advantage of a provision of law that allows them to sue police for criminal action during arrests.

The Ministry of Defense requires that service members receive human rights training. Routine training occurred at various levels, including for officers, noncommissioned officers, enlisted personnel, and recruits. Additionally, military service members deploying in support of counterinsurgency operations in the South received specific human rights training, including training for detailed, situation-specific contingencies.

Arrest Procedures and Treatment of Detainees

With few exceptions the law requires police to obtain a warrant from a judge prior to making an arrest. The system for issuing arrest warrants was subject to misuse by police as well as 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. Criminal detainees have the right to initiate habeas corpus or other court proceedings to determine the lawfulness of their detention and may obtain compensation if authorities unlawfully detained them.

The law provides for access to counsel for criminal detainees, but lawyers and human rights groups claimed police often conducted interrogations without providing access to an attorney. In the southernmost provinces, lawyers reported that under the emergency decree, authorities denied them adequate access to detained clients, and some individuals reported government officials denied them permission to visit detained family members.

Authorities sometimes pressured foreign detainees, especially migrant workers and those in the country illegally, to sign confessions without the benefit of a competent interpreter/translator.

The Ministry of Justice and the Court of Justice assigned volunteer attorneys in 15,332 legal cases for indigent detainees at public expense from October 2013 to May. Lawyers noted that fees offered for such service were often low.

The law provides defendants the right to request bail, and the government generally respected this right. Nevertheless, some human rights groups continued to report that police frequently did not inform detained suspects of their right to request bail or refused to recommend bail after suspects submitted a request, particularly in drug arrests and cases involving violence in the southernmost provinces.

Arbitrary Arrest: Under martial law, the military has the authority to detain persons without charge for a maximum of seven days, and under the emergency decree, authorities may detain a person for up to 30 days without charge (see section 1.g.). Following the May 22 coup, the coup leaders detained more than 900 government officials, academics, journalists, and other individuals. Military officials released most of these persons after several days, although they detained some for the maximum seven days and others beyond this legal limitation. For instance, authorities detained Red Shirt leader Kritsuda Khunasen for 29 days at a military facility.

Pretrial Detention: Under normal conditions the law allows police to detain criminal suspects for 48 hours after arrest for investigation. Lawyers reported that police rarely brought cases to court within that 48-hour period. Laws and regulations place offenses for which the maximum penalty is less than three years under the jurisdiction of the district courts, which have different procedures requiring police to submit cases to public prosecutors within 72 hours of arrest. According to the LCT, pretrial detention of criminal suspects for up to 60 days was not uncommon.

Before charging and trial, authorities may detain individuals for a total of 84 days (for the most serious offenses), with a judicial review required for each seven-day period. After formal charge 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

until Supreme Court appellate review. The time a defendant spent in detention prior to sentencing occasionally equaled or exceeded the sentence for the alleged crime.

Detention of Rejected Asylum Seekers or Stateless Persons: Authorities detained unsuccessful asylum applicants pending deportation. NGOs alleged detentions were protracted and detention conditions failed to meet satisfactory standards.

Amnesty: A January royal pardon allowed the release of a Saudi Arabia citizen after he served almost all of a two-year prison sentence for lese majeste offenses.

e. Denial of Fair Public Trial

Prior to the coup, the constitution provided for an independent judiciary. After the coup the NCPO issued orders that retained the judiciary's procedures and functions but also prohibited judicial officials from making any negative public comments against the NCPO. Additionally, Article 44 of the interim constitution provides the NCPO with the power to intervene "regardless of its effects on the legislative, executive, or judiciary" to defend the country against national security threats.

Although observers generally regarded the judiciary prior to the coup as independent, it was subject to corruption and outside influence. According to human rights groups, the lack of progress in several high-profile cases involving alleged police and military abuse continued to diminish public trust in the justice system and discourage some victims of human rights abuses (or their families) from seeking justice.

Trial Procedures

The law provides for the presumption of innocence. There is no trial by jury. A single judge decides trials for misdemeanors; two or more judges are required for more serious cases. Prior to its suspension, the constitution provided for a prompt trial, although a large backlog of cases remained in the court system. While most trials are public, the court may order a closed trial, particularly in cases involving national security, the royal family, children, or sexual abuse.

In a May 25 order, the NCPO redirected prosecutions for offenses against the monarchy, insurrection, sedition and secession, and violation of its orders from civilian criminal court jurisdiction to military courts, which lack the right of appeal. As of November, 82 civilians were facing criminal prosecution in military courts for such offenses, according to the OHCHR. For example, on August 4, authorities indicted former minister of education Chaturon Chaisaeng in a military court for defying the NCPO's order to report to it.

In ordinary criminal courts, defendants enjoy a broad range of legal rights, including access to a lawyer of their choosing, prompt and detailed information of the charges (including no-cost interpretation if needed), and adequate time and facilities to prepare a defense. They also have the rights not to be compelled to testify or confess guilt, to confront witnesses, and to present witnesses. Authorities did not automatically provide indigent defendants with counsel at public expense, and there were allegations that defendants were not always afforded all the above rights, especially in small or remote provinces.

The government provided legal aid on an intermittent, voluntary basis, but the aid was of low quality. The LCT budget remained the same as in 2013, approximately 50 million baht (\$1.5 million). Some NGOs reported that legal aid lawyers pressured their clients into paying additional fees directly to them, but the LCT's lawyer etiquette division explained that clients must pay expenses, such as travel, incurred by their attorney. The court is required to appoint an attorney in cases where the defendant disputes the charges, is indigent, or is a minor, as well as in cases where

the possible punishment is more than five years' imprisonment or death. Most free legal aid came from private groups, including the LCT and the Thai Women Lawyers Association.

There is no discovery process; consequently, lawyers and defendants do not have access to evidence prior to trial. The law provides for access to courts or administrative bodies to appeal or seek redress, and the government generally respected this right.

Several NGOs continued to express concern over the lack of adequate protection for witnesses, particularly in cases involving alleged police wrongdoing. The Justice Ministry's Office of Witness Protection had limited resources and primarily played a coordinating role. In most cases witness protection was provided by police, but six other state agencies also participated in the program: the Ministry of Defense; the Office of the Narcotic Control Board; and the Departments of Special Investigations, Provincial Administration, Juvenile Observation and Protection, and Corrections.

Police officials continued to force pretrial criminal suspects to re-enact their alleged crimes in the presence of the media, victims and their families, and the public. The media widely published and broadcast images from these re-enactments on an almost daily basis. Police officials often ordered suspects to perform certain actions consistent with the crime's circumstances. Police conducted thousands of re-enactments during the year. Although police regulations require that suspects "confess" before re-enactments, police often obtained these "confessions" by coercion, including physical assault. Individuals at re-enactments physically assaulted suspects on at least three separate occasions during the first six months of the year. Human rights organizations criticized forced re-enactments because they violate the presumption of innocence and encourage violence against suspects.

Political Prisoners and Detainees

Prior to the May 22 coup, there were no government reports of political prisoners or detainees, but sources estimated that 20 persons remained detained under lese majeste laws that outlaw criticism of the monarchy (see section 2.a.). Some of the cases involved persons exercising their rights of freedom of expression and peaceful assembly. Following the May 22 coup, the military government opened at least 15 new lese majeste cases for investigation as of September, while authorities also revived other cases in which officials had not previously filed charges.

Civil Judicial Procedures and Remedies

Prior to the coup, there was an independent and impartial judiciary in civil matters. 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 three 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 Interference with Privacy, Family, Home, or Correspondence

Prior to the coup, the constitution prohibited such actions with some exceptions, and the government generally respected these prohibitions. Following the coup the NCPO repealed the constitution and continued martial law, which, along with the emergency decree, gives government security forces authority to conduct warrantless searches, which they continued to use routinely in the southernmost provinces and border areas. There were complaints during the year from persons claiming that security forces abused this authority, although the seriousness of allegations declined compared with prior years.

After the coup military officials harassed family members of individuals who refused to answer their summonses and report to military centers. For instance, two days after the coup, the NCPO ordered Thantawut Taweewarodomkul, who had served three years of a 13-year prison sentence on a lese majeste conviction before receiving a royal pardon, to report to them. After he refused based on his belief that the NCPO lacked legitimacy, police and military officials followed and harassed his elderly father and mother, as well as his brothers, sisters, and son, on a daily basis, causing his mother to seek treatment at a hospital. NCPO officials reportedly told his family that such actions would continue until he presented himself as ordered.

The military government also monitored private communications. On June 19, the Thai Netizen Network, a Bangkok-based digital rights group, reported a fake Facebook application that gave users the impression of merely logging into a website via Facebook and asked users to share personal details such as their date of birth and e-mail address. The application, the group claimed, was actually part of the NCPO's program to monitor individuals who had attempted to access a prohibited website. Hundreds of users unwittingly gave permission to the RTP's Technology Crime Suppression Division to access personal information stored on their Facebook pages. Facebook twice removed the fake application for breaching its platform laws, and as of August the application remained suspended. The Technology Crime Suppression Division defended its actions claiming that the program was a valid way to monitor criminal activity on the internet and would allow police to "handle more witnesses, which can lead to more prosecutions and will make the online society more clean."

On June 22, the NCPO announced a campaign to award informants as a tool to identify individuals opposed to the military government. Authorities urged members of the public to take photographs of anticoup protests and individuals involved, mail them to NCPO officials, and enclose their bank account details to receive the potential award of 500 baht (\$15).

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

g. Use of Excessive Force and Other Abuses in Internal Conflicts

Internal conflict continued in the ethnic Malay Muslim-majority, southernmost provinces (Narathiwat, Pattani, Yala, and portions of Songkhla) throughout the year. Because of frequent bombings and other attacks by suspected insurgents as well as government security operations, tension between the local ethnic Malay Muslim and ethnic Thai Buddhist communities remained high, alongside the local population's persistent distrust of security officials.

The emergency decree in effect in this southern area gives military, police, and 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 Narathiwat, Pattani, and Yala provinces (see section 1.d.).

Killings: Human rights groups accused government forces and progovernment death squads of extrajudicial killings of individuals suspected of involvement with separatists. According to the NGO Deep South Watch, government forces conducted one extrajudicial killing in the three southernmost provinces as of September.

A reputable NGO noted that unknown assailants killed five suspected insurgents after they had entered the justice process. In a widely publicized case, paramilitary rangers confessed that in February they killed three children of a suspected individual associated with insurgents with whom they had a personal dispute.

According to statistics from Deep South Watch, violence resulted in 233 individuals killed and 505 injured in 452 incidents as of July, slightly lower than 2013 statistics. They also reported that as of July 31, violence had caused 6,189 deaths and injured 11,208 persons in 14,347 incidents in the region since January 2004, but the organization does not differentiate between violence caused by insurgents, security forces, or criminal elements. As in previous years, separatists frequently targeted government representatives, including district and municipal officials, military personnel, and police, with bombings, shootings, and kidnappings. There was an increase from 2013 in the number of teachers and school employees whom separatists targeted during the year. Separatists also killed and injured both Buddhist and Muslim civilians from many occupations.

Some government-backed civilian defense volunteers, most of them ethnic Thai Buddhists from villages in the South, continued to receive basic training and weapons from security forces. Human rights organizations expressed concerns about vigilantism against ethnic Malay Muslims by these defense volunteers and other civilians.

Abductions: The Justice for Peace Foundation reported no forced disappearance in the southern provinces as of August but noted difficulties in collecting information amid widespread NCPO summonses and detentions. There were no confirmed reports that individuals in the southern provinces disappeared after security officials questioned them.

Physical Abuse, Punishment, and Torture: The government continued to arrest suspected militants, some of them juveniles, and in some cases held them for a month or more under emergency decree and martial law provisions. Human rights organizations maintained the arrests were arbitrary, excessive, and needlessly lengthy, and they continued to criticize detention facility overcrowding. Civil society groups accused the army of torturing some suspected militants at detention facilities.

Martial law allows detention for up to seven days, without charge and without court or government agency approval in Pattani, Narathiwat, and Yala provinces. The emergency decree in effect in the same areas allows authorities to arrest and detain suspects for up to 30 days without charge. After the expiration of this period, authorities may begin holding suspects under normal criminal law (see section 1.d.). Unlike under martial law, these detentions under normal criminal law require court consent, although human rights NGOs complained that courts did not always exercise their right of review. In some cases a suspect was held first under martial law for seven days and then detained for an additional 30 days under the decree. The Southern Border Province Police Command and ISOC reportedly arrested 200 persons under the decree in the first eight months of the year.

Child Soldiers: Regulations prohibit formal recruitment of children under age 18 to serve as Territorial Defense Volunteers, and volunteers generally joined at age 20 or older, but there continued to be anecdotal information that a small number of children were involved informally in such groups. There were no reports of youth under age 18 conscripted or recruited into government armed forces. There were reports of separatist groups recruiting children under age 18 to commit acts of arson or serve as scouts.

Also see the Department of State's [Trafficking in Persons Report](#).

Other Conflict-related Abuses: Overall violence directed against civilian, economic, and city center targets was higher than in 2013. As of September statistics on insurgent attacks on schools in the southernmost provinces were not available. In the 2004-12 period insurgents burned more than 300 schools. The government frequently armed ethnic Thai Buddhist and ethnic Malay Muslim civilians, fortified schools and temples, and provided military escorts to monks and teachers. Some local NGOs reported that military personnel had barracks at local schools. According to the Ministry of Education, as of September separatists killed one student and 10

school personnel. Since 2004 separatist violence had killed 227 teachers, students, and education staff and injured 370. Attacks frequently targeted security escorts for Buddhist teachers. Insurgent violence also included attacks on medical facilities. The Ministry of Public Health reported 27 arson and bombing attacks on public health centers or residences of public health personnel as of April. During the same period, insurgents killed 33 public health officials and injured 30 others, a notable increase over 2013.

Large numbers of Thai Buddhists fled areas in the South affected by violence. Official registration statistics from the Department of Provincial Administration showed that as of December 2013, Yala, Pattani, and Narathiwat provinces all experienced a slight increase in population. Details on the religious breakdown in the changed population were not available. Official registration data, however, may not have accurately reflected numbers of actual residents who may have lived elsewhere for employment or other reasons but remained registered in the region.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Following the coup the NCPO placed significant restrictions on freedom of speech and press. The NCPO issued broad orders prohibiting criticism of its actions, shut down numerous media outlets, blocked access to internet sites, and summoned members of the media to report to authorities for questioning. In addition to official restrictions on speech and censorship, the NCPO's actions resulted in a significant increase in self-censorship among the public and the media. The NCPO prohibited political figures, analysts, and others from providing interviews or comments to the media and banned the dissemination of information that could threaten the NCPO or "create conflict" within the country. These prohibitions remained in effect at year's end.

Prior to the coup, the international and independent media operated relatively freely, except in coverage of matters deemed a threat to national security or offensive to the monarchy. By law the government could restrict freedom of expression to preserve national security, maintain public order, preserve the rights of others, protect public morals, and prevent insults to Buddhism. The law also allows police with a court order to restrict or confiscate publications and other materials that disturb the peace, interfere with public safety, or offend public morals.

Freedom of Speech: Article 112 of the criminal code, the so-called lese majeste law, makes it a crime – punishable by up to 15 years' imprisonment for each offense – to criticize, insult, or threaten the king, queen, royal heir apparent, or regent. The law also allows citizens to initiate lese majeste complaints against each other, which they did on several occasions. The government may conduct trials in secret and prohibit public disclosure of the content of the alleged offenses. International and domestic human rights organizations and academics expressed concern over the chilling effect on freedom of expression.

Official statistics varied by agency, but compared with recent years, the number of new lese majeste cases reportedly increased following the May 22 coup. According to the well-respected local NGO Internet Dialogue on Law Reform (iLaw), the number of new lese majeste cases was 15, as of September. In some of these cases, the accused committed the alleged offense prior to the May 22 coup, but authorities did not bring charges until after the coup. According to iLaw the government detained 20 persons under lese majeste laws as of September.

On June 16, a criminal court issued an arrest warrant for Chatvadee Amornpat, a British citizen who resided in the United Kingdom, for posting allegedly antimonarchy videos on Facebook. On July 31, a criminal court sentenced a musician from Ubon Ratchathani province to 30 years in prison for violation of the lese majeste law and the Computer Crimes Act by posting antimonarchy

messages on Facebook. After he confessed to the crimes, the court subsequently reduced the sentences for violations of the two laws to 13 years and 22 months, respectively.

Authorities arrested two students, Patiwat Saraiyim and Pornpip Munkong, on August 14 and 15, respectively, and charged them with committing lese majeste for their roles in the performance of the play *Chao-Sao-Ma-Pa* (Wolf Bride) in 2013 at Bangkok's Thammasat University to commemorate the 40th anniversary of a student-led uprising. According to a human rights lawyers' organization, a court denied their bail request, and they remained in detention as of September.

Citizens initiated complaints against each other. For example, on June 2, a passenger filed charges against taxi driver Yuthasak Kangwanwongsakul for purportedly insulting the monarchy during a discussion of the political situation.

On August 14, the Bangkok Criminal Court found the taxi driver guilty of lese majeste and sentenced him to 30 months in jail.

Press Freedoms: Government entities owned and controlled most radio and broadcast television stations, including the 524 officially registered "regular" AM and FM stations. The armed forces and police owned another 244 radio stations, ostensibly for national security purposes. Other owners of national broadcast media included the government's Public Relations Department and the Mass Communication Organization of Thailand Public Company Limited, a former state enterprise in which the government maintained a majority share. Government entities leased nearly all stations to commercial companies that provided commercial content to the stations.

The law provides for the regulation of radio and television frequencies and three categories of broadcast licenses (public service, community service, and commercial). The National Broadcasting and Telecommunications Commission (NBTC) allocates broadcast frequencies and regulates broadcast media. Radio stations must renew their licenses every seven years. Government transmitters broadcast radio signals. Stations are required by law to broadcast 30-minute, government-produced newscasts twice daily and to register with the NBTC. Several thousand small community radio stations nationwide also operate under a separate licensing system. The NBTC approved licenses for 24 new digital television channels.

Violence and Harassment: During antigovernment demonstrations leading up to the May 22 coup, members of protest groups subjected journalists to intimidation and accused various media outlets of political bias. Following the coup the NCPO ordered hundreds of individuals, including journalists, to report to military authorities or face prison and confiscation of assets.

For instance, military authorities summoned and detained Pravit Rojanaphruk, a reporter at *The Nation* newspaper, for several days. On May 26, following coup leader General Prayut's first speech after his seizure of power, journalists Wassana Nanuam and Suparirk Thongchairit questioned him about the scheduling of elections and if he would appoint a new prime minister. The following day military authorities summoned the two reporters and told them to "not ask questions in such a manner again" and that "such a forceful style of questioning is not appropriate," because the press should, instead, "cheer on" General Prayut.

In July authorities arrested two journalists affiliated with the Burmese *Bi-Midday Sun* newspaper; both resided in Mae Sot. Officials subsequently handed the journalists over to Burmese Police Special Branch on the Burmese side of the border, where the journalists were charged under Burma's Emergency Provisions Act for publishing a story that falsely announced that Aung Sang Suu Kyi had established an interim government.

Censorship or Content Restrictions: Following the coup the NCPO restricted content deemed critical of or threatening to it, and the media widely practiced self-censorship. Immediately after seizing power, the NCPO shut down all television channels for more than 24 hours and ordered all radio and television stations – satellite, broadcast, and cable – to stop normal programming and broadcast only army-provided content. Although all free television stations resumed broadcasting on May 23, they refrained from reporting news critical of the NCPO. The NCPO ordered the media not to interview former government officials, academics, judges, or other members of independent organizations in a way that might "create conflict or confusion" among the public. On June 3, the NBTC and the NCPO announced that the majority of television channels could resume operations; however, 13 satellite channels and a digital channel remained banned by an NCPO order. On August 26, the NCPO gave final approval for the remaining satellite television channels to resume broadcasts under strict conditions, but only after the stations signed a memorandum of understanding with the NBTC that required them to change their channel names and agree not to broadcast content deemed "politically divisive." The NCPO prohibited 4,300 community radio stations and 3,000 illegal radio stations operating without licenses from operating.

On June 25, the NCPO announced the establishment of panels to monitor media content in all branches of the media, including international press. The NCPO assigned the NBTC to monitor broadcast media, the Special Branch Police to oversee print media, the Ministry of Information and Communication Technology to observe online media, and the Permanent Secretary of the Ministry of Foreign Affairs to supervise monitoring of foreign media.

On July 18, the NCPO issued an order that prohibited any criticism of military authorities and directed print media, as well as television, radio, cable, and online media operators, not to publish or broadcast any information critical of the military's actions. In addition the NCPO instructed print media, television, and radio programs not to carry any critical commentaries or invite as guests on their programs anyone who might make negative comments against the NCPO. Military authorities also banned any information they considered distorted or likely to cause public misunderstanding in broadcasts and printed publications or on social media and websites. Following criticism from the media and human rights groups, the NCPO amended its order on July 21 to clarify that the ban on all forms of criticism targeted only criticism made with malice and false information that aimed to discredit the NCPO. A contemporaneous NCPO order also stated that rather than face a forcible shutdown as originally ordered, a media outlet that violated the ban would face an ethics inquiry conducted by relevant media associations.

The emergency decree, which remained in effect in the conflict-affected three 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 Laws/National Security: Defamation is a criminal offense, punishable by a fine of up to 200,000 baht (\$6,000) and two years' imprisonment. Criminal courts made several rulings on defamation and libel cases against political activists and politicians. On April 17, authorities charged two reporters, Alan Morrison and Chutima Sidasathien, from the English-language news website *Phuketwan*, with defamation and other offenses for publishing excerpts of a Pulitzer Prize-awarded Reuters report that alleged navy complicity in the trafficking of ethnic Rohingya. Officials released both journalists on bail. The first hearing in the case was scheduled for May 2015 (see section 5).

Internet Freedom

Following the May declaration of martial law and the coup, the NCPO imposed significant restrictions on internet freedom. On May 21, military authorities summoned internet service

providers to gain their cooperation in monitoring and removing content deemed a threat to national security.

The Ministry of Information and Communication Technology released a report on May 27 that stated during the week of May 20-27, under provisions of martial law, it had blocked access to 219 websites and URLs that it deemed likely to cause division within society. The ministry announced on May 29 that it planned to send representatives to Singapore to ask for cooperation from organizations such as Google, Facebook, and LINE to work with the NCPO to "remove provocative content." Also on May 29, the NBTC informed domestic internet service and gateway providers that it would disrupt access to 120 websites considered a threat to national security and stability. Facebook was unavailable to all users in the country for approximately one hour on May 29. According to a report by Toronto-based research group Citizen Lab that studies information controls, between May 22 and June 26, 56 URLs were inaccessible, including news sites and a political reform group, 29 of which included web pages, blog posts, news articles, and Facebook pages concerning political reforms and criticism against the NCPO and the monarchy.

On June 9, the acting police chief stated authorities would consider as computer crimes any social media posts that encouraged individuals to protest against the coup or the NCPO. He also warned social media users who clicked "like" on content and pages with anticoup messaging would also be subject to the law. Authorities enlisted the support of the public in policing internet content and encouraged citizens to become "cyberscouts" and report to the NCPO any online political activities. The Technology Crime Suppression Division established a "cyberpatrol" Facebook page and mobile application as a platform for persons to report such activities. On August 6, the information ministry announced its plan to sign a memorandum of understanding with 200 schools to establish a cyberscout program to encourage students to monitor web and social media sites for "unlawful and immoral" activities.

The law establishes procedures for the search and seizure of computers and computer data in certain criminal investigations and gives the information ministry authority to request and enforce the suspension of information disseminated via computer. 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 that undermines public security, causes public panic, or harms others. Authorities may impose a maximum 20-year sentence and 300,000 baht (\$9,000) fine if an offense results in the death of an individual. The law also obliges internet service providers to preserve all user records for 90 days in case officials wish to access them. Any service provider who gives consent to or intentionally supports the publishing of illegal content is also liable to punishment. Most prosecutions continued to be for content-related offenses. By law authorities must obtain a court order to ban a website, although they did not always apply this requirement. Media activists criticized the law, stating that the offenses were too broadly defined and some penalties were too harsh.

Both prior to and after the coup, there was continued internet censorship, and use of the law continued to stifle certain areas of freedom of expression. The government closely monitored and blocked thousands of websites that criticized the monarchy. Many political web boards and discussion forums chose to self-censor and monitor discussions closely to avoid being blocked, and newspapers disabled or restricted access to their public comment sections to minimize exposure to possible lese majeste charges. The government imposed some restrictions on access to the internet and reportedly monitored internet chat rooms and social media without appropriate legal authority. Individuals and groups generally engaged in the peaceful expression of views via the internet, including by email, although there were several limitations on content, such as lese majeste, pornography, and gambling. 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 RTP Electronic Crime Suppression Division reported receiving 1,047 complaints from January to August that resulted in 145 investigations, which in turn resulted in 73 criminal actions. In contrast, they reported 611 computer-related complaints from October 2012 to September 2013 that resulted in 146 investigations. Authorities received 47 complaints in 2009, 285 in 2010, and 776 in 2011. Most cases involved alleged defamation, lese majeste, and illegal activity such as gambling and pornography. Following the May 22 coup, the military government blocked hundreds of URLs, including those related to social media, human rights organizations, and media, among others. Since passage of the 2007 Computer Crime Act, authorities had blocked more than 102,000 URLs, 76 percent related to lese majeste, according to 2012 statistics.

Academic Freedom and Cultural Events

Following the coup the NCPO banned academics from making public comments to the press that it deemed divisive or potentially causing unrest. In July the NCPO banned all media and social media users from disseminating the opinions of independent scholars, among others, in a manner that could "create conflict, distort facts, confuse society, or lead to violence."

The NCPO summoned 35 scholars, writers, and others to report to military authorities or face prison and seizure of assets. These individuals included persons who researched and wrote on democratization and challenged the lese majeste law. One academic targeted, Pavin Chachavalpongpun, a professor of Southeast Asian studies at Kyoto University in Japan, refused to comply with the order to appear, claiming he did not recognize the legitimacy of the coup. After he failed to appear following a second order, the NCPO instructed the Ministry of Foreign Affairs to revoke his passport and issued an arrest warrant against him on June 13. In July the NCPO revoked the passport of Thammasat University professor and noted historian Somsak Jiamthirasakul, after a criminal court issued a warrant for his arrest on lese majeste charges.

Following the coup the NCPO arbitrarily detained many academics at undisclosed locations. After the coup 77 academics issued a statement demanding the release of students, scholars, and others detained by military authorities. They called on the NCPO to lift its control over the media and respect academic freedom.

On June 9, police officials forced an art gallery in Chiang Mai to cancel a screening of the film *1984*, based on George Orwell's classic dystopian novel, because the film was deemed political and linked to anticoup protests.

Colonel Noppadon Tawrit, commander of the King's Guards 1st Field Artillery Regiment, sent a letter to the rector of Thammasat University in Bangkok "requesting" that the university cancel an August 8 academic seminar on the interim constitution in order to "prevent the resurgence of differences in political attitude." The university and event organizers proceeded with the seminar, and more than 100 persons, reportedly including several plainclothes police officers, attended the event.

By law the government may ban the release of movies that "offend the monarchy, threaten national security, hamper national unity, insult faiths, disrespect honorable figures, challenge morals, or contain explicit sex scenes." The law stipulates that the Film and Video Classification Committee must screen and approve all films to be shown, rented, exchanged, or sold in the country. Theater owners and broadcasters frequently removed content before submitting films to the board.

Prior to the coup, the constitution provided for freedom of assembly and association, and the government generally respected these rights. Following the coup and suspension of the constitution, coup leaders prohibited political gatherings of five or more persons and, on June 1, penalized persons supporting any political gatherings. Martial law, which gives the military

authority to restrict freedom of assembly, remained in effect nationwide at year's end, and civil society activists noted restrictions on protest activity remained in place, particularly after the coup. The emergency decree, in effect in the three southernmost provinces, also provided authority to limit freedom of assembly.

Following the coup authorities arrested individuals for wearing clothing with prodemocracy statements and for publicly eating sandwiches, reading George Orwell's novel *1984*, and using a three-finger salute from the film *The Hunger Games*, among other actions. While the NCPO enforced bans against political gatherings that criticized the coup or the NCPO, officials allowed some procoup and promilitary demonstrations.

Surat Thani, Phuket, and Phang Nga provinces have their own regulations that prohibit migrant workers – specifically individuals 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 on private property. Employers and NGOs may request permission from authorities for migrant workers to hold cultural gatherings.

Military authorities also prohibited political assemblies seemingly unrelated to the situation in country. For instance, in July the NCPO ordered leaders of a Muslim organization to report to them after that group organized a demonstration in front of the Israeli embassy calling for peace in the Gaza Strip. Additionally, military officials ordered Amnesty International to cease all activities related to the situation in the Gaza Strip and in August dispersed such a gathering in a Bangkok market.

On August 20, security officials arrested 11 energy-reform advocates one day after they embarked on what they planned to be a 100-mile march from the southern region to Bangkok. Authorities charged them with violating martial law provisions that banned public gatherings of more than five persons and released them on August 23. Upon release, the protesters continued to march in groups smaller than five and without signs.

b. Freedom of Association

Prior to the coup, the constitution specifically provided for freedom of association, although the law permitted exceptions "to protect public interests, maintain public peace and order or good morals, or prevent economic monopoly." While the government prior to the coup generally respected the freedom of association, Falun Gong members reported that the precoup civilian government and the subsequent military government continued to deny their request to register their organization as an official foundation or association. As of August a lawsuit by Falun Gong members seeking registration remained on appeal at the Supreme Administrative Court after the Administrative Court dismissed the suit.

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

c. Freedom of Religion

See the Department of State's [International Religious Freedom Report](#).

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The now suspended constitution provided 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."

The government usually cooperated with the UNHCR and humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern, although with restrictions. Cooperation with the UNHCR to protect certain groups remained uneven, which limited the UNHCR's ability to provide its protection to all nationalities.

Authorities continued to treat refugees and asylum seekers from Burma outside of designated border camps, including Rohingya boat arrivals, as illegal migrants. Individuals categorized as illegal migrants are by law subject to arrest and detention. The government continued to work in cooperation with donors and international organization partners to provide Rohingya protection and assistance while in IDCs and shelters. While reinstated in 2013, the process of permitting bail for detained refugees and asylum seekers initiated in 2011 stopped in June. Additionally, after authorities released 25 asylum seekers and refugees, they subsequently summoned these individuals to return early to the Suan Phlu IDC.

In-country Movement: The government continued to restrict the free movement of members of hill tribes and other minority groups who were not citizens but held government-issued identity cards. The holders of such cards were prohibited 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 that police at inland checkpoints often asked for bribes in exchange for allowing stateless persons to move from one district to another.

Refugees residing in the nine refugee camps on the border with Burma were not allowed freedom of movement and were by law confined to the camps, although a few registered refugees were granted permission to travel from one camp to another. In previous years this policy was not enforced, and many refugees often left the camps for short periods to find work in the local economy. Beginning in July camp commanders began enforcing the policy of allowing only refugees with approved camp passes to travel outside the camp, mostly to attend school in another camp, for a medical appointment at a hospital, or for resettlement to a third country. A refugee apprehended outside the official camps is subject to a fine, 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. Authorities restricted those holding only work permits from traveling outside the province where they work without official permission.

Authorities required other long-time noncitizen residents, including thousands of ethnic Shan and other nonhill-tribe minorities, to seek permission for domestic travel.

Foreign Travel: Other long-time noncitizen residents, including thousands of ethnic Shan and other nonhill-tribe minorities, are also required to seek permission from local authorities for foreign travel. Burmese refugees approved for third country resettlement, but not recognized as refugees by the government, have awaited exit permits for years.

Protection of Refugees

The government's treatment of refugees and asylum seekers continued to be inconsistent. Nevertheless, authorities continued to host significant numbers of refugees and asylum seekers,

provided some 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. In addition authorities permitted non-Burmese refugees recognized by the UNHCR and registered Burmese refugees residing in official refugee camps to resettle in third countries.

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

The UNHCR remained limited in its ability to exercise its protection mandate to some Lao Hmong and Burmese outside the official camps as well as to all North Koreans. 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. During the year it gained access to provincial IDCs where ethnic Rohingya were detained, including coastal Ranong Province and southern Songkhla Province, to conduct limited 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 continued to allow the UNHCR to monitor the protection situation of the more than 119,000 Burmese refugees and asylum seekers living in the nine camps along the border with Burma but continued to prohibit the UN agency from having an assistance role in the camps. NGOs funded by the international community provided basic humanitarian assistance in the camps, including health care, food, education, shelter, water, sanitation, housing, and other services. Government authorities issued identification cards to registered refugees living in the camps.

The government facilitated the resettlement of 4,998 Burmese from camps and 465 non-Burmese urban refugees to 10 other countries as of September. Refugees residing in the nine camps along the border who were not registered with the government were not eligible for third-country resettlement.

An estimated 60,000 Burmese had not registered since the cessation of the Provincial Admissions Boards in 2005. In 2012 the government resumed a limited admissions screening to consider refugee cases under the family re-unification criteria (parent/child or spousal relationships) only. The UNHCR submitted for review 1,000 families composed of 1,352 individuals in a second tranche of cases in late 2013, and authorities approved for registration a total of 467 cases (618 individuals) from this group, as of August 2014. These individuals were all from the Tak Province camps. There were a number of families with either protection or medical concerns that were included in the second tranche after the criteria were expanded beyond family unity and family reunification.

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, and during the year thousands of asylum seekers entered the country and its refugee camps. Nonetheless, NGOs estimated that army border units returned thousands of Burmese asylum seekers – mostly those seeking refuge from border skirmishes – to Burma before they could reach established refugee camps. Outside the camps government officials did not distinguish between asylum-seeking Burmese and other undocumented Burmese, regarding all as illegal migrants. Authorities generally took those arrested to the border and deported them.

The Mae Sot District IDC in Tak Province deported 78,986 migrants during the first eight months of the year, and the Ranong Province IDC deported 3,508 migrants in the same period; some of them might have had asylum claims.

Immigration Police continued to arrest and detain asylum seekers and refugees, including women and children, in Bangkok. An estimated 250 detainees were from Laos, Cambodia, and Burma, while approximately 130 were from North Korea. Government officials estimated that the IDC repatriated 200 to 300 detainees per week. Authorities usually detained Laotian, Burmese, and Cambodian individuals for five days on average before repatriating them. Officials held detainees who lacked assistance from their respective embassies, sought third-country resettlement, refused to return to their nations of origin, or lacked funds to pay for their return trip home, often for a year or more.

Refugee Abuse: Media reports, Human Rights Watch, and other sources alleged that government officials took bribes from human smugglers and traffickers who detained Rohingya on Thai islands and in the south and colluded with traffickers.

During the year authorities confined approximately 1,000 individuals – a mix of Rohingya and Bangladeshi – in IDCs and shelters. In August approximately 750 remained in detention, of whom an estimated 500 were suspected to be Bangladeshi.

International humanitarian organizations noted congested conditions and lack of exercise opportunities in the IDCs. Some IDCs with Rohingya detainees lacked efficient medical referral mechanisms and/or failed to make sufficient medical referrals or allow exercise for fear that detainees would escape. At least six Rohingya died while in immigration custody – either in an IDC or while being escorted to a hospital for treatment. Sources believed there might have been at least 100 more deaths of sick and injured Rohingya left behind in jungle camps when raids forced smugglers to move.

Government officials allowed women and children, including unaccompanied minors, to stay in shelters operated by the Ministry of Social Development and Human Security. Individuals in the shelters often reported a lack of adequate human resources to meet the needs of running the facilities and providing adequate psychosocial services to the shelter's residents. While residents were advised not to leave for their own protection, some residents chose to leave the facilities. If they were caught by police, they were returned to the shelter or to an IDC. In addition NGOs and the media reported that brokers from human smuggling networks gained access to the private facilities by posing as concerned humanitarians or interpreters and later facilitated the movement of individuals out of the shelters without proper authorization. Following the reported rape of a four-year-old girl in one of the shelters by another child in 2013, officials reportedly detained male juveniles among the adult population in the overcrowded IDCs.

Immigration officials allegedly asked Rohingya detained in IDCs if they wanted to repatriate voluntarily, even though in most cases Burma would not recognize them as citizens. Authorities allegedly conducted "soft deportations" of 250 Rohingya across the Burmese border near Ranong in small groups of five to 10 persons at a time. After authorities found some of them to be Bangladesh nationals, they repatriated them to Bangladesh. The government made plans to consolidate and move the Rohingya to expanded detention centers; however, funding and construction for this plan had not materialized as of August.

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 began a process to document their status (see section 7.d.).

Access to Basic Services: The international community provided basic services for refugees living inside closed camps on the border with Burma. A complicated medical referral system continued to hamper the ability of refugees to seek some necessary medical services. For the urban refugee population living in Bangkok, access to basic services was minimal, and the only UNHCR-supported health clinic that provided medical care closed at the end of September due to lack of funding, instead focusing on coordinating 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 Thai education system, NGOs continued to provide schooling, with some coordination with the Ministry of Education regarding curriculum. In Bangkok some refugee communities formed their own schools to provide education for their children. Others sought to learn Thai, as the law provides that schools must admit children of any legal status who can speak, read, and write Thai with some degree of proficiency.

Temporary Protection: Throughout the year small groups of individuals fleeing fighting in Burma's Shan State continued to cross into Thailand. Authorities did not allow persons of Shan ethnicity to enter the refugee camps, pursue refugee status, or seek resettlement to third countries.

Following the coup the NCPO continued long-standing discussions with Burmese military counterparts on the issue of refugees. These meetings sparked concerns of possible involuntary or premature returns to Burma and increased the anxiety of refugees in the nine camps. Relevant Thai agencies assured refugees that they were not planning returns, and if they did occur, authorities would follow international humanitarian principles and ensure that such returns would be safe, dignified, and voluntary.

Stateless Persons

In the previous five years, the government proceeded to identify stateless individuals, provide documentation to preclude statelessness, and open paths to Thai citizenship for long-time residents. According to the UNHCR, an estimated 440,000 persons, mainly residing in the northern region, could be considered stateless, or at risk of statelessness, and several NGOs stated that most may be eligible for citizenship. Many were members of hill tribes, also known as highlanders (see section 6, Indigenous People). Others were migrants from Burma who did not have evidence of Burmese citizenship, ethnic minorities registered with civil authorities, previously undocumented minorities, and displaced persons residing in border camps.

Birth within the country does not automatically confer citizenship. The law bases citizenship on birth to one or both Thai parents, marriage to a Thai man, or naturalization. Individuals may also acquire citizenship by means of special government-designated criteria implemented by the Interior Ministry with approval from the cabinet or as a result of nationality law (see section 6, Children). Amendments to the law during the year allow ethnic Thai stateless persons who meet the added definition of "displaced Thai" and their children to apply for the status of "Thai nationality by birth," but there were reports of slow, inconsistent implementation due to labyrinthine laws and regulations and the existence of substantial gray areas within and among them.

The law stipulates that every child born in the country will 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. There were no reports of local officials charging for the free certificate. Through August authorities issued 2,268 birth certificates in refugee camps, compared with 2,573 in all of 2012. According to NGOs there was some positive action from government authorities towards issuance of a certificate to every

newborn. The government attempted to reduce the backlog of issuing birth certificates for children born between 2008 and 2010 who lacked such certificates. Authorities cleared the backlog in all Tak Province camps, and similar efforts were in progress in all other camps.

By law, as noncitizens stateless highlanders 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 officials permitted noncitizen highlanders 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 continued to place the term "non-Thai citizen" on these individual's high school graduate certificates, which severely limited their economic opportunities. Officials denied these individual's university student loan applications, yet provided such loans to Thai citizen students. Public universities continued to charge stateless and undocumented students higher tuition rates than Thai citizens. Chiang Mai University, however, ended its policy of treating stateless students as international students, under which they had charged Thai citizens 8,000 baht (\$240) per semester but charged expatriate non-Thais (including stateless persons) 28,000 baht (\$840) per semester.

Many stateless highlanders lived in poverty. Without legal status stateless persons were vulnerable to various forms of abuse (see section 6, Children).

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Prior to May 22, the constitution provided citizens the ability to change their government peacefully through periodic, free, and fair elections based on universal, compulsory suffrage. The constitution provided for the election of all members of the 500-seat House of Representatives and 77 members of the 150-seat Senate. It also provided for the appointment of 73 additional Senate members by a selection committee composed of members of the judiciary and other regulatory bodies, last designated in April 2011. On May 22, the coup leaders repealed the constitution, deposed the acting prime minister and his cabinet, and subsequently suspended both houses of parliament. Coup leaders also canceled by-elections to finalize the incomplete February 2 election for the lower house that opposition groups had disrupted. The interim constitution, promulgated on July 22, set the framework for the adoption of a new constitution but did not provide citizens the ability to change their government peacefully; instead, it established a process in which unelected individuals would serve as interim legislators and a separate appointed body would draft a new constitution.

Elections and Political Participation

Recent Elections: The July 2011 national election for the National Assembly's lower house generally was considered free and fair, although there were allegations of vote buying, minor procedural irregularities, and scattered but unconfirmed reports of intimidation by local military and government officials. In December 2013 then prime minister Yingluck Shinawatra dissolved the lower house of parliament, called for elections – subsequently held on February 2 – and assumed caretaker status. Antigovernment protesters blocked candidate registration in December 2013 and disrupted or prevented voting on January 26 for advanced polling, including all 50 voting sites in Bangkok. On the February 2 election day, approximately 89 percent of polling stations nationwide reported normal voting, while the remaining locations either closed early or failed to open. All political parties except the main opposition Democrat Party participated in the February 2 election. The Election Commission of Thailand determined that the election and subsequent by-elections did not result in a full lower house because candidates running unopposed

failed to garner the requisite percentage of votes. As such, the lower house was unable to convene an opening session or elect a new prime minister.

As of March the RTP found 190 cases of election obstruction and 176 cases of election officials deserting their duties. They approved warrants for 180 persons and arrested 83 individuals.

The Asian Network for Free Elections Foundation (ANFREL), an election monitoring NGO, criticized the Election Commission for conducting the election "half-heartedly," since it publicly lobbied for the government to delay the election, prematurely closed voting stations because protesters were present, and failed to request additional security to respond to "very predictable" polling station blockages. ANFREL also faulted the commissioners for making "multiple unprofessional statements" that made the commission appear "both unprofessional and partisan."

On March 21, the Constitutional Court annulled the February 2 election because election officials, it claimed, had not conducted all voting on a single day as mandated by the constitution. Meanwhile, the government conducted the March 30 national election for 77 seats in the 150-member Senate with no reported serious incidents.

On July 1, the NCPO issued an order that canceled elections for local administrative organizations until the promulgation of a new constitution. The order directed that appointed provincial governors would head committees to select temporary administrators of provincial, subdistrict, and municipality structures.

On July 22, the NCPO promulgated an interim constitution and subsequently established an interim government consisting of a National Legislative Assembly (NLA) and a National Reform Council (NRC). The NLA was composed of 200 individuals, more than half of whom were active duty or retired military or police officials. On August 21, the NLA unanimously appointed General Prayut Chan-Ocha, leader of the May 22 coup, to serve as prime minister of an interim government. Subsequently, in October the NCPO announced appointment of 250 individuals to the NRC, and in November it announced the appointment of a 36-member Constitution Drafting Committee.

Political Parties and Political Participation: The interim constitution prohibits anyone who has been a member of a political party in the past three years from serving in the National Legislative Assembly.

Participation of Women and Minorities: The constitution that the coup leaders repealed in May encouraged political parties to consider a "close proximity of equal numbers" of both genders. The interim constitution contains no such provision. There were 12 women in the NCPO-appointed 200-member NLA and two women in the 32-person interim cabinet. The previous elected government had 81 women in the 500-seat lower house.

Few members of ethnic minorities held positions of authority in national politics. Prior to the NCPO's suspension of parliament following its May 22 coup, there were 25 Muslim and seven Christian members. In the five southernmost provinces, Muslims held 13 of the 21 parliamentary seats. Two Muslims served in the NLA, and four Muslims were members of the NRC. No Muslims or Christians held cabinet posts. All governors in the three southernmost provinces were Buddhist, but chief executives in the provincial administrative organizations were Muslim.

The Election Commission and civil society organizations continued to work together to enhance voting opportunities for the elderly, persons with disabilities, hill tribe members, and youth.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption. Government implementation of the law was weak, and officials sometimes engaged in corrupt practices with impunity. There were numerous reports of government corruption during the year.

Corruption: Corruption remained widespread among members of the police. There were numerous incidents of police charged with abduction, sexual harassment, theft, and malfeasance plus reports that police tortured, beat, and otherwise abused detainees and prisoners, generally with impunity. Authorities arrested police officers and convicted them of murder, drug trafficking, and smuggling; police reportedly also were involved with intellectual property rights violations.

On February 6, the NACC ordered the asset confiscation of 296 million baht (\$8.9 million) of former ministry of defense permanent secretary General Sathien Phoemthong-in and forwarded the case to the Office of the Attorney General (OAG) for further legal action. The commission had found him guilty of unlawful gains in 2013.

The NACC sent several high-profile cases of malfeasance by officials and politicians to the OAG for prosecution. It reported there were 9,494 cases pending investigation in June. In the nine-month period ending June 30, the NACC received 2,437 cases and completed 1,524 cases, 203 of which required further action, including disciplinary actions, impeachments, and referrals to the courts, the OAG, or a joint NACC-OAG committee. The NACC forwarded 185 cases to other agencies for investigation.

On July 17, the NACC recommended that the OAG indict former prime minister Yingluck Shinawatra on criminal charges related to alleged malfeasance in her handling of the government's rice-pledging program. On September 4, the OAG refused to accept the NACC's recommendation, citing "weak evidence," and called for the creation of a joint panel to investigate further.

At year's end the government continued to enforce the 2009 arrest warrant against former prime minister Thaksin Shinawatra. The Supreme Court of Justice for Persons Holding Political Positions' case against him regarding a 2006 government bank loan to Burma remained suspended. He continued to reside outside the country. The NACC and OAG continued to investigate allegations of corruption committed by members of the Thaksin government from 2001 to 2006, and their findings triggered several cases at the Criminal Division of the Supreme Court of Justice for Persons Holding Political Positions.

In addition to the NACC and OAG, the Anti-Money Laundering Office and the Auditor General also investigate and prosecute corruption cases. Other entities with a role in combating corruption included the Supreme Court of Justice, which hears corruption cases. The Supreme Court of Justice for Persons Holding Political Positions specifically handles corruption cases involving politicians. Additionally, the Office of Public Sector Anti-Corruption Commission under the Ministry of Justice oversees cases and develops anticorruption policy in coordination with the others. All these entities complained of resource limitations leading to backlogs, and some complained of political interference. NGOs broadly credited the Ombudsman's Office and NACC for effective collaboration with civil society.

Financial Disclosure: Financial disclosure laws and regulations require elected and appointed public officials to disclose assets and income, according to standardized forms and instructions that include spouses and unmarried children under age 20. The law penalizes officials who fail to submit declarations, submit inaccurate declarations, or conceal assets. Penalties include a five-year political ban, asset seizure, and discharge from position, as well as imprisonment of not more than six months, a fine of not more than 10,000 baht (\$300), or both. Generally, the law provides that officials must file financial declarations when they assume and leave office, one year after leaving the position, and every three and five years in the same position.

The NACC announced August 14 that all NLA members must declare their asset and debt accounts within 30 days after assuming office but stated that it would not require members of the NCPO to make such declarations. As of September the commission had not yet decided whether NRC members would have to declare their asset and debt accounts. On September 9, government officials announced that all members of the 32-person cabinet would submit asset declarations to the NACC by October 2 – within 30 days of taking office – and that government officials would reveal these assets to the public.

In a case filed by the NACC and OAG, the Civil Court on January 31 ordered the asset confiscation of 46 million baht (\$1.4 million) from former transport permanent secretary Suphot Saplom for unlawful gains.

Public Access to Information: The law provides public access to government information, and the government effectively implemented the law. The law provided some exceptions for nondisclosure including damage to the monarchy, national security threats, and impediments to effective law enforcement. A government agency is required to respond to a petition within 15 days but not required to submit a decision within a certain time. There is no processing fee. If a government agency ignores the petition for disclosure or the requester appeals a request denial, a judge with the Office of the Official Information Commission (OOIC) must decide the case within 60 days. If the OOIC orders the disclosure, the agency must disclose the information within seven days. The law subjects a noncompliant agency head to civil disciplinary actions or criminal penalties. According to the OOIC, antigovernment protests in 2013 and 2014 impeded its ability to receive petitions (agency-ignored requests), but it received 89 appeals from January to August. The office organized public campaigns and training, as well as e-learning programs among its officials and other government officials responsible for reviewing requests.

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

A wide variety of domestic and international human rights organizations operated in the country. After the May 22 coup, NGO operations affected by NCPO orders, including prohibitions on political gathering and activities as well as media restrictions. NGOs that dealt with sensitive political matters, such as opposition to government-sponsored development projects or border matters, faced periodic harassment.

On September 2, the NCPO ordered a coalition of human rights NGOs to cancel its planned event titled "Access to Justice in Thailand: Currently Unavailable." On the day of the event, police blocked the entrance to the Bangkok Foreign Correspondents Club, where the event had been scheduled to take place.

Human rights workers focusing on violence in the southern provinces were particularly vulnerable to harassment and intimidation by government agents and militant groups. The government accorded very few NGOs tax-exempt status, which sometimes hampered their ability to secure adequate funding.

On August 24, the RTP issued a warrant against Pornpen Khongkachonkiet, director of the Cross Cultural Foundation, an organization that monitors and documents cases of torture and mistreatment in country, and her colleague Somchai Homlaor. Major General Leekit Katchodnok, acting on behalf of Army Task Force 41, filed a legal suit against Pornpen and the organization for libel and criminal defamation and accused it of damaging the army's reputation by publishing an open letter urging the army to investigate torture claims against it. The warrant required Pornpen to present herself to police authorities on August 25.

A Bangkok criminal court acquitted migrant rights advocate and foreign national Andy Hall on criminal defamation charges on October 29 in the first of four defamation suits that the Natural Fruit Company filed against him. The suits were based upon Hall's role in publicizing an investigative report released in 2013 and commissioned by the NGO Finnwatch that alleged serious labor rights violations and trafficking at the company's factory in Prachuap Khiri Khan Province. Hall faced additional criminal defamation charges, one civil defamation action, and two criminal charges under the Computer Crimes Act that could result in up to seven years in prison on each count and 300 million baht (\$9.0 million) in damages. The trial took place September 2-10. Hall and other human rights advocates continued to maintain that the company filed charges to silence him and other activists.

The United Nations or Other International Bodies: According to UN reports, the government reportedly sent recommendations from the UN special rapporteur on the right to safe drinking water and sanitation to related agencies, yet it was unclear if these agencies had made any improvements. The rapporteur had visited the country in 2013 and urged the government to set up an independent water-monitoring regulator to ensure safe drinking water and sanitation, among other recommendations. The government postponed the visit by the UN special rapporteur on torture and other inhuman treatment to 2015, although the government had not confirmed the dates of the visit as of August. According to UN reports, 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 a UN special rapporteur on the situations of human rights defenders, migrants, and IDPs.

Government Human Rights Bodies: The independent NHRC exists with the mission to protect human rights and to produce an annual country report. The NHRC continued operations subsequent to the military coup but as of September had not issued any public report about government abuse since the coup. The commission received 408 petitions in the first eight months of the year, compared with 607 in 2013. Statistics regarding completed investigations were unavailable. Modest staffing and resources continued to hamper progress. The government responded to NHRC recommendations with an explanation or action approximately one-fourth of the time and adopted approximately one in five recommendations. Civil society leaders continued to rate the NHRC poorly and debated publicly whether the weakness was institutional or simply a result of capacity limitations. They also criticized 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 lodged 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 examined all petitions, but it cannot compel agencies to comply with its recommendations. The office is required to submit annual performance reports to the National Assembly but had not done so by year's end. Its 2014 budget was 226.7 million baht (\$6.8 million), up from 212.87 million baht (\$6.4 million) in 2013. From October 2013 to July 2014, the office received 2,169 new petitions and resolved approximately 2,435 cases. The office also had almost 2,100 pending cases.

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

The interim constitution promulgated by the NCPO on July 22 purports to protect "all human dignity, rights, liberties and equality of the people," but it does not specifically mention protection against discrimination for minority populations.

Protection of Refugees

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. Police reported receiving 1,697 rape cases from January to mid-July, compared with 2,503 during a nine-month span in 2013, including one case in which the perpetrator killed the victim. They arrested suspects in 1,045 of these cases, including the one that resulted in the victim's death.

The law specifies penalties ranging from four years' imprisonment to the death penalty, as well as fines, for rape or forcible sexual assault, depending on the age of the victim, severity of the assault, use of a weapon, multiple assailants, and physical and mental condition of the victim afterward. The amount of the fine depends on the severity of injury to the victim and generally varies from 8,000 to 40,000 baht (\$240 to \$1,200). The law also provides that any individual convicted twice for the same type of criminal rape within three years may receive increased penalties for recidivism. According to court statistics, authorities filed 4,591 cases involving sexual assault in 2013, a small increase compared with 2012.

NGOs believed that rape continued to be a serious problem. Academics and women's rights activists maintained that victims underreported rapes and domestic assaults, in part because the government continued to underfund agencies tasked with addressing the problem, and victims perceived law enforcement agencies to be incapable of bringing perpetrators to justice. Police sought to change this perception and continued to encourage women to report sexual crimes. The number of female police officers increased during the year, and women officers constituted approximately 8 percent of the police force countrywide, an increase from 5 percent in 2013.

Domestic violence against women continued to be a significant problem. The Health Ministry reported that from October 2012 to September 2013, 12,637 women older than 18 reported abuse and sought assistance from the ministry's one-stop crisis centers (OSCCs). Of these victims, 73 percent reported physical abuse, and 18 percent reported sexual abuse. The law imposes a fine of up to 6,000 baht (\$180) or up to six months' imprisonment for violators and provides authorities, with court approval, the power to prohibit offenders from remaining in their homes or contacting family members during trial. The law also establishes measures designed to facilitate both the reporting of domestic violence complaints and reconciliation between the victim and the perpetrator. Additionally, the law restricts media reporting on domestic violence cases in the judicial system.

Authorities prosecuted some domestic violence crimes, particularly cases where the perpetrator seriously injured the victim, under provisions for assault or violence against a person, where they could seek harsher penalties. Domestic violence frequently went unreported, however, and police often were reluctant to pursue reports of domestic violence. NGO-supported programs included emergency hotlines, temporary shelters, and counseling services to increase awareness of domestic violence, HIV/AIDS, and other matters involving women. The government's crisis centers, located in some state-run hospitals, cared for abused women and children, although several centers faced budget difficulties. Government-run hospitals referred abused women to external organizations when in-hospital services were not available.

The Ministry of Social Development and Human Security, which collects statistics on victims who seek legal assistance under the Domestic Violence Prevention Act, reported that it recorded 233 cases of domestic violence nationwide as of August, compared with 450 cases reported during the first six months of 2013. In 74 cases, the victim pursued criminal charges, while in 62 cases the victim chose not to do so. Seventy-five cases were awaiting the victim's recovery and decision whether to pursue the case; 20 cases were under reconciliation procedures; the disposition of the remaining cases was unknown. Sentencing information continued to be unavailable.

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 community 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; however, there were no reports of instances involving women 18 and older during the year.

Sexual Harassment: Sexual harassment is illegal in both the public and private sectors. The law specifies fines of not more than 20,000 baht (\$600) for individuals convicted of sexual harassment. The punishment depends on the degree of harassment. Abuse categorized as an indecent act may result in imprisonment of up to 15 years and a fine of up to 30,000 baht (\$900). The penalty depends upon the degree of severity and the age of the victim. The law governing the civil service also prohibits sexual harassment and stipulates five levels of punishment: probation, docked salary, salary decrease, suspension, and termination. NGOs claimed that the legal definition of harassment was vague and prosecution of harassment claims difficult. Data on the numbers of abusers prosecuted, convicted, and punished were unavailable.

Reproductive Rights: Couples and individuals could decide freely and responsibly the number, spacing, and timing of children; they had the information and means to do so; and they had the right to attain the highest standard of reproductive health, free from discrimination, coercion, and violence. The publicly funded medical system provided access to contraceptive services and information, prenatal care, skilled attendance during childbirth, and essential obstetric and postpartum care.

According to the UN Population Fund's 2012 State of World Population Report, in 2010 approximately 80 percent of women and girls ages 15 to 49 used modern contraception methods. Skilled health personnel attended approximately 98 percent of births. Officials estimated that prenatal and postnatal care was accessible by more than 90 percent of mothers and babies.

Discrimination: Women generally enjoy the same legal status and rights as men. Nonetheless, women experienced discrimination on occasion. The law does not mandate nondiscrimination based on gender in hiring practices, and discrimination in hiring was common. For example, it is legal to ask a prospective employee for family status during an interview. Government regulations require employers to pay equal wages and benefits for equal work, regardless of gender. Nonetheless, women continued to receive lower pay for equal work in many sectors of the economy. Employers did not allow women to work in all industries available to men, and women tended to be concentrated in lower-paying jobs. Women were able to own and manage businesses freely.

Women were unable to confer citizenship on their nonnational spouses in the same way as men.

Military academies (except for the nursing academy) continued to refuse female students, although a significant number of instructors were women. According to the Ministry of Defense's Personnel Directorate, 85 women held the rank of general or equivalent across all military branches and within the Ministry of Defense as of August, an increase from 80 in 2013. The Police Cadet Academy for commissioned officers accepts female cadets and reserved 70 of 280 places in the 2015 cadet class for women. The first female cadet class graduated from the four-year program in March. According to the Office of the Civil Service Commission, women held 24 percent of executive-level civil service positions, a slight decrease from 2013.

The government designed its Bureau of Women's Affairs and Family Development to promote the legal rights of women, notably under the Bureau of Gender Equality Promotion, but it is not an independent agency. It worked with NGOs but did not take a leading role in women's rights.

Leaders of a lawyer's association as well as academics reported the widespread practice of innocent women pleading guilty to criminal offenses, usually involving illegal drugs, in order for a male relative, in most cases their husband, to avoid prosecution or trial. Family members and others often pressured these women to provide false confessions, ostensibly so that the male offender could continue to provide financially for the family. Criminal defense attorneys insisted that police officials, prosecutors, and members of the judiciary were aware of this situation but consistently failed to assist the innocent women. Women constituted 17 percent of the prison population, one of the highest percentages in the world.

Children

Birth Registration: Birth within the country does not automatically confer citizenship, but all children born in Thailand are entitled to birth registration (see section 2.d., Stateless Persons, for legal provisions on citizenship). According to NGOs, highlanders and other stateless individuals on occasion did not register births with the authorities, especially births in remote areas, because administrative complexities, misinformed and unscrupulous local officials, language barriers, and restricted mobility continued to make it difficult to do so.

Education: Violence in the southern provinces, especially aimed at public school teachers, sporadically forced the temporary closure of public schools and disrupted the educational process there.

Many NGOs reported that children of registered migrant workers, particularly in Samut Sakhon, Tak, Kanchanaburi, Ranong, and Chiang Mai provinces and Mae Sot District, had more limited access to schooling due to frequent relocation to new job sites, distance from school, and a lack of Thai language abilities. Many children attended migrant learning centers at the primary level instead of government-run schools, which limited these students' opportunities beyond primary education because the government did not officially recognize the centers. These children also remained without access to community services provided to children attending public schools, such as day-care centers and government-subsidized free milk and lunch. Migrant workers who could afford to pay often chose to send their children to private nurseries or day-care centers at their own expense. The Labor Rights Promotion Network in Samut Sakhon Province reported that by law, schools are free for these children, yet in practice some schools were reluctant to accept such children due to lack of space, budget, and education staff. Nonetheless, the organization believed that the number of children of migrant workers attending public schools had increased in the past year.

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 imposes a jail term of seven to 20 years' imprisonment and a fine of up to 40,000 baht (\$1,200) for sexual intercourse with a victim under age 13. If the victim is between ages 13 and 15, the penalty is four to 20 years' imprisonment and the same range of fines.

The Health Ministry reported that from October 2012 to September 2014, 19,229 children reported abuse and sought assistance from the ministry's OSCCs. Of these victims, 69 percent reported sexual abuse and 22 percent reported physical abuse. Police continued their reluctance to investigate abuse cases, and rules of evidence made prosecution of child abuse difficult. The law is designed to protect witnesses, victims, and offenders under age 18 in abuse and pedophilia cases. With a judge's consent, children may testify on videotape in private surroundings in the presence of a psychologist, psychiatrist, or social worker. Many judges, however, declined to use videotaped testimony, citing technical problems and the inability to question accusers and defendants directly in court. Some children's advocates claimed that sexually abused girls received better physical and psychological care than male victims did. Authorities charged persons accused

of pedophilia under appropriate age-of-consent and, in cases of the commercial sexual exploitation of children, prostitution laws.

Early and Forced Marriage: The minimum legal age for marriage for both sexes is 17 years; however, anyone below age 20 requires parental consent. A court may grant permission to marry for those aged 15 to 16. Awareness programs by Islamic committees and government agencies sought to prevent child marriage under Islamic tradition. According to the NGO Girls Not Brides, 3 percent of women 20 to 24 years old were married by the age of 15.

Female Genital Mutilation/Cutting (FGM/C): Reputable NGOs reported that FGM/C occurred in the Muslim-majority south. There were no reports of international or governmental efforts taken to prevent or address the practice.

Sexual Exploitation of Children: Child prostitution remained a problem. According to government officials, academics, and NGO representatives, boys and girls, especially among migrant populations and ethnic minorities, were coerced or lured into prostitution. Children from poor families remained particularly vulnerable, and there continued to be some incidents and arrests of parents who forced or coerced their children into prostitution. Citizens and foreign sex tourists continued to commit pedophilia crimes, including the commercial sexual exploitation of children.

The law imposes heavy penalties on whoever procures, lures, compels, or threatens children under age 18 for the purpose of prostitution, and it provides that a customer who purchases sexual intercourse with a child under age 15 shall be subject to two to six years in prison and a fine of up to 120,000 baht (\$3,600). If the child is between the ages of 15 and 18, the prison term is one to three years, and the fine is up to 60,000 baht (\$1,800). Authorities may also 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 penalty is imprisonment for up to three years or a maximum fine of 6,000 baht (\$180), or both. The law also imposes heavy penalties on persons who sexually exploit persons younger than age 18 and defines punishments for pimping, trafficking, and other sexual crimes against children.

Displaced Children: Authorities generally referred street children to government-provided shelters, but many, especially foreign undocumented migrants, reportedly avoided the shelters due to fear of deportation. The government also arrested children, many of whom were trafficking victims, for begging on the streets. Ultimately, the government sent citizen street children to school, occupational training centers, or their families with social worker supervision. The government repatriated some street children from other countries.

National reports on child labor often omitted street children, and national statistics on street children often included only citizens. There continued to be no reliable statistics on the numbers of beggars. This population included children who were homeless, kidnapped, or deployed by their parents (many were trafficking victims).

Institutionalized Children: There were reports of abuse in orphanages or other institutions. For instance, authorities arrested a teacher in August for allegedly beating a mentally ill 12-year-old child at a school for children with disabilities in Chaiyaphum. The investigation continued at year's end.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's annual compliance report at travel.state.gov/content/childabduction/english/legal/compliance.html, as well as country-specific information at travel.state.gov/content/childabduction/english/country/thailand.html.

Anti-Semitism

The Jewish community is very small, and there were no reports of anti-Semitic incidents. 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](#).

Persons with Disabilities

Prior to the coup, the constitution and law prohibited discrimination against persons with physical, sensory, intellectual, and mental disabilities in education, air travel and other transportation, access to health care, or the provision of other government services. Although coup leaders suspended the constitution, laws pertaining to persons with disabilities remained intact.

The government modified many public accommodations and buildings to accommodate persons with disabilities, but government enforcement was not consistently effective. The law mandates that persons with disabilities have access to information, communications, and newly constructed buildings, but these provisions were not uniformly enforced. The law does not require government entities to install accessible street curbs when they repaired or constructed streets or roads.

Persons with disabilities who register with the government are entitled to free medical examinations, wheelchairs, and crutches. The government provided five-year, interest-free, small business loans for persons with disabilities.

The Community-based Rehabilitation Program and the Community Learning Center for People with Disabilities project operated in all provinces. There were 162 learning centers nationwide, two in each of the 76 provinces and 10 in Bangkok, as well as 76 rehabilitation centers nationwide with one in each province and 50 in Bangkok. The annual government subsidy was approximately 25,000 baht (\$750) per learning center and 10,000 baht (\$300) per rehabilitation center.

The government maintained 46 special schools for students with disabilities, 77 centers offering special education programs for preschool-age children, and 77 educational centers for persons with disabilities. The law requires all government schools nationwide, approximately 31,000, to accept students with disabilities, but only 5,026 schools (16 percent) taught such students during the year. An estimated 200,000 students with disabilities, of a total of 7.2 million students, attended school. There were some reports of schools turning away students with disabilities, although the government claimed that such incidents occurred because schools did not have appropriate facilities to accommodate them. The government reported that it did not receive any complaints during the year. There were also nine government-operated and at least 23 NGO-operated training centers for persons with disabilities, including both full-time and part-time or seasonal centers. The government operated 13 government shelters specifically for persons with disabilities, including two day-care centers for autistic children. In addition there were private associations providing occasional training for persons with disabilities.

Some employers subjected persons with disabilities to wage discrimination (see section 7.d.). Government regulations require private firms either to hire one person with a disability for every 100 other workers or contribute to a fund that benefits persons with disabilities, but this provision was not uniformly enforced. Officials estimated that 77 percent of firms complied with the law, and the chair of the Universal Foundation for People with Disabilities concurred with that figure. Some private firms preferred to contribute to the fund rather than hire a person with a disability because they believed it was less costly.

National/Racial/Ethnic Minorities

Two groups – former Chinese civil war belligerents and their descendants living in the country since the end of the civil war, and children of Vietnamese immigrants residing in 13 northeastern provinces – continued to live under laws and regulations that could restrict their movement, residence, education, and access to employment. A law confined the Chinese to living in the three northern provinces of Chiang Mai, Chiang Rai, and Mae Hong Son.

Indigenous People

Noncitizen members of hill tribes continued to face restrictions on their movement, could not own land, and had difficulty accessing bank credit. 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 the minimum wage. Noncitizens were also limited in their choice of occupations and the law barred them from government welfare services, such as universal health care.

The law provides citizenship eligibility to certain categories of highlanders who were not previously eligible. The government supported efforts to register citizens and educate eligible hill tribe persons about their rights. Despite these efforts activists reported that widespread corruption and inefficiency, especially among highland village headmen and district and subdistrict officials, continued to contribute to a persistent backlog of citizenship applications and to improperly denied applications. According to the Ministry of the Interior's Department of Provincial Administration, approximately 440,000 persons were waiting for their citizenship application to be processed. In 2013 the Administrative Court ordered government officials in Chiang Dao District, Chiang Mai Province, to adjudicate all of the 441 pending citizenship applications involved in a lawsuit brought by the NGO International Justice Mission; the district government's appeal of that ruling remained pending as of August. The NGO reported, however, that Chiang Dao District officials had begun to adjudicate the applications, albeit slowly.

Hill tribe members continued to face societal discrimination arising in part from the belief that they were involved in drug trafficking and environmental degradation and posed a threat to national security.

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

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

Lesbian, gay, bisexual, and transgender (LGBT) groups were able to register with the government, although there were some restrictions on the wording used in registering their group names. They reported that police treated LGBT victims of crime the same as other persons except in the case of sexual crimes, where there continued to be a tendency to downplay sexual abuse or not to take harassment seriously.

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

A 2013 study commissioned by Plan International Thailand in partnership with UNESCO and Mahidol University found that in both private and public secondary schools, students teased or bullied other students whose gender expression did not match local gender norms; secondary schools either did not cover sexual diversity topics or covered them inconsistently and used stigmatizing terminology; and schools generally lacked explicit antibullying policies, including

policies specifically aimed at reducing bullying based on gender identity or sexual orientation. In May the Corporal Punishment Curriculum Development Committee of the Office of Promotion and Protection of Children, Youth, the Elderly, and Vulnerable Groups, under the Ministry of Social Development and Human Security, invited Plan International Thailand to present its report to the committee.

A local NGO reported that police targeted transgender individuals for harassment and discrimination in the tourist city of Pattaya.

University officials allowed transgender students to participate in commencement ceremonies and sit for examinations while wearing gender-specific uniforms of their choice on a case-by-case basis. At the same time, university authorities usually required students to obtain official permission before they could wear their chosen uniform. Such permissions remained voluntary for each school. On June 27, the NHRC issued a resolution advising universities to revise regulations to permit transgender students to attend class, sit for examinations, and participate in commencement ceremonies while wearing gender-specific uniforms of their choice. Failure to do so, the commission stated, would violate the human dignity and rights of transgender students.

There was some continued commercial discrimination based on sexual orientation and gender identity. For example, some life insurance companies refused to issue policies to gay men, although some companies expressed willingness to sell policies to LGBT citizens with provisions for full transfer of benefits to same-sex partners. NGOs reported that more insurance companies had begun to accept same-sex partner beneficiaries, but it remained at the company's discretion. NGOs alleged that some nightclubs, bars, hotels, and factories denied entry or employment to LGBT individuals, particularly transgender persons.

HIV and AIDS Social Stigma

Persons with HIV/AIDS faced the psychological stigma associated with rejection by family, friends, colleagues, teachers, and the community, although continued intensive educational outreach efforts by the government and NGOs may have reduced this stigma in some communities. There were continued reports that some employers refused to hire persons who tested HIV positive following employer-mandated blood screening. As part of a three-year project, the Thailand Business Coalition on AIDS had surveyed 1,599 companies as of August and found that 677 businesses had pledged to neither require HIV/AIDS tests for employees nor discharge infected employees, and they vowed to hold regular awareness campaigns.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

Prior to the coup, the constitution provided for the right of some workers freedom of association and the right to bargain collectively. The interim constitution promulgated on July 22 lacked such provisions. Nevertheless, labor laws, including the Labor Relations Act, remained in effect. The laws allow private sector workers to form and join trade unions of their choosing without prior authorization, bargain collectively, and conduct legal strikes with a number of restrictions. The law prohibits antiunion discrimination. Although the law does not require reinstatement of workers fired for involvement in trade union activity, a court decision may grant employee reinstatement and compensation of salary for losses while absent from work for various types of unfair termination, including antiunion discrimination.

Separate laws allow government-owned enterprise workers to form unions. The law does not allow civil servants, including teachers at public and private schools, university professors,

soldiers, and police, to form or register a union. Civil servants may form and register associations, but these associations do not have the right to bargain collectively. Noncitizen migrant workers, whether registered or working illegally, 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.

The law restricts affiliations between government-owned enterprise unions and private sector unions since they are governed under two separate laws. The legal requirement that only employees "working for the same employer" or "in the same description of work" may form a union limits the ability of contract workers to join unions formed by regular employees. In addition the law allows employees in private enterprise 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' collective requests on welfare problems.

Legal protection from antiunion actions by employers does not apply until the union is registered. To register a union, at least 10 workers must submit their names to the Department of Labor Protection and Welfare, which verifies the names and employment status with the employer, potentially exposing the workers to retaliation before registration is complete. Additionally, the law requires that union officials be full-time employees of the company or government enterprise and prohibits permanent union staff. A union is entitled to no more than two advisors, who must register with the Ministry of Labor. Employers may dismiss workers for any reason, provided the employer pays severance. A union leader who loses his or her job for any reason may not continue to represent union members.

The law requires employers to begin negotiating within three days from the time a union submits its demands. If an agreement cannot be reached, the government considers it a labor dispute and begins conciliation. The law permits workers to strike after an employee has submitted a demand resulting in a deadlock between the employer and employee. Workers must submit a letter of notification at least 24 hours in advance of strike action. The government has the 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. Employers can charge union leaders with libel for statements made during collective bargaining and strike action if they "[harm] the employer's reputation."

The law forbids strikes and lockouts in the public sector, government-owned enterprises, and "essential services," which are defined more broadly than they are under international standards and include sectors such as telecommunications and public transportation. The law prohibits the termination of employment of legal strikers, but employers are permitted to hire workers to replace strikers. Strike action in the private sector was constrained by the legal requirement to call a general meeting of trade union members and obtain strike approval by at least 50 percent of all union members. The law provides for penalties, including imprisonment and possible compulsory labor, for strikers in government-owned enterprises.

Labor law enforcement was inconsistent and in some instances ineffective in protecting workers who participated in union activities. For example, even when labor courts ordered employee reinstatement when dismissal resulted from union activity, the process was lengthy and costly for the employee. Most cases were settled out of court through severance payments to the employee with no effective punishment of the employer. Although penalties under law for violations include up to six months' imprisonment and 10,000 baht (\$300) fines or both, they were rarely applied. A system of labor courts exercised judicial review over most aspects of labor law for the private sector. The Ministry of Labor reported that most conflicts referred to the Central Labor Court continued to involve dismissals and other violations of labor law and working condition agreements.

The tripartite Labor Relations Board adjudicated problems of collective labor relations, and its decisions were subject to labor court review. Workers may also seek redress through the NHRC. The Ministry of Labor may refer private sector labor disputes that cannot be resolved through negotiation or voluntary arbitration and may affect the national economy or public order to the Labor Relations Board for settlement. The State Enterprise Relations Committee handled redress of grievances for government enterprise workers. During 2013, the latest year for which such data were available, the Department of Labor Protection and Welfare reported 146 informal conflicts between employers and employees involving 68,715 employees, a decline from 2012 (177 informal conflicts involving 94,124 employees). Of these, 124 conflicts were resolved without walkouts, 10 were referred to a labor court, and nine continued under the department's process. Most cases referred to a labor court fell under the categories of violations of labor protection laws, breaches of working condition agreements, and wrongful acts by employers and employees.

Employers continued to discriminate against workers who sought to organize unions. There were cases reported of employers dismissing workers engaging in union activities from their jobs, both before and after union registration. In some cases the labor courts ordered workers reinstated if they proved that the grounds for their dismissal were unlawful. In 2013 the Labor Relations Committee ruled that General Motors Thailand had unfairly dismissed 296 workers who refused to sign individual agreements regarding changes of their work schedules. GM agreed to reinstate dismissed workers if they would accept the new work schedule agreement and offered a severance package for those who no longer wanted to continue employment with the company. Some workers accepted the severance package and left, while other workers who did not accept the package remained locked out of the workplace as of October. The dispute was referred to the labor court.

There were also reports that after the reinstatement of striking workers at Michelin Siam, employers transferred workers to different positions to prevent further collective action.

Employers used various techniques to stop workers' strikes, including replacing striking workers with subcontractors, threatening union leaders, and inciting violence in order to get a court warrant to prohibit protests. There were reports that some employers supported setting up competing unions to circumvent established unions that refused to accept the terms of agreement proposed by employers.

The Thai Labor Solidarity Committee condemned the September 4 attack against the president of the Thai Sobhi Workers' Union and believed the attack was linked to his union activities based on previous threats received. An investigation continued as of October.

Legal definitions of who may join a union ("employees working for the same employer" or "employees in the same description of work") and requirements that the union represent at least one-fifth of the workforce hampered collective bargaining efforts if contract workers, who made up a substantial portion of the workforce, were not considered part of the potential bargaining unit. Because the law classifies contract workers as working in the "service industry," as opposed to the "manufacturing industry," they may not join an industrial union. This restriction on joining with full-time employees of industries often diminished the ability to bargain collectively as a larger group. In a small number of cases, documented migrants joined unions run by citizens, but language barriers and the segregation of Thai and migrant workers by industry and by zones (particularly in the border area) limited the impact of these unions on the migrant labor force.

Labor activists claimed the requirement to get agreement from 50 percent of union members set a high barrier for conducting a legal strike. Some employers used unfavorable work assignments and reductions in work hours and bonuses to punish strikers.

All 13 railways workers (except one who reached retirement age), dismissed in response to a union-led work stoppage protesting unsafe locomotives after a crash in Prachuap Khiri Khan Province in 2009 resulted in seven fatalities, were reinstated in July. Despite the reinstatement, the State Railways of Thailand did not ask the court to drop the court order requiring dismissed workers to pay a 15 million baht (\$450,000) fine.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, except in the case of national emergency, war, martial law, or imminent public calamity. Penalties under law range from four to 15 years' imprisonment and a fine of 80,000 to 200,000 baht (\$2,400 to \$6,000), but a number of factors contributed to a low number of prosecutions for forced labor.

Despite some efforts by the government to enforce and raise awareness of the law, forced labor of men, women, and children persisted, particularly in those sectors where foreign migrant labor was common and in the informal economy. During the year the government streamlined the migrant registration process and reduced fees to encourage undocumented migrants and their children to register through OSCCs throughout the country. As of October more than one million previously undocumented migrants had been registered. Although it was too early in implementation of the new registration process to show a concrete decrease in the vulnerability to forced labor that migrant workers faced, many NGOs believed registration could ultimately reduce migrants' vulnerability to forced labor.

Reports of abusive work environments, including forced labor, continued in many sectors, including Thai-flagged seagoing trawlers, garment and other factories, and labor-intensive industries such as food and seafood processing facilities, as well as in the informal sector and in domestic work. Civil society observers continued to criticize government handling of vulnerable migrant workers, many of whom were victims of human trafficking.

Language barriers, lack of legal status, lack of education, lack of an understanding of local law, and ineffective complaint mechanisms for non-Thai speakers increased vulnerability to exploitation for the large numbers of migrants from Burma, Cambodia, and Laos concentrated in those sectors. A 2013 International Labor Organization report highlighted abusive labor conditions in the fishing sector, including approximately 17 percent of persons "working against their will and unable to leave for variety of reasons including financial penalty/withholding wages, threat of violence or to inform authorities, etc."

Migrant workers often assumed significant debts to labor brokers or local moneylenders, some of whom charged interest rates of up to 20 percent; these practices led migrant workers, in many cases, into conditions of debt bondage. There were also reports of employers who confiscated migrant workers' registration and travel documents, which restricted their movement and contributed to their vulnerability to forced labor, despite laws prohibiting this practice. In some cases employers, subcontractors, or brokers charged excessive fees to workers for passport processing, exacerbating vulnerability to debt bondage. Migrants without documentation – including legal workers whose documents were confiscated by employers – remained vulnerable and without recourse under the law. In order to avoid deportation, migrants often paid additional fees or bribes to police and immigration officials if caught without documentation.

Also see the Department of State's [Trafficking in Persons Report](#).

c. Prohibition of Child Labor and Minimum Age for Employment

The law regulates the employment of children under age 18 and prohibits employment of children under age 15, although an exception exists for children 13 to 15 years old who have parental

permission to perform agricultural work during school breaks or nonschool hours as long as the employers provide a safe work environment.

Employers may not require children under age 18 to work overtime or on a holiday and may not require work between 10 p.m. and 6 a.m. without prior labor ministry approval. Children under age 18 must not be employed in hazardous work, which includes any activity involving metalwork, hazardous chemicals, poisonous materials, radiation, and harmful temperatures or noise levels; exposure to toxic microorganisms; operation of heavy equipment; work underground or underwater; and work in places where alcohol is sold or in massage parlors. The law provides limited coverage to child workers in some informal sectors, such as fishing and agricultural farming, and allows for issuance of ministerial regulations to address sectors not therein covered. Although children under 18 are also prohibited from working on seagoing fishing vessels, the government had not finalized a revision to the ministerial regulation on sea fishing vessels that was required for enforcement of this prohibition. Regulations set the minimum age for domestic work at 15 years.

The Ministry of Labor's Department of Labor Protection and Welfare is the primary agency charged with enforcing child labor laws and policies. The maximum penalty for violating child labor laws or regulations is one year in prison, fines up to 200,000 baht (\$6,000), or both. Labor inspectors often negotiated promises of better future behavior rather than prosecuting or otherwise punishing violators. Observers continued to note there were too few labor inspectors to enforce the law effectively. In an effort to improve enforcement, the ministry's inspection plan for the year continued to prioritize labor inspections of small factories (those with fewer than 50 workers), which were believed to be high risk for the use of child labor. The Ministry of Labor in 2013 continued to work with domestic workers' networks and employers to advocate for increased rights of domestic workers. Officials also increased efforts to train labor inspectors to conduct effective home inspections, but inspections of private homes remained limited. The legal requirement for a warrant hampered inspection of private homes to monitor the welfare of child domestic workers or children working in home-based employment.

The Social Security Office under the Labor Ministry reported 44,263 children ages 15-17 formally working and registered in the social security system in 2013. The Department of Labor Protection and Welfare reported that labor inspectors inspected 549 workplaces specifically for child labor violations and found 29 workplaces in violation of the law during 2013. Violations varied, to include inappropriate working time for children, failure to notify employment of working children, and employing children under 15 years old. The total number of child laborers, legal and illegal, continued to be much larger when statistics considered child laborers in the informal sector, including unregistered migrant children. There was no comprehensive survey of child labor throughout the country.

Children worked in agriculture, the garment industry, seafood processing, fishing-related industries, and the informal sector. There was reason to believe that employers used child labor to produce and process some garments, pornography, shrimp, fish, and sugarcane. In urban areas most working children labored in the service sector, including in gasoline stations, small-scale industries, and restaurants. Some children continued to be exploited in street selling, begging, commercial sex, domestic service, and agriculture work, sometimes in a system of debt bondage (also see section 6, Children). Many of these children, predominantly migrants from Burma, Cambodia, and Laos, were in the country illegally, which increased their vulnerability to exploitation. There continued to be reports of street children whom employers bought, rented, or forcibly "borrowed" from their parent(s) or guardian(s) to beg alongside women in the street. Reports also indicated some migrant parents deployed children in begging during school break, evenings after school, or weekends to contribute to household income.

Beyond urban areas children worked in agriculture, garment, and fishing-related industries. Child labor was less evident but still reportedly present in larger, export-oriented factories and registered processing facilities, including multiple levels of the food and seafood processing sectors. NGOs continued to report some cases of child labor in garment factories along the Burmese border in Mae Sot District.

Also see the Department of Labor's [*Findings on the Worst Forms of Child Labor*](#).

d. Discrimination with respect to Employment or Occupation

Labor laws do not prohibit discrimination regarding race, sex, gender, disability, language, sexual orientation and/or gender identity, HIV-positive status or other communicable diseases, or social status. The 2007 constitution included guarantees of equality and equal protection under the law and prohibited discrimination against a person on the grounds of national origin, race, language, sex, age, disability, physical or health condition, personal status, economic or social standing, religious belief, education, or political views. The military abolished the constitution, however, after it seized power in the May 22 coup. The law requires that workplaces with more than 100 employees hire at least one disabled worker for every 100 workers. The government did not effectively enforce these laws in all cases.

Discrimination in respect to employment occurred against LGBT persons, persons with disabilities, and migrant workers (also see sections 6 and 7.e.). In June the International Labor Organization reported that persons of diverse sexual orientations and gender identities in the country faced frequent discrimination in the workplace, partly due to common prejudices and a lack of protective laws and policies on discrimination. The report found discrimination occurred at all stages of the employment process, including education and training, access to jobs, advancement opportunities, social security and partner benefits. Transgender workers reportedly faced even greater constraints, and their participation in the workforce was often limited to a few professions such as beauticians and entertainers.

e. Acceptable Conditions of Work

The national daily minimum wage nationwide remained at 300 baht (\$9.00) following significant increases of between 40 and 80 percent in nominal terms in 2013 at the province level. The government last calculated the official poverty line in 2011 at 2,422 baht (\$73) per month.

The maximum workweek by law is 48 hours, or eight hours a day over six days, with a limit on overtime 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 are not permitted to work overtime. Petrochemical industry employees may not work more than 12 hours per day and may work continuously only for a period not exceeding 28 days. By law employers may not change employment conditions without the employee's consent, unless the changes are beneficial to the employee.

The law requires safe and healthy workplaces, including for home-based businesses, and prohibit pregnant women and children under age 15 from working in hazardous conditions (as detailed in ministerial regulations). Workers do not have the right to remove themselves from situations that endangered health or safety without jeopardy to their employment. The law allows pregnant women to present a physician's certificate to request a change of duties both prior to and after delivery. The law also requires the employer to inform employees about hazardous working conditions prior to employment.

Legal protections do not apply equally to all sectors. For example, ministerial regulations provide household domestic workers some protections regarding holidays, sick leave, minimum age, and

payment of wages but do not address minimum wage, regular working hours, or maternity leave. The minimum wage and social security system does not apply to workers in informal sector and seasonal types of work such as agriculture, fishing, etc.

The Ministry of Labor is responsible for verifying that employers adhere to minimum wage requirements in the formal sector, as well as inspecting for working hours, rest time, holiday and sick leave, overtime payment, etc. The ministry also enforces laws related to occupational safety and health. In 2013, the latest year for which such data are available, the ministry employed approximately 600 inspectors for an estimated 356,900 workplaces.

It inspected 48,749 workplaces employing 2.1 million workers during 2013, according to ministry statistics, and found 465 workplaces that failed to comply with labor protection laws. Employers are subject to fines up to 100,000 baht (\$3,000) and/or imprisonment up to six months for minimum wage noncompliance, but enforcement was mixed. The maximum sentence for violations of occupational safety and health regulations is one year's imprisonment and fines not exceeding 400,000 baht (\$12,000). Limited resources, the practice of interviewing employees at workplace locations, reliance on document-based inspection, and lack of interpreters to accompany inspection teams resulted in ineffective inspections.

On occupational health and safety, the ministry in 2013 inspected 17,672 workplaces employing 1.5 million workers and found 974 workplaces (6 percent) that failed to comply with health and safety regulations. Most of these involved machines, cranes and boilers, health checkups, fire accidents, failure to establish safety committees, and inappropriate levels of heat, light, and noise. According to the Department of Labor Protection and Welfare, the incidence of violations regarding workers' safety was highest in manufacturing, wholesale and retail trade, construction, mining, electricity gas and water supply, and agriculture. While the majority of violations were resolved after the department issued orders to companies to make amends, there were at least 220 legal actions filed by labor inspectors after the employer failed to make amends or pay the required fine.

Redress for workers injured in industrial accidents continued usually to be untimely and insufficient. Court decisions were rare, and few went against management or owners involved in workplace disasters, but isolated cases demonstrated that the courts have legal authority to compensate injured workers. NGOs continued to report several cases of the government denying accident compensation to registered migrants because they had not passed nationality verification.

Some formal sector workers nationwide received less than the minimum wage, particularly in rural provinces. Most noncompliant employers were small enterprises with fewer than 50 workers. Labor protections also apply to undocumented workers, but many employers did not provide minimum wage to unskilled and semiskilled undocumented migrant workers.

The government continued its policy of regularizing migrant labor to help decrease the proportion of undocumented workers in its workforce and thereby reduce migrants' vulnerability to abuse. As of May approximately 1.5 million migrant worked legally in the country. In July the government streamlined the migrant registration process and reduced fees to encourage undocumented migrants and their children to register through 80 OSCCs throughout the country.

During July and August, approximately 898,825 undocumented migrant workers and 50,820 dependents (children under age 15) registered under the system. Registered migrant workers and their dependents can work and live legally in the country and have access to health care under the health insurance scheme until March 2015. Migrants were able to complete the OSCC process in less than half a day and sometimes in as little as one hour, depending upon the number of migrant workers waiting to complete the process. Previously, the registration process required visits to several agencies for a variety of permits and information: a temporary stay permit from Ministry

of Interior, a work permit from the Department of Employment, a health check and health insurance from the Ministry of Public Health, and information on employment contract, migrant rights, and protection from the Department of Labor Protection and Welfare and Social Security Office. The government also reduced the fees by eliminating the 2013 repatriation fund contribution of 1,000 baht (\$30) per person and reduced the eight-month work permit fee from 1,800 baht (\$54) to 900 baht (\$27). While there was no reliable count of irregular migrant workers in the country, governmental and NGO sources estimated the number of both regular and irregular migrant workers to be 2.5 to 3.7 million.

The government requires employers in the fishing industry to keep official records of their workers and use standardized employment contracts that clearly outline the wage, working hours, benefits, and welfare while working on board a vessel. Nonetheless, workers in the fishing industry continued to lack access to social security and accident compensation as well as a guaranteed minimum wage.

OSCCs incorporated registration for fishing industry workers beginning in July. During July and August, the government registered 42,576 undocumented migrant fishing industry workers at the OSCCs.

The government required recruitment agencies who recruit migrant workers for employment in the country to register with the Department of Employment. As of July, 207 in-bound recruitment agencies had registered with the Department of Employment. There were still no specific regulations to regulate or monitor services and fees of in-bound recruitment agencies and service providers who assist migrant workers through the regularization process.

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." Regardless of whether the contract labor employee was outsourced and collected wages from a separate company, by law the contracting business is the overall employer, and the law requires equal pay and benefits for subcontract and regular employees. Although contract laborers performed the same work as direct-hire workers, employers often paid them less and provided fewer or no benefits.

Despite efforts at regularization, migrant workers, in particular undocumented migrants, did not enjoy many labor protections afforded to citizen workers and remained vulnerable and without recourse under the law. NGOs reported poor working conditions for both documented and undocumented migrants. A substantial number of migrants worked in factories near border-crossing points, where there were frequent reports of labor law violations and few labor inspections. Labor inspectors generally could not speak the languages of migrant workers, which hampered the ability of migrant workers to report violations. The Ministry of Labor reported establishing a center with an interpreter in each of the following 11 provinces with significant migrant-worker populations: Samut Sakhon, Kanchanaburi, Chonburi, Rayong, Chiang Mai, Khon Kaen, Trang, Phuket, Ranong, Songkhla, and Tak. Civil society groups working on migrant rights reported improvements in services due to these efforts.

Observers commented that the government was able to reduce the number of brokers and amount of informal fees associated regularization process under the OSCC; however, concerns remained over the uncertainty of the nationality verification process, which requires cooperation between the government and neighboring countries, and the lack of long-term migration policy.

There continued to be reports that companies employing migrant workers made unlawful deductions from migrant worker wages to repay the costs of smuggling, registration, permits, and other costs, both real and fabricated. Workers also reported several other violations by contractors, including failure to pay holiday overtime; provide equipment, uniforms, or adequate drinking

water; or pay daily minimum wages for less than eight hours of work. Workers further reported deductions from wages for sick leave absences and bribes to government officials to ignore undocumented workers.

Exploitative local labor supply agencies persisted in charging citizens working overseas large, illegal recruitment fees that frequently equaled their first- and second-year earnings. NGOs noted that local moneylenders, mostly informal, continued to contribute to this practice by offering loans at exorbitant interest rates so workers could pay recruitment fees, some of which were as high as 500,000 baht (\$15,000). The Ministry of Labor's Department of Employment regulations limit the maximum charges for recruitment fees, but effective enforcement of the rules remained difficult and inadequate due to workers' unwillingness to provide information regarding underground recruitment fees. The department filed 155 criminal charges against illegal recruitment agents or brokers. It also revoked the license of two recruitment agencies, suspended the license of four recruitment agencies, and filed criminal charges against nine recruitment agencies. The department also reported negotiating with the governments of Israel and South Korea to reduce the expenses and recruitment fees for citizen migrant workers.

During 2013 there were 111,894 reported incidents of diseases and injuries from workplace accidents, including 76,776 minor injuries (resulting in no more than three days' work missed) and 35,118 injuries resulting in more than three days' work missed (including permanent disabilities and deaths). The rate of incidents occurring in the informal and agricultural sectors and among migrant workers was believed to be higher but underreported. Occupational diseases were rarely diagnosed or compensated, and few doctors or clinics specialized in them. Migrant workers and their dependents in formal and informal sectors were eligible to buy health insurance. Some migrant workers, however, did not purchase health insurance because they did not understand their rights due to language barriers, an insufficient number of health-care personnel, and other factors. Medium and large factories often applied government health and safety standards, but overall enforcement of safety standards continued to be lax. In the informal sector, health and safety protections continued to be substandard.

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