

THAILAND 2020 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Thailand is a constitutional monarchy, with King Maha Vajiralongkorn Bodindradebayavarangkun (Rama X) as head of state. In March 2019 Thailand held the first national election after five years of rule by a junta-led National Council for Peace and Order. The National Council-backed Phalang Pracharath Party and 18 supporting parties won a majority in the lower house, and they retained as prime minister National Council leader Prayut Chan-o-Cha, the leader of the 2014 coup and a retired army general. The election was generally peaceful with few reported irregularities, although observers noted that a restrictive legal framework and selective enforcement of campaign regulations by the Election Commission favored Phalang Pracharath-aligned parties.

The Royal Thai Police and the Royal Thai Armed Forces share responsibility for law enforcement and the maintenance of order within the country. The police report to the Office of the Prime Minister; the armed forces report to the Ministry of Defense. The Border Patrol Police have special authority and responsibility in border areas to combat insurgent movements. While more authority has been returned to civilian authorities following the election, they still do not maintain full control over the security forces. Members of the security forces committed a variety of abuses.

Significant human rights issues included: reports of unlawful or arbitrary killings by the government or its agents; torture and cases of cruel, inhuman, or degrading treatment or punishment by government officials; arbitrary arrest and detention by government authorities; political prisoners; politically motivated reprisal, including allegations of forced disappearance, against individuals located outside the country; political interference in the judiciary; serious restrictions on free expression, the press, and the internet, including arrests and prosecutions of those criticizing the government, censorship, website blocking, and criminal libel laws; interference with the rights of peaceful assembly and freedom of association, including harassment against human rights activists and government critics; refoulement of refugees facing threats to their life or freedom; restrictions on

THAILAND

political participation; serious acts of corruption; trafficking in persons; and significant restrictions on workers' freedom of association.

Authorities took some steps to investigate and punish officials who committed human rights abuses. Official impunity, however, continued to be a problem, especially in the southernmost provinces, where martial law remained in effect in Yala, Pattani, and Narathiwat provinces while the deep south emergency decree was in effect in all but six districts in those provinces. In each of the six districts where the emergency decree has been lifted since 2011, the 2008 Internal Security Act has been subsequently invoked.

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

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

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

There were numerous reports that the government or its agents committed arbitrary or unlawful killings. According to the Ministry of Interior's Investigation and Legal Affairs Bureau, from the beginning of October 2019 to the end of September security forces--including police, military, and other agencies--killed 16 suspects during the arrest process, a decrease of 60 percent from the 2018-19 year.

On November 1, police shot and killed Charoensak Rachpumad, suspected of drug and weapons dealing, in Ron Phibun District, Nakhon Si Thammarat Province. Witnesses said Charoensak was raising his arms to surrender while surrounded by approximately 10 policemen. The policeman who killed him contended Charoensak was charging at him with a knife. The provincial police chief ordered an investigation.

Earlier cases of arbitrary or unlawful killings remained unsolved. In the shooting of prominent ethnic Lahu student activist Chaiyaphum Pasae in 2017, a Chiang Mai civil court ruled in October that Chaiyaphum was shot in self-defense by a

THAILAND

Royal Thai Army soldier and dismissed the case without considering additional evidence, including closed-circuit television footage from the military checkpoint where the incident occurred. Chaiphum's relatives and lawyer denied he acted violently toward the soldier, and petitioned the army to release the closed-circuit television footage and conduct a full, transparent investigation into the incident. In 2018, to determine liability, the Chiang Mai provincial court forwarded the case to the public prosecutor's office, where it has been stalled for two years.

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

b. Disappearance

There were no official reports of disappearances by or on behalf of government authorities from January to November (see section 1.e., Politically Motivated Reprisal against Individuals Located Outside the Country).

While most cases from prior years remained unresolved, in August the Department of Special Investigation stated it disagreed with (and would ask the attorney general to reconsider) the dropping of murder charges against four Kaeng Krachan National Park employees for the 2014 killing of Porlajee "Billy"

Rakchongcharoen, a Karen-rights activist. Porlajee disappeared in Petchaburi Province after his detention in the park and questioning regarding unlawful wild-bee honey allegedly found in his possession. In September 2019 the Department of Special Investigation announced it had found Porlajee's bones. The findings suggested Porlajee was tortured and murdered, and his body burned and placed into an oil tank submerged in the reservoir to conceal the murder. In November 2019 park chief Chaiwat Limlikhitaksorn and three park employees were charged with six offenses, including murder and concealing Porlajee's body. In January prosecutors dropped the most serious charges, including murder, against the four defendants and charged them simply with malfeasance for failing to hand over Porlajee to police after they arrested him.

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

THAILAND

Punishment

The constitution states, “Torture, acts of brutality, or punishment by cruel or inhumane means shall not be permitted.” Nonetheless, an emergency decree in effect in the southernmost provinces since 2005 effectively provides immunity from prosecution to security officers for actions committed during the performance of their duties. As of September the cabinet had renewed this emergency decree every three months since 2005, and it applied at that point to all but six districts in the three southernmost provinces: Si Sakhon, Su-ngai Kolok, and Sukhirin in Narathiwat Province; Betong in Yala Province; and Mai Kaen and Mae Lan in Pattani Province.

There were reports police abused and extorted prisoners and detainees, generally with impunity. Few complaints alleging police abuse resulted in punishment of alleged offenders, and there were numerous examples of investigations lasting years without resolution of alleged security force abuses.

Representatives of nongovernmental organizations (NGOs) and legal entities reported police and military officers sometimes tortured and beat suspects to obtain confessions, and newspapers reported numerous cases of citizens accusing police and other security officers of brutality. In April brothers Yutthana and Natthapong Sai Sa were arrested in Nakhon Phanom Province by the army’s northeastern antinarcotics task force and taken to a military base for questioning. Yutthana was later transferred to a hospital where he died, while Natthapong was found seriously injured in a separate location. Seven soldiers confessed to beating the two men during an interrogation to force them to admit to drug trafficking. As of November the case was under investigation by police and the National Anti-Corruption Commission.

There were numerous reports of hazing and physical abuse by members of military units. In March, Amnesty International reported that abuses were a widespread and longstanding pattern in the armed forces, especially against gay and transgender soldiers. There were reports of recruits dying soon after conscription, including Seree Butwong, who died in a Bangkok hospital 10 days after entering military service in September; military authorities attributed his death to an

THAILAND

abnormal heartbeat.

The Ministry of Defense requires service members to receive human rights training. Routine training occurred at various levels, including for officers, noncommissioned officers, enlisted personnel, and recruits. The Royal Thai Police requires all cadets at its national academy to complete a course in human rights law.

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, asylum seekers, and foreign nationals who violated immigration laws--were poor, and most were overcrowded. Child refugees and asylum seekers continued to be detained in the IDCs or temporarily in local police stations, despite the government's previous pledge to end the detention. The Ministry of Justice's Department of Corrections is responsible for monitoring prison conditions, while the Royal Thai Police Immigration Bureau monitors conditions in the IDCs.

The government continued to hold some civilian suspects at military detention facilities, despite instructions in July 2019 mandating the transfer of all civilian cases from military to civilian courts. According to the Department of Corrections, as of November there were at least six civilians at the 11th Military Circle detention facility in Bangkok.

Physical Conditions: Prison and detention-facility populations were approximately 50 percent larger than designed capacity. As of November authorities held 346,170 persons in prisons and detention facilities with a maximum designed capacity of 210,000 to 220,000 persons.

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

THAILAND

took effective measures against the transmission of COVID-19.

Conditions at the IDCs are not subject to many of the regulations that govern the regular prison system, and detainees at some IDCs complained of overcrowding and unhealthy conditions such as poorly ventilated rooms and lack of outdoor time. During the year the Immigration Bureau transferred dozens of detainees from the Suan Phlu IDC in Bangkok to the IDCs in other provinces to alleviate overcrowding. Refugee advocates reported that this reduced overcrowding in the Suan Phlu IDC, but overcrowding remained a problem in multiple IDCs throughout the country. In May authorities confirmed that at least 60 detainees in the Sadao IDC in Songkhla Province had tested positive for COVID-19.

Pretrial detainees were approximately 17 percent of the prison population. Prison officers did not segregate these detainees from the general prison population. The government often held pretrial detainees under the emergency decree in the southernmost provinces in military camps or police stations rather than in prisons.

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

By law authorities may hold aliens without legal authorization to stay in the country, including refugees and asylum seekers or those who otherwise have violated immigration law, in the IDCs for years unless they are bailed out or pay a fine and the cost of their transportation home. The Immigration Bureau mostly held migrant mothers and children in separate, more spacious facilities, but continued to restrict their freedom of movement. NGOs urged the government to enact legislation and policies to end detention of children who are out of visa status and adopt alternatives, such as supervised release and noncustodial, community-based housing while resolving their immigration status. Other NGOs reported complaints, especially by Muslim detainees in the IDCs, of inadequate halal food.

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

THAILAND

escape risks or potentially dangerous to other prisoners.

According to the Ministry of Interior's Investigation and Legal Affairs Bureau, 713 persons died in official custody from the beginning of October 2019 to September 30, including 24 deaths while in police custody and 689 in the custody of the Department of Corrections. Authorities attributed most of the deaths to natural causes.

Administration: Authorities permitted prisoners or their representatives to submit complaints without censorship to ombudspersons but not directly to judicial authorities. Ombudspersons 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 a person files an official complaint.

Independent Monitoring: The government facilitated monitoring of prisons by the National Human Rights Commission of Thailand, including meetings with prisoners without third parties present and repeat visits. According to human rights groups, no external or international inspection of the prison system occurred, including of military facilities such as Bangkok's 11th Military Circle.

Representatives of international organizations generally had access to detainees in the IDCs across the country for service delivery and resettlement processing. Access to individual IDCs varied from province to province and was subject to COVID-19-related restrictions throughout the year.

d. Arbitrary Arrest or Detention

One week before its dissolution in July 2019, the National Council for Peace and Order (NCPO) junta government repealed 76 orders, restoring some civil and community rights. Other NCPO orders, however, remained in force, and the military retains the authority to detain persons without charge or trial for a maximum of seven days.

The deep south emergency decree that gives the government authority to detain persons without charge for a maximum of 30 days in unofficial places of detention

THAILAND

remained in effect (see section 1.g.).

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

In March the prime minister announced a nationwide COVID-19-related emergency decree that was renewed every month as of November. Critics claimed the decree was used as a pretext to arrest antigovernment protesters.

Arrest Procedures and Treatment of Detainees

While the law requires police and military officers to obtain a warrant from a judge prior to making an arrest, an NCPO order allows the detention of any individual for a maximum seven days without an arrest warrant. The courts tended to approve automatically all requests for warrants. By law authorities must inform persons of likely charges against them immediately after arrest and allow them to inform someone of their arrest.

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

Both the court of justice and the Justice Fund of the Ministry of Justice assign lawyers for indigent defendants. For the year ending September 30, the court of justice assigned 21,254 attorneys to adult defendants and 5,405 to juvenile defendants. During that period the Ministry of Justice provided 1,699 lawyers for needy defendants.

The law provides defendants the right to request bail, and the government generally respected this right.

Arbitrary Arrest: Under an NCPO order, the military has authority to detain persons without charge for a maximum of seven days without judicial review.

THAILAND

Under the deep south emergency decree, authorities may detain a person for a maximum of 30 days without charge (see section 1.g.).

Pretrial Detention: Under normal conditions the law allows police to detain criminal suspects for 48 hours after arrest for investigation. Lawyers reported police mostly brought cases to court within the 48-hour period. They raised concerns, however, about the simultaneous use of laws applicable in national-security cases that may result in lengthy detentions for insurgency-related suspects in the far southern part of the country. Other laws allow civilian personnel from the Ministry of Justice's Office of the Narcotics Control Board to detain without charge individuals suspected of committing drug-related crimes for up to three days before handing them over to police.

Laws and regulations place offenses for which the maximum penalty is less than three years' imprisonment under the jurisdiction of district courts, which have different procedures and require police to submit cases to public prosecutors within 72 hours of arrest.

Before charging and trial, authorities may detain individuals for a maximum of 84 days (for the most serious offenses), with a judicial review required for each 12-day period. After formal charges and throughout the trial, depending on prosecution and defense readiness, court caseload, and the nature of the evidence, detention may last from three months to two years before a verdict, and up to six years before a Supreme Court appellate review.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected judicial independence and impartiality. Portions of the 2014 interim constitution left in place by the 2017 constitution's transitory provisions, however, provide the government with power to intervene "regardless of its effects on the legislative, executive, or judiciary" to defend the country against national-security threats. Human rights groups continued to express concern about the government's influence on independent judicial processes, particularly the use of

THAILAND

the judicial process to punish government critics.

Trial Procedures

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

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

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

Political Prisoners and Detainees

As of November the Department of Corrections reported approximately 23 persons were awaiting trial or imprisoned under *lese majeste* laws that outlaw criticism of the monarchy (see section 2.a.). Human rights groups claimed the prosecutions and convictions of several *lese majeste* offenders were politically motivated. After public criticism of the monarchy escalated at protests in September, October, and November, authorities issued summons warrants for more than 30 protesters and protest supporters to face *lese majeste* charges. In December the criminal court dismissed a four-year-old *lese majeste* case against Patnaree Chankit, mother of political activist Sirawith “Ja New” Seritiwat, determining that her one-word reply of “yes” during a Facebook chat critical of the monarchy was not an intentional

THAILAND

insult to the royal institution.

Politically Motivated Reprisal against Individuals Located Outside the Country

There continued to be allegations that Thai authorities took politically motivated reprisals against activists and critics outside the country.

International and local human rights organizations alleged government authorities were complicit in the disappearance of activist Wanchalearm Satsaksit, who was reportedly abducted by masked gunmen in Cambodia in June. Thai authorities had issued an arrest warrant for Wanchalearm, who had lived in exile in Cambodia since the 2014 coup, for inciting unrest through his Facebook page. Cambodian authorities began an investigation, reportedly in response to a Thai government request, and in September released preliminary findings that there was no evidence an abduction had occurred. The Office of the UN High Commissioner for Human Rights expressed concern that Wanchalearm's reported abduction "may now comprise an enforced disappearance." NGOs alleged that at least eight exiled Thai dissidents had been victims of such disappearances since the 2014 coup. In November, Wanchalearm's sister traveled to Phnom Penh to give evidence in the case.

There were no further developments in the reported arrests in 2019 of activists Chucheep Chivasut, Siam Theerawut, and Kritsana Thapthai by Vietnamese authorities and their forcible return to Thailand.

Civil Judicial Procedures and Remedies

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

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

THAILAND

or Correspondence

Provisions of an NCPO order along with the deep south emergency decree give government security forces authority to conduct warrantless searches. Security forces used this authority regularly, particularly in the southernmost provinces and other border areas. Other legislation allowing the search and seizure of computers and computer data, in cases where the defendant allegedly entered information into computer systems that is “likely to cause damage to the public,” is “false,” or is “distorted,” continued to be extensively utilized (see section 2.a.). The law gives the Ministry of Digital Economy and Society authority to request and enforce the removal of information disseminated via the internet.

The government monitored social media and private communications with limited oversight. Government agencies used surveillance technologies, including imported computer monitoring software and licenses to import telecommunications interception equipment, from European companies. The country lacks accountability and transparency mechanisms for government surveillance. Some legislation exempts data from privacy safeguards that are otherwise stipulated in law, does not protect individual privacy, and provides broad powers to the government to access personal information without judicial review or other forms of oversight.

In response to the COVID-19 pandemic, the digital economy ministry introduced a mobile app to track and monitor individuals returning to the country from high-risk countries. The app required submission of information such as name, address, telephone number, and passport number, and it was made mandatory for all foreign arrivals. Observers noted uncertainty about how the data was used and by whom.

There were numerous reports of security forces harassing citizens who publicly criticized the government, including by visiting or surveilling their residences or places of employment. In July, Tiwagorn Withiton claimed that he was interrogated repeatedly by police and members of the military at his house after posting a picture of himself online wearing a T-shirt critical of the monarchy. He was later taken by six hospital personnel and a soldier from Internal Security Operations Command to a psychiatric hospital for 14 days of treatment. In June, Mahidol University student Bunkueanun “Francis” Paothong was reportedly

THAILAND

visited at home by four police officers who warned him of possible legal problems related to protests he had organized, and asked him to identify other protest leaders. In October he and two other protesters were charged with attempted violence against the queen, which carries a maximum penalty of life imprisonment, for their participation in an incident that delayed the queen's motorcade as it proceeded near a protest site.

The Cross Cultural Foundation issued a report in January on forced DNA collection from Muslim males by military personnel in the southernmost regions, a practice that critics said was discriminatory.

g. Abuses in Internal Conflict

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

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

Killings: Human rights groups accused government forces of extrajudicial killings of persons suspected of involvement with the insurgency. According to the NGO Deep South Watch, there were eight incidents of extrajudicial killings by security forces as of September, resulting in the deaths of 22 suspected insurgents. Government officials insisted the suspects in each case resisted arrest, necessitating the use of deadly force, a claim disputed by the families of the suspects and human rights groups.

In August government security officials killed seven suspects while searching for the perpetrators of twin bomb attacks that killed two soldiers in Pattani and Narathiwat provinces. Colonel Pramote Prom-in, a spokesman for the Internal

THAILAND

Security Operations Command Region 4 Forward Command, stated authorities carried out lawful operations, enlisting the help of community and religious leaders to facilitate a surrender, before taking fire from the suspects. Authorities seized a number of weapons, and some of the bombings suspects killed in the raid were later identified as suspects in other violent incidents in the deep south.

According to Deep South Watch, violence resulted in 107 deaths and 155 injuries in 285 incidents as of November, a decrease compared with 2019. As in previous years, suspected insurgents frequently targeted government representatives, including district and municipal officials, military personnel, and police, with bombings and shootings.

In January a group of armed men hurled pipe bombs and launched grenades before storming a subdistrict defense operation base in Narathiwat Province. A Muslim territorial defense volunteer was killed and seven others wounded in the attack. Approximately an hour later, territorial defense volunteers responding to the assault on the base were themselves attacked by a bomb and gunfire. No further casualties were reported. Two bombs were found buried under the road near the bombing scene.

In February a motorcycle bomb targeting a deputy district chief and a group of territorial defense volunteers went off on a road outside a school in Songkhla. The blast wounded 10 persons: the deputy district chief, three volunteers, four villagers, and two students.

In March a pickup truck bomb exploded outside the Southern Border Provinces Administration Center located in Yala Province. The blast wounded 28 persons, including police officers, journalists, and villagers.

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

Although suspected insurgents carried out numerous attacks on civilians, the numbers of both violent incidents and related casualties were lower in the first half of the year than in the same period in 2019, according to data from Deep South

THAILAND

Watch.

Physical Abuse, Punishment, and Torture: The local NGO Muslim Attorney Center received a complaint alleging torture of an insurgent suspect by security forces while in custody. The same NGO noted it was difficult to substantiate allegations due to the lack of cooperation from government officials in carrying out credible investigations and providing access to suspects in detention. According to the NGO Duai Jai, at least 77 persons were detained as of August. Human rights organizations maintained the detention of suspects continued to be arbitrary and excessive, and they criticized overcrowded conditions at detention facilities.

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

The Southern Border Provinces Police Operation Center reported through August that authorities arrested 20 persons via warrants issued under the emergency decree, a significant decrease compared with 2019. Of these, authorities released six, prosecuted 13, and held one in detention pending further investigation. Sources at the Southern Border Provinces Police Operation Center attributed the decrease in part to reduced suppression operations compared with 2019 and greater emphasis on preventive measures to curb violence. The Muslim Attorney Center attributed the decrease to the COVID-19 outbreak.

The government frequently armed both ethnic Thai-Buddhist and ethnic Malay-Muslim civilian defense volunteers, fortified schools and temples, and provided military escorts to monks and teachers.

Military service members who deploy in support of counterinsurgency operations in the southernmost provinces continued to receive specific human rights training,

THAILAND

including training for detailed, situation-specific contingencies.

Section 2. Respect for Civil Liberties, Including

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of expression, including for the press. This right, however, was restricted by laws and government actions. For example the government imposed legal restrictions on criticism of the government and monarchy, favored progovernment media organizations in regulatory actions, harassed antigovernment critics, monitored media and the internet, and blocked websites.

Freedom of Speech: The lese majeste prohibition makes it a crime, punishable by a maximum of 15 years' imprisonment for each offense, to criticize, insult, or threaten the king, queen, royal heir apparent, or regent. The law also allows citizens to file lese majeste complaints against one other.

In November, Royal Thai Police issued summons warrants to 12 protest leaders to face charges of lese majeste, the first such charges since 2018. Prior to that, human rights activists reported that although lese majeste prosecutions declined, the government increasingly turned to computer-crime and "sedition" legislation to restrict free speech, including speech critical of the monarchy.

As of September, according to the local NGO Internet Dialogue on Law Reform (iLaw), 15 persons remained imprisoned for lese majeste charges, while as of August, the court of justice reported that there were 23 pending lese majeste cases in criminal courts nationwide.

The government continued to conduct some lese majeste trials from previous years in secret and prohibited public disclosure of the alleged offenses' contents. International and domestic human rights organizations and academics expressed concern about the lese majeste prohibition's negative effect on freedom of expression.

The Constitutional Court may take legal action against individuals deemed to have distorted facts, laws, or verdicts related to the court's adjudication of cases, or to

THAILAND

have mocked the court.

Freedom of Press and Media, Including Online Media: Independent media were active but faced significant impediments to operating freely.

Although the constitution requires owners of newspapers and other mass media organizations to be citizens, government officials publicly welcomed content-sharing agreements between Chinese state-run news agencies and domestic state-run outlets, contending that Chinese media offers an alternative perspective to that offered by Western media. The Royal Thai Government owns all spectrum used in media broadcast and leases it to private media operators, allowing the government to exert indirect influence on the media landscape. Media firms are known to practice self-censorship regularly.

Censorship or Content Restrictions: Laws remain in effect empowering the National Broadcasting and Telecommunications Commission to suspend or revoke the licenses of radio or television operators broadcasting content deemed false, defamatory to the monarchy, harmful to national security, or unnecessarily critical of the government. As of October there were no known cases of authorities revoking licenses. Authorities monitored media content from all media sources, including international press. Local practice leaned toward self-censorship, particularly regarding anything that might be critical of the monarchy or members of the royal family.

The emergency decree in the conflict-affected southernmost provinces empowers the government “to prohibit publication and distribution of news and information that may cause the people to panic or with an intention to distort information.” It also authorizes the government to censor news it considers a threat to national security.

In October media organizations and academics criticized a leaked order from the Royal Thai Police to investigate four online news outlets and the Facebook page of a prominent antigovernment protest group for possible violations under the October “severe emergency decree,” which prohibits dissemination or publication of information that affects state security or the public order. A court ultimately overturned petitions to shut down these four outlets and the Facebook page, and

THAILAND

they remained operational. Separately, in September the minister of digital economy and society issued an order to the National Broadcasting and Telecommunications Commission to notify internet providers and cellular operators to suspend the accounts of users associated with the protest movement. The minister also announced that 300,000 Uniform Resource Locators could be in violation of the decree.

Libel/Slander Laws: Defamation is a criminal offense punishable by a fine and two years' imprisonment. Military and business figures filed criminal defamation and libel cases against political and environmental activists, human rights defenders, journalists, and politicians.

In June, 10 months after poultry firm Thammakaset dropped its civil defamation case against human rights activist Sutharee “Kratik” Wannasiri, the company lost its criminal defamation suit against her. Thammakaset argued that her social media posts in 2017 had damaged its reputation.

In October the Lopburi court of appeals overturned the conviction of Suchanee Cloitre, a television reporter, for criminal defamation and libel in a case initiated by Thammakaset. In December 2019 the Lopburi provincial court had sentenced Suchanee to two years in prison for her 2017 post on Twitter about the company's labor rights violations.

On October 26, 12 international human rights organizations called on the government to decriminalize defamation and “take immediate steps to end frivolous criminal proceedings against journalists, human rights defenders, and whistleblowers including those accused by Thammakaset.” In recent years Thammakaset has filed at least 39 cases against human rights activists and journalists for criticizing their labor practices, alleging civil and criminal defamation.

National Security: Various NCPO orders continue to provide authorities the right to restrict distribution of material deemed to threaten national security.

Internet Freedom

The government continued to restrict internet access and penalize those who

THAILAND

criticized the monarchy or shared unverified information about the spread of COVID-19. The government also monitored social media and private communications for what it considered false content and “fake news.” There were reports that the government monitored private online communications without appropriate legal authority.

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

Although individuals and groups generally were able to engage in peaceful expression of views via the internet, there were numerous restrictions on content. Civil society reported the government used prosecution or the threat of prosecution as a tool to suppress speech online. Authorities targeted for prosecution individuals posting a range of social-media commentary, from discussion of COVID-19 dispersion to lese majeste, criticism of the government’s operations, reporting on government scandals, and warning of government surveillance.

In January police arrested Thitima Kongthon and Ritthisak Wongthonglueang for spreading misinformation related to COVID-19 infected individuals; they could face five years in prison. In February officials from the digital economy ministry and provincial authorities raided houses in four provinces and arrested four suspects for posting on social media that COVID-19 had spread to Chiang Mai.

In February a university student from Chonburi Province known as Niranam (anonymous in Thai) was arrested by police and charged for “introducing information of national security concern into a computer system” after posting content deemed insulting towards King Rama X. Seven more counts of cybercrime violations were added to his list of charges after trial was postponed in

THAILAND

June. He faced a maximum of 40 years in prison.

In April the Technology Crime Suppression Division announced plans to charge the administrator of a Facebook page, Mam Pho Dum, following her report on a mask-hoarding scandal involving an aide of Thammanat Prompow, deputy minister of agriculture and cooperatives. Mam Pho Dum claimed that the information she published was taken from the aide's own Facebook page before it was deleted.

In August courts fined and sentenced 10 persons to one year in prison for sharing what the government stated was fake news about Deputy Prime Minister Prawit Wongsuwan. The offending post accused Prawit of procuring more than 90 billion baht (THB) (three billion dollars) worth of satellite technology to monitor citizens. The punishment was later reduced to two years' probation.

Also in August the Digital Economy Ministry filed a complaint with police against exiled academic Pavin Chachavalpongpun for creating and serving as administrator of the antimonarchy Facebook page, Royalist Marketplace. The ministry also asked Facebook to take down the website, which Facebook did on August 24. In September, Digital Economy and Society Minister Buddhipongse Punnakanta stated his ministry had lodged complaints with police against Facebook and Twitter because those companies had not yet blocked access to some websites as previously requested by the ministry through the courts. The ministry also filed complaints with police against social media users who disseminated messages critical of the monarchy during the antigovernment protest on September 19 and 20, alleging these social media users committed sedition and put false information into a computer system.

The government closely monitored and blocked websites and social media posts and accounts critical of the monarchy. Prosecutions of journalists, political activists, and other internet users for criminal defamation or sedition for posting content online further fostered an environment of self-censorship. Many political online message boards and discussion forums closely monitored discussions and self-censored to avoid being blocked. Newspapers restricted access to their public-comment sections to minimize exposure to possible lese majeste or defamation charges. The National Broadcasting and Telecommunications Commission also

THAILAND

lobbied foreign internet content creators and service providers to remove or censor locally lese majeste content. The government asked foreign governments to take legal action against Thai dissidents in their countries. Human rights observers reported that police sometimes asked detained political activists to reveal passwords to their social media accounts.

Academic Freedom and Cultural Events

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

In June the *Thai Enquirer* news outlet reported several cases of harassment and intimidation of university students and faculty, including a student who claimed that police contacted the deputy dean at his university, who then took him to the police station where he was interrogated, had his electronic devices seized, and was forced to reveal his passwords to social media accounts. They also reported that faculty at an unnamed university in Bangkok were approached by government authorities and asked to identify protest leaders and monitor their activities.

In September, Thammasat University officials denied permission for student demonstrators to use university grounds for their protests. Thammasat had allowed a rally in August and declared it was appropriate for students to state their political demands, but Thammasat later apologized for allowing the university to be used as a venue for students to call for reform of the monarchy.

b. Freedoms of Peaceful Assembly and Association

The country experienced large-scale peaceful protests from July through November. That said, the government restricted freedoms of peaceful assembly and association and arrested and brought charges against dozens of protest leaders under the COVID-19 emergency decree, sedition legislation, and other laws.

Freedom of Peaceful Assembly

The constitution grants the freedom to assemble peacefully, subject to restrictions

THAILAND

enacted to “protect public interest, peace and order, or good morals, or to protect the rights and liberties of others.” The government continued to prosecute prodemocracy and other human rights activists for leading peaceful protests.

In February student protesters and democracy activists began staging antigovernment rallies to protest the Constitutional Court’s decision to dissolve the Future Forward Party. In March, Prime Minister Prayut declared a state of emergency in an effort to contain the spread of COVID-19 and renewed the COVID-19 emergency decree every succeeding month of the year. In June police arrested Tattep “Ford” Ruangprapaikitseri, Parit “Penguin” Chiwarak, and Panusaya “Rung” Sithijirawattanakul for violating the COVID-19 emergency decree by holding two rallies to protest the disappearance of activist Wanchalearm Satsaksit and to commemorate the 1932 revolution that ended the country’s absolute monarchy. A July demonstration at the Democracy Monument in Bangkok led to sedition and other charges against more than 30 protest leaders.

Although the government eased restrictions related to public assembly under the COVID-19 emergency decree effective August 1, police continued to arrest protest leaders on charges of sedition and violations of other legislation. An August protest that called for reform of the monarchy led to computer-crime and sedition charges against protest leaders.

In September protest leaders Arnon Nampa and Panupong “Mike” Jadnok were detained for five days after a ruling that they had violated the terms of bail conditions from a prior arrest by continuing to participate in antigovernment protests.

On October 15, after a brief confrontation between a group of protesters and the queen’s motorcade, the government issued a “severe emergency decree” that limited gatherings to no more than five persons. On October 16, police deployed water cannons laced with skin irritants to disperse protesters who had gathered in violation of the decree. On October 22, Prime Minister Prayut cancelled the decree as protests continued unabated. Dozens of protesters were charged for participating in demonstrations during that period, and protest leaders Penguin, Rung, and Mike were arrested and detained for three weeks before their release on

THAILAND

bail.

According to Thai Lawyers for Human Rights, authorities filed charges against approximately 175 protesters in October and November for their participation in antigovernment demonstrations. Three activists faced the possibility of life imprisonment for the incident related to the queen's motorcade. More than 30 protesters, including a high school student, age 16, were issued summons warrants to face lese majeste charges, which carry a three- to 15-year prison sentence, and more than 10 protest leaders have two or more lese majeste charges against them. At least 45 individuals, including a high school student, age 17, faced sedition charges which carry a maximum of seven years in prison. Many protest leaders faced multiple charges connected to various protest events.

Freedom of Association

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

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

On February 21, the Constitutional Court dissolved the opposition Future Forward Party, ruling that the party took an illegal loan from its leader, Thanathorn Juangroongruangkit, and banned the party's executives, including Thanathorn, from participating in politics until 2030 (see section 3).

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation; the government enforced some exceptions, which it claimed were for "maintaining the security of the state, public order, public

THAILAND

welfare, town and country planning, or youth welfare.”

In-country Movement: The government restricted the internal movement of members of hill tribes and members of other minority groups who were not citizens but held government-issued identity cards, including those registered as stateless persons. Authorities prohibited holders of such cards from traveling outside their home provinces without permission from the district chief. 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 province to another. The Office of the UN High Commissioner for Refugees (UNHCR) noted that COVID-19 restrictions in place during part of the year played a significant role in restricting in-country movement. For example, provincial governments instituted COVID-19-related movement restrictions that affected all individuals and not just stateless persons.

Foreign Travel: Local authorities required resident noncitizens, including thousands of ethnic Shan and other non-hill-tribe minority group members, to seek permission from the permanent secretary of the Ministry of Interior for foreign travel.

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

The government usually cooperated with UNHCR, the International Organization for Migration, and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern, although with many restrictions.

The government’s treatment of refugees and asylum seekers remained inconsistent. Nevertheless, authorities hosted significant numbers of refugees and asylum seekers, generally provided protection against their expulsion or forced return, and generally allowed persons fleeing fighting or other incidents of violence in neighboring countries to cross the border and remain until conflict ceased.

THAILAND

Moreover, authorities permitted urban refugees and asylum seekers recognized by UNHCR and registered Burmese refugees in the nine camps on the border with Burma to resettle to third countries.

Abuse of Migrants, Refugees, and Stateless Persons: As of August, 231 Rohingya and self-declared “Myanmar Muslim” individuals remained in detention, 143 in the IDCs and 88 in shelters.

The government continued to permit registered Burmese refugees in nine camps along the border with Burma to remain in the country temporarily and continued to refer to these refugee camps as “temporary shelters” even though they have been operated for decades. Authorities continued to treat all refugees and asylum seekers outside of these camps who do not have valid visas or other immigration permits as illegal migrants. Persons categorized as illegal migrants were legally subject to arrest, detention, and deportation. Authorities permitted bail only for certain categories of detained refugees and asylum seekers, such as mothers, children, and persons with medical conditions. Immigration authorities applied the criteria for allowing bail inconsistently, and NGOs, refugees, and asylum seekers reported numerous instances of immigration authorities demanding bribes in connection with requests for bail.

Humanitarian organizations reported concerns that migrants, refugees, and asylum seekers faced overcrowded conditions, lack of exercise opportunities, limited freedom of movement, and abusive treatment by authorities in the IDCs.

As part of an overall policy to reduce the number of illegal immigrants and visa overstayers in the country, immigration police in Bangkok sometimes arrested and detained asylum seekers and refugees, including women and children. As of August there were approximately 320 refugees and asylum seekers residing in the IDCs. In addition, 50 Uyghurs have been detained in the country since 2015.

Refoulement: Persons from Burma, if arrested without refugee status or legal permission to be in the country, were often escorted back to the Burmese border. Authorities sometimes provided preferential treatment to members of certain Burmese ethnic minority groups such as ethnic Shan individuals, allowing them greater leeway to remain in Thailand without formal authorization. Outside the

THAILAND

nine camps along the border, government officials did not distinguish between asylum-seeking Burmese and other undocumented Burmese, regarding all as illegal migrants. If caught outside of camps without permission, authorities generally allowed registered and verified Burmese refugees to return to their camps.

Authorities generally did not deport persons of concern holding valid UNHCR asylum-seeker or refugee status. In one notable case, however, authorities forcibly returned Radio Free Asia blogger and Vietnamese national Truong Duy Nhat from Thailand to Vietnam in January 2019 after he applied for refugee status with UNHCR. In December 2020 he was tried and sentenced by a Vietnamese court to 10 years' imprisonment on charges of "abusing his position and power while on duty."

Access to Asylum: The law does not provide for the granting of asylum or refugee status, and the government did not establish a system for providing protection to refugees. The government began to implement a regulation (referred to as the "National Screening Mechanism" by UNHCR and NGOs) that provides individuals whom the government determines to be protected persons with temporary protection from deportation.

UNHCR's ability to provide protection to some groups of refugees outside the official camps remained limited. Its access to asylum seekers in the IDCs to conduct status interviews and monitor new arrivals varied throughout the year, in part due to COVID-19-related restrictions on visiting the IDCs. Authorities generally 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. Access to specific asylum-seeker populations varied, reportedly depending on the preferences of each IDC chief, as well as central government policies restricting UNHCR and NGO access to certain politically sensitive groups.

The government allowed UNHCR to monitor the protection status of, and pursue solutions for, approximately 92,000 Burmese refugees and asylum seekers living in nine camps along the border with Burma. NGOs funded by the international community provided basic humanitarian assistance in the camps, including health

THAILAND

care, food, education, shelter, water, sanitation, vocational training, and other services.

The government facilitated third-country refugee resettlement or private sponsorship to five countries for nearly 600 Burmese refugees from the camps as of September. Refugees residing in the nine camps along the border with Burma who were not registered with the government were ineligible for third-country resettlement unless they had serious medical or protection concerns and received special approval from a government committee. Separately the government coordinated with Burmese authorities to document and return to Burma registered camp residents who elected to participate in a voluntary repatriation program. During the 2016 to 2019 period, 1,039 registered refugees voluntarily returned to Burma in four tranches under the program. There were no voluntary repatriations under this program during the year in part due to border closures related to COVID-19.

Freedom of Movement: Refugees residing in the nine refugee camps on the border with Burma had no freedom of movement outside their camps. A refugee apprehended outside the official camps is subject to possible harassment, fines, detention, deregistration, and deportation. Authorities sometimes allowed camp residents limited travel outside of the camps for purposes such as medical care or travel to other camps for educational training.

For certain foreign victims of trafficking, including Rohingya refugees, the law permits the issuance of temporary stay permits while trafficking investigations are underway. The majority of such victims, however, were restricted to remaining in closed, government-run shelters with little freedom of movement.

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

Employment: The law prohibits refugees from working in the country. The government allowed undocumented migrant workers from Burma, Cambodia, and Laos to work legally in certain economic sectors if they registered with authorities

THAILAND

and followed a prescribed process to document their status (see section 7.d.). The law allows victims of trafficking and witnesses who cooperate with pending court cases to work legally during their trial and up to two years (with possible extensions) after the end of their trial involvement. Work permits must be linked to a specific employer. For certain foreign victims of trafficking, including Rohingya, the government did not identify suitable employment opportunities for the issuance of work permits, citing a lack of local opportunities and immigration policy considerations. Registration, medical check-up, and health-insurance fees remained a deterrent for prospective employers of victims of trafficking.

Access to Basic Services: The international community provided basic services for refugees living inside the nine camps on the border with Burma. For needs beyond primary care, a medical referral system allows refugees to seek other necessary medical services. For the urban refugee and asylum-seeker population living in and around Bangkok, access to government-funded basic health services was minimal. Three NGOs funded in part by the international community provided or facilitated primary and mental health-care services and legal assistance. A UNHCR-led health panel coordinated referrals of the most urgent medical cases to local hospitals. The government announced during the year that it would provide free COVID-19 testing and treatment to all individuals, including migrants and refugees, who met specific case criteria. Implementation at the provincial and district levels remained uneven, however, according to NGOs. For example, the governor of Mae Hong Son Province decided that provincial hospitals would not provide COVID-19 testing or treatment to refugees living in the four camps in the province.

By law government schools must admit children of any legal status who can speak, read, and write Thai with some degree of proficiency, including refugee children. NGOs reported access to education for refugee children varied from school to school and often depended on the preferences of individual school administrators. Some refugee communities formed their own unofficial schools to provide education for their children. Others sought to learn Thai with support from UNHCR and other NGOs to prepare for admission to government schools. Since Burmese refugee children living in the camps generally did not have access to the government education system, NGOs continued to support camp-based community

THAILAND

organizations in providing educational opportunities, and some were able to coordinate partially their curriculum with the Ministry of Education.

Temporary Protection: Authorities generally did not deport persons of concern holding valid UNHCR asylum-seeker or refugee status. The government continued to protect from deportation the majority of Rohingya refugees detained by authorities, including those who arrived in the country irregularly during the mass movement in the Bay of Bengal and Andaman Sea in 2015. The government continued to implement a policy of screening all Rohingya migrants apprehended transiting Thailand for victim-of-trafficking status. As of September authorities had not granted such status to any Rohingya. Authorities determined 74 individuals were illegal migrants but placed 30 mothers and children into shelters run by the Ministry of Social Development and Human Security as an alternative to detention in the IDCs. Other Rohingya determined to be illegal migrants were placed in the IDCs. UNHCR had access to the provincial shelters while authorities conducted formal screenings of the migrants' eligibility for benefits as victims of trafficking. These Rohingya migrants, however, were in some cases confined to shelters without freedom of movement or access to work permits.

g. Stateless Persons

The government continued to identify stateless persons, provide documentation to preclude statelessness, and open paths to citizenship for longtime residents and students. As of June an estimated 480,000 persons, mainly residing in the northern region, were registered as stateless persons by the government, including ethnic minorities registered with civil authorities and previously undocumented minorities. From January to June, the government granted citizenship to 3,594 stateless persons and permanent residency to 87 others. In September the cabinet approved access to government health insurance for 3,042 registered stateless students. Authorities excluded Rohingya and Muslims from Burma, including individuals whose families had lived in Mae Sot near the Burmese border for multiple generations, from the statelessness recognition process. Without legal status, unregistered and undocumented stateless persons were particularly vulnerable to various forms of abuse including threat of deportation (see section 6,

THAILAND

Children and Indigenous People).

A 2016 government resolution to end statelessness and provide a pathway to Thai nationality for approximately 80,000 stateless children and young adults covers persons born in the country whose parents are ethnic minorities, who are registered with the government, and who have resided in the country for a minimum of 15 years. It also applies to stateless youths certified by a state agency to have lived in the country for 10 years whose parentage is unknown. In 2019 the government enacted an amendment to the Civil Registration Act providing a pathway for foundlings to apply for a birth certificate and obtain a Thai national identification card. If the person proves continuous residence in the country for 10 or more years and meets other qualifications, the person is eligible to apply for Thai nationality.

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

By law stateless members of hill tribes may not vote, and their travel is restricted to their home province. As noncitizens, they are unable to own land. Stateless persons are legally permitted to work in any occupation, but licenses for certain professions (including doctors, engineers, and lawyers) are provided only to Thai citizens. Stateless persons had difficulty accessing credit and government services, such as health care. The law permits undocumented migrant and stateless children to enroll in schools alongside Thai national children, although access to education was uneven. There were reports that school administrators placed the term “non-Thai citizen” on these students’ high school certificates, severely limiting their economic opportunities. Stateless persons were permitted to enroll in tertiary education but did not have access to government educational loans.

Humanitarian organizations reported that village heads and district officials routinely demanded bribes from stateless persons to process their applications for official registration as stateless persons or to obtain permanent residency or

THAILAND

citizenship. Police also demanded bribes from stateless persons at inland checkpoints in exchange for allowing them to move from one province to another.

Section 3. Freedom to Participate in the Political Process

The constitution largely provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. In March 2019 the country held national elections after five years of rule by the military-led NCPO following a 2014 coup. The campaign season was mostly peaceful with many political parties competing for seats and conducting political rallies for the first time in five years. A restrictive legal framework and selective enforcement of campaign regulations by the Election Commission, however, impacted the final outcome in favor of the parties aligned with the Phalang Pracharath Party.

Elections and Political Participation

Recent Elections: The country held national elections in March 2019, following five years of military rule. In June 2019 parliament voted to return Prayut Chan-o-Cha to the premiership and in July 2019 Prayut's cabinet was sworn in, officially disbanding the junta NCPO. On December 20, the government held local elections for the first time since the 2014 coup.

There were few reports of election irregularities during the March 2019 national elections, although there were frequent reports of vote buying by both government and opposition parties. The NGO Asian Network for Free Elections (ANFREL)--the only global organization allowed by the government to observe the election--found the election "partly free, not fair." ANFREL noted many positive aspects of the election primarily related to election-day activities, including high voter turnout, free access to the polls, and peaceful conditions during the campaign and on election day. ANFREL found, however, that a restrictive and biased legal framework and lack of transparency by the Election Commission meant authorities "failed to establish the healthy political climate that lies at the heart of free and fair electoral process."

Political Parties and Political Participation: Critics complained that police and

THAILAND

courts unfairly targeted opposition parties for legal action. In February the Constitutional Court dissolved the opposition Future Forward Party (FFP), citing an illegal loan to the party from its leader, Thanathorn Juangroongruangkit, and banned all members of the party's 16-person executive committee from politics for 10 years. Prodemocracy activists alleged the decision was part of a politically motivated effort to weaken a key opposition party. Thanathorn and other former FFP leaders remained under indictment in more than 20 other cases, many of which carry jail terms.

Participation of Women and Members of Minority Groups: No law limits participation of women and members of minority groups in the political process; however, their participation was limited. There were 76 female members of parliament in the elected lower house out of 489 members and 26 female senators out of 250 members. There were four women in the 35-member cabinet, all in deputy minister positions. There were four lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals in parliament and one member of the Hmong ethnic group.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials. Officials sometimes engaged in corrupt practices with impunity. There were reports of government corruption during the year.

Corruption: In February opposition members of parliament accused Prime Minister Prayut of corruption involving land sold by Prayut's father to a private company before he became prime minister. The parliamentarians alleged the land was significantly overvalued and noted that the purchasing company--created just seven days before the transaction--subsequently received a 50-year contract to manage the Queen Sirikit National Convention Center.

Also in February a soldier who claimed he had been swindled in a land deal by his commanding officer and the officer's mother-in-law killed them both and then went on a shooting spree in the northeastern city of Nakhon Ratchasima, killing 29 individuals. The army removed two high-ranking officers to inactive posts and

THAILAND

took measures to reduce the opportunity for corruption related to housing and land deals among soldiers.

In March, Sergeant Narongchai Intarakawi, known as “Sergeant Arm,” fled the army after alleging his name was used by other soldiers to receive bogus reimbursements. He reported back to military authorities in June and was granted bail. An army spokesman stated that Narongchai faced punishment solely for leaving his post, not for exposing financial wrongdoing. An army investigation supported the allegations of corruption, which were referred to the National Anti-Corruption Commission (NACC).

In May, six former officials of the National Buddhism Bureau were sentenced to prison terms ranging from six to 56 years after their convictions for embezzlement.

In August an NACC subcommittee summoned former natural resources and environment minister Anongwan Thepsuthin to testify on charges of corruption related to a THB 770 million (\$25.7 million) soil and forest renewal project implemented under her tenure in 2008. Anongwan is the wife of Minister of Justice Somsak Thepsuthin, who publicly complained that the NACC was reinvestigating the case as political retaliation.

After Thai Airways was forced into a bankruptcy-court-managed restructuring process in September, a Ministry of Transport probe into the causes of the airline’s insolvency found that “corruption had definitely occurred” in the procurement of 10 Airbus A340 aircraft in 2003 and 2004. The investigation found that Thai Airways officials accepted bribes to ensure the aircraft procurements proceeded over the objections of the National Economic and Social Development Council, which questioned the suitability of these aircraft for Thai Airways routes. The Ministry of Transport referred the case to the NACC for further investigation.

Also in September politician Watana Muangsook was sentenced to 99 years’ imprisonment after his conviction for demanding bribes from developers of a low-cost housing project when he was minister of social development and human security in 2005-06.

Petty corruption and bribe taking were widespread among police, who were required to purchase their own uniforms and weapons. In July media and activists

THAILAND

criticized the announcement that all charges had been dropped against Vorayit “Boss” Yoovidhya, the heir to the Red Bull beverage company, who struck and killed a police officer with his Ferrari in 2012. Prime Minister Prayut ordered a probe into the case, which found that corruption and conspiracy among police and prosecutors likely helped Yoovidhya escape charges. In August a new arrest warrant was issued for Yoovidhya with charges of reckless driving causing death, failing to help a victim after a crash, and drug abuse, and police announced legal action against 21 officers accused of mishandling the case. The NACC also conducted an investigation. In December the Office of the Attorney General announced that public prosecutors could not proceed with the indictment of Yoovidhya on drug charges until police arrested him and brought him to trial.

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

In August 2019 the NACC indicted its own deputy secretary general, Prayat Puangjumba, for concealing his assets on his mandatory disclosure. Prayat was found to have concealed foreign assets--a London townhouse that the NACC, citing the value in terms of foreign currency, said was worth \$6.9 million and \$400,000 in other assets held abroad--by listing them in his wife’s name. He later claimed that his wife was holding the assets for a third party. As of August the case was with the Office of the Attorney General pending indictment to the Supreme Court of Justice’s Criminal Division for Persons Holding Political Position.

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

A wide variety of domestic and international human rights organizations operated in the country. NGOs that dealt with sensitive political matters, such as political

THAILAND

reform or opposition to government-sponsored development projects, faced periodic harassment.

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

The United Nations or Other International Bodies: According to the United Nations, there were no developments regarding official visits previously requested by the UN working group on disappearances; by the UN special rapporteurs on freedom of opinion and expression, and on freedom of peaceful assembly and of association; or by the UN special rapporteurs on the situations of human rights defenders, migrants, internally displaced persons, torture, indigenous peoples, and sexual identity and gender orientation.

Government Human Rights Bodies: The independent National Human Rights Commission of Thailand (NHRCT) has a mission to protect human rights and to produce an annual country report. The commission received 472 complaints during the year ending September 30. Of these, 74 were accepted for further investigation and 30 related to alleged abuses by police. Human rights groups continued to criticize the commission for not filing lawsuits against human rights violators on its own behalf or on behalf of complainants. The government did not complete the process of selecting permanent NHRCT members, which was intended to occur in 2017 following the promulgation of the new constitution. The seven acting commissioners of the NHRCT remained in place with the exception of Chairman What Tingsmitr, who reached mandatory retirement age in September.

The Office of the Ombudsman is an independent agency empowered to consider and investigate complaints filed by any citizen. Following an investigation, the office may refer a case to a court for further review or provide recommendations for further action to the appropriate agency. The office examines all petitions, but it may not compel agencies to comply with its recommendations. During the year ending September 30, the office received 3,140 new petitions, of which 744 related

THAILAND

to allegations of police abuses.

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

Women

Rape and Domestic Violence: Rape of men and women is illegal, although the government did not always enforce the law effectively. The law narrowly defined rape as acts in which male sex organs were used to physically violate victims, thereby leaving victims assaulted by perpetrators in other ways without legal remedies. The law permits authorities to prosecute spousal rape, and prosecutions occurred. The law specifies penalties for conviction of rape or forcible sexual assault ranging from four years' imprisonment to the death penalty as well as fines.

NGOs said rape was a serious problem and that victims underreported rapes and domestic assaults, in part due to a lack of understanding by authorities that impeded effective implementation of the law regarding violence against women.

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

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

In May the Ministry of Social Development and Human Security reported a doubling of reports of domestic violence after the COVID-19 emergency decree in April. In response the ministry added more staff to its hotline section to manage

THAILAND

the increasing number of calls.

Authorities prosecuted some domestic-violence crimes under provisions for assault or violence against a person, where they could seek harsher penalties. The government operated shelters for domestic-violence victims, one in each province. The government's crisis centers, located in all state-run hospitals, cared for abused women and children.

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

Sexual Harassment: Sexual harassment is illegal in both the public and private sectors. The penal code specifies a fine and a jail term of one month for sexual harassment, while abuse categorized as an indecent act may result in a fine and a maximum 15 years' imprisonment. Sexual harassment in the workplace may be punished by modest fines. The law governing the civil service also prohibits sexual harassment and stipulates five levels of punishment: probation, docked wages, salary reduction, suspension, and termination. NGOs claimed the legal definition of harassment was vague and prosecution of harassment claims difficult, leading to ineffective enforcement of the law.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children. Individuals have the right to manage their reproductive health and had access to the information and means to do so, free from discrimination, coercion, or 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. The UN Population Fund (UNFPA) estimated more than 98 percent of women could access prenatal and postnatal care and reported that skilled health-care personnel attended approximately 99 percent of births in 2019. The UNFPA estimated the birth rate during the year for those ages 15 to 19 was 18 births per 1,000, down from 29 per 1,000 the previous year. The Ministry of Education provided sex education in schools, and in 2019 the Ministry of Public Health announced that women and adolescent girls from age 10 could receive modern

THAILAND

contraceptives free of charge and without parental consent. The Ministry of Social Development and Human Security and the Ministry of Public Health established one-stop service centers in all public hospitals to assist victims of domestic violence and sexual abuse.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

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

The Ministry of Social Development and Human Security took steps to implement legislation mandating gender equality by allocating funding to increase awareness about the law and promote gender education and equality, and by hearing from complainants who experienced gender discrimination. Since 2016 the Ministry of Social Development and Human Security has received 58 complaints and issued judgment in 44 cases; gender discrimination was ruled in 23 cases. The majority of cases related to transgender persons facing discrimination (see section 6, Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity). Human rights advocates expressed concern about lengthy delays in reviewing individual discrimination complaints and a lack of awareness among the public and within the ministry’s provincial offices.

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

Women were unable to confer citizenship to their noncitizen spouses in the same

THAILAND

way as male citizens.

Women comprised approximately 12 percent of the country's military personnel. Ministry of Defense policy limits the percentage of female officers to not more than 25 percent in most units, with specialized hospital or medical, budgetary, and finance units permitted 35 percent. Military academies (except for the nursing academy) refused admission to female students, although a significant number of instructors were women.

Since 2018 women have been barred from applying to the police academy. Activists criticized this as contrary to the aims of legislation promoting gender equality and formally petitioned the Office of the Ombudsman to urge the decision be revisited. The police academy continues to accept only male applicants. The Royal Thai Police listed "being a male" as a requirement in an employment announcement for police investigators and other positions; the NHRCT and the Association of Female Police Investigators objected publicly to this requirement. The Committee Examining Gender Discrimination, an agency under the Ministry of Social Development and Human Security, filed a petition to the Office of the Ombudsman, which responded that the committee did not have standing to file the petition. Despite this, the Royal Thai Police did accept some female police investigators in 2019.

Children

Birth Registration: Citizenship is conferred at birth if at least one parent is a citizen. Birth within the country does not automatically confer citizenship, but regulations entitle all children born in the country to birth registration, which qualifies them for certain government benefits regardless of citizenship (see section 2.g.). The law stipulates every child born in the country receive an official birth certificate regardless of the parents' legal status. In remote areas some parents did not obtain birth certificates for their children due to administrative complexities and a lack of recognition of the importance of the document. In the case of hill-tribe members and other stateless persons, NGOs reported misinformed or unscrupulous local officials, language barriers, and restricted mobility made it

THAILAND

difficult to register births.

Education: An NCPO order provides that all children receive free “quality education for 15 years, from preschool to the completion of compulsory education,” which is defined as through grade 12. NGOs reported children of registered migrants, unregistered migrants, refugees, or asylum seekers had limited access to government schools.

Child Abuse: The law provides for the protection of children from abuse, and laws on rape and abandonment carry harsher penalties if the victim is a child. The penalties for raping a child younger than age 15 range from four to 20 years’ imprisonment and fines. Those convicted of abandoning a child younger than age nine are subject to a jail term of three years, a fine, or both. The law provides for protection of witnesses, victims, and offenders younger than age 18 in abuse and pedophilia cases. Advocacy groups stated police often ignored or avoided child-abuse cases.

Child, Early, and Forced Marriage: The minimum legal age for marriage for both sexes is 17, while anyone younger than 21 requires parental consent. A court may grant permission for children younger than 17 to marry.

In the Muslim-majority southernmost provinces, Islamic law used for family matters and inheritance allows the marriage of young girls after their first menstrual cycle with parental approval. In 2018 the Islamic Committee of Thailand raised the minimum age for Muslims to marry from ages 15 to 17. A Muslim younger than 17 may marry with a written court order or written parental consent, which is considered by a special subcommittee of three members, of which at least one member must be a woman with knowledge of Islamic law.

Sexual Exploitation of Children: The minimum age for consensual sex is 15. The law provides heavy penalties for persons who procure, lure, compel, or threaten children younger than 18 for the purpose of prostitution, with higher penalties for persons who purchase sexual intercourse with a child younger than 15. Authorities may punish parents who allow a child to enter into prostitution and revoke their parental rights. The law prohibits the production, distribution, import, or export of child pornography. The law also imposes heavy penalties for sexually

THAILAND

exploiting persons younger than 18, including for pimping, trafficking, and other sexual crimes against children.

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

There were numerous reported cases of rape and sexual harassment of girls, often in school environments. In May police arrested five teachers and two alumni of a school in Mukdahan Province for repeatedly raping a student, age 14, over the course of one year. Another student, age 16, subsequently alleged being raped by the same group of teachers and alumni. The teachers were fired from their jobs and had their teaching licenses revoked. They were charged with sexual assault and released on bail as the investigation continued. In August the parents of a fifth-grade student at a school in Kalasin Province filed a complaint against a teacher, age 57, for molesting their child. In October, five eighth-grade students filed complaints against the director of a school in Khon Kaen Province for sexual assault. Investigations into both cases continued.

The government made efforts throughout the year to combat the sexual exploitation of children. In July the Ministry of Education opened a center to protect students from sexual exploitation by teachers and other educational personnel. The center developed a set of measures to prevent and suppress sexual assaults against students, and provided protection and compensation to the victims. In its first month the center handled at least 16 cases, leading to the revocation of teaching credentials, suspension from duty of perpetrators, or both.

Displaced Children: Authorities generally referred street children to government shelters located in each province, but foreign undocumented migrants avoided the shelters due to fear of deportation. As of November the government estimated 30,000 street children sought shelter nationwide. In November the NGO Foundation for the Better Life of Children reported approximately 50,000 children

THAILAND

were living on the streets, 20,000 of them foreign born. The government generally sent citizen street children to school, occupational training centers, or back to their families with social-worker supervision. The government repatriated some street children who came from other countries.

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

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

Anti-Semitism

The resident Jewish community is very small, and there were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The constitution prohibits discrimination based on disability and physical or health conditions. The law provides tax benefits to employers employing a certain number of persons with disabilities, such as special income-tax deductions to promote employment of such persons.

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

THAILAND

crutches.

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

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

Organizations for persons with disabilities reported difficulty in accessing information about a range of public services.

Some disability rights activists alleged that government officials, including from the National Office for Empowerment of Persons with Disabilities at the Ministry of Social Development and Human Security, and private companies often contracted with organizations for persons with disabilities to recruit employees with disabilities, an arrangement that could allow dishonest officials and the staff of such organizations to keep a portion of the wages intended for those workers.

Indigenous People

Stateless members of hill tribes faced restrictions on their movement, were not permitted to own land, had difficulty accessing bank credit, and faced discrimination in employment. Although labor law gives them the right to equal treatment as employees, employers often violated those rights by paying them less than their citizen coworkers and less than minimum wage. The law further bars them from government welfare services but affords them limited access to government-subsidized medical treatment.

The law provides citizenship eligibility to certain categories of hill tribes who were not previously eligible (see section 2.g.). The government supported efforts to

THAILAND

register citizens and educate eligible hill-tribe members about their rights.

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

No law criminalizes expression of sexual orientation or consensual same-sex sexual conduct between adults.

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

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

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

Legislation mandating gender equality prohibits discrimination “due to the fact that the person is male or female or of a different appearance from his or her own sex by birth” and protects transgender students from discrimination. The country’s *Fourth National Human Rights Plan*, covering the period 2019-22, was approved by the Office of the National Economic and Social Development Board in March and by the cabinet in June. The plan includes LGBTI persons as one of 12 groups in its action plan.

NGOs and the United Nations reported transgender persons faced discrimination in various sectors, including in the military conscription process, while in detention, and because of strict policies in place at most schools and universities that require students to wear uniforms that align with their biological gender. Some universities relaxed dress codes during the year, partly in response to student-led protests that called for reforms in the educational system. In June, Thammasat University announced it would allow students to wear uniforms that match their chosen sexual identity while also outlining a code of conduct that prohibits

THAILAND

bullying, insulting, discriminating, or intimidating behavior by faculty or students towards LGBTI students.

In May 2019 the Ministry of Education introduced a new curriculum incorporating discussion of sexual orientation and gender diversity for grades one to 12; this followed two years of advocacy by the LGBTI community. NGOs continued to encourage the Ministry of Education to make the curriculum compulsory, and continued to work with the ministry on curriculum development and to organize training courses to prepare teachers to teach it effectively.

HIV and AIDS Social Stigma

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

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The constitution provides that a person shall enjoy the liberty to unite and form an association, cooperative, union, organization, community, or any other group. The law provides for the right of workers in certain private-sector and state-owned enterprises (SOEs) to form and join independent trade unions. The law does not allow public-sector and migrant workers to organize trade unions. Civil servants may assemble as a group, provided that such assembly does not affect the efficiency of national administration and continuity of public services and does not have a political objective. The law provides for the right of certain workers to bargain collectively and to conduct legal strikes, although these rights come with some restrictions.

By law only workers with the same employer or in the same industry may form a union. Subcontract workers, even if working in the same factory and doing the same job as full-time workers, may not join the same union because they are classified as belonging to the service industry while full-time workers come under the “manufacturing industry.” Nevertheless, the law makes subcontract workers eligible for the same benefits as those enjoyed by union members. The inability of

THAILAND

subcontract workers and full-time workers to join the same union limits the unions' ability to bargain collectively as a larger group. In addition short-term contract workers are less likely to join unions, fearing antiunion retaliation in the form of nonrenewal of their contracts. Labor advocates claimed that many companies hire subcontract workers to undermine unionization efforts. A survey of the auto parts and electronics industries found that more than 45 percent of the workforce consisted of subcontract workers, approximately half on short-term contracts.

The law does not protect union members against antiunion discrimination by employers until their union is registered. To register a union, at least 10 workers must submit their names to the Department of Labor Protection and Welfare (DLPW). The verification process of vetting the names and employment status with the employer exposes the workers to potential retaliation before registration is complete. Moreover, the law requires that union officials be full-time employees of the company or SOE and prohibits permanent union staff. The law allows one union per SOE. Banks, trains, airlines, airports, marine ports, and postal services are among those industries owned by SOEs. If an SOE union's membership falls below 25 percent of the eligible workforce, regulations require dissolution of the union. The law restricts formal links between unions of SOEs and their private-sector counterparts because they are governed by two separate laws.

The law requires unions to have 20 percent membership to bargain collectively. The law allows employees at workplaces without a union to submit collective demands if at least 15 percent of employees are listed as supporting that demand.

Employees in private enterprises with more than 50 workers may establish "employee committees" to represent workers' interests in employment benefits; employees may also form "welfare committees" to represent workers' interests in welfare benefits and nonfinancial interests. Employee and welfare committees may offer employers suggestions but are barred from submitting labor demands or going on strike.

The law prohibits employers from taking adverse employment actions against workers for their participation in these committees and from obstructing the work of the committees. Union leaders often join employee committees to avail themselves of this legal protection. Within 29,305 enterprises which have more

THAILAND

than 50 workers in the country, there are 1,486 labor unions and 687 employee committees. NGOs reported that welfare committees were uncommon in the border regions where the majority of workers are migrants.

The law provides workers with the right to strike if they notify authorities and employers 24 hours in advance and if the strike does not include a demonstration on public roads. The government may block private-sector strikes with national security implications or with negative repercussions on the population at large. Strikes and lockouts are prohibited at SOEs, and penalties for violations include imprisonment, fines, or both.

The law prohibits termination of employment of legal strikers but permits employers to hire temporary workers or use subcontract workers to replace strikers. The legal requirement to call a general meeting of trade-union members and obtain strike approval by at least 50 percent of union members constrained strike action since many factories use shift workers, making it difficult to attain a quorum.

In May the minister of labor issued an order prohibiting employer lockouts and employee strikes while the emergency decree to contain the COVID-19 outbreak was in effect. The decree required any labor dispute to be arbitrated by a Labor Relations Committee in order to maintain public safety and ease industrial relations conflicts during the COVID-19-induced recession. NGOs criticized the order for violating the rights of workers to bargain collectively, while the government and certain union leaders viewed the decree as a means to promote negotiations to find ways to prevent business closures and mass layoffs.

Labor courts or the Labor Relations Committee may make determinations on complaints of unfair dismissals or labor practices and may require compensation or reinstatement of workers or union leaders with wages and benefits equal to those received prior to dismissal. The Labor Relations Committee consists of representatives of employers, government, and workers groups, and there are associate labor court judges who represent workers and employers.

Noncitizen migrant workers, whether registered or undocumented, do not have the right to form unions or serve as union officials. Migrants may join unions

THAILAND

organized and led by Thai citizens. Migrant-worker participation in unions is low due to language barriers, weak understanding of legal rights, frequent changes in employment status, membership fees, restrictive union regulations, and segregation of citizen workers from migrant workers by industry and by zones (particularly in border and coastal areas) as well as due to migrants' fears of losing their jobs due to their support for a union.

Unregistered associations, community-based organizations, and religious groups often represent the interests of migrant workers. In workplaces where the majority of workers are migrants, migrant workers are sometimes elected to the welfare committees and employee committees. Migrant workers are allowed to make collective demands if they obtain the names and signatures of at least 15 percent of employees. NGOs reported few cases, however, where migrant workers' collective demands were successful in effecting change, particularly along the border areas.

The law protects employees and union members from criminal or civil liability for participating in negotiations with employers, initiating a strike, organizing a rally, or explaining labor disputes to the public, except where such activities cause reputational harm. The law does not protect employees and union members from criminal charges for reputational damage, and reputational damage charges have been used to intimidate union members and employees. The law does not prohibit lawsuits intended to censor, intimidate, or silence critics through costly legal defense. The law provides some protection to defendants in frivolous libel cases from prosecution. By law a court may dismiss a defamation lawsuit if it is considered dishonest. In June the Supreme Court upheld the appeals court not-guilty verdict in the case of a British worker rights activist who had been charged in 2013 for reporting on migrant workers' rights.

Labor law enforcement was inconsistent and in some instances ineffective in protecting workers who participated in union activities. There were reports of workers dismissed for engaging in union activities, both before and after registration. Rights advocates reported that judges and provincial-level labor inspectors often attempted to mediate cases, even when labor rights violations requiring penalties had been found. In some cases labor courts ordered workers reinstated, although the court orders were not always complied with by employers.

THAILAND

There were reports from unions and NGOs that employers attempted to negotiate terms of reinstatement after court orders were issued, offering severance packages for voluntary resignation, denying reinstated union leaders access to work, or demoting workers to jobs with lower wages and benefits.

In some cases judges awarded compensation in place of reinstatement when employers or employees claimed they could not work together peacefully; however, authorities rarely applied penalties against employers found guilty of labor violations. Penalties include imprisonment, a fine, or both and were commensurate with those for other laws involving denials of civil rights.

Unions and NGOs reported that employers used various techniques to weaken labor-union association and collective-bargaining efforts. These included replacing striking workers with subcontractors, which the law permits as long as strikers continue to receive wages; delaying negotiations by failing to show up at Labor Relations Committee meetings or sending non-decision-makers to negotiate; threatening union leaders and striking workers; pressuring union leaders and striking workers to resign; dismissing union leaders, ostensibly for business reasons, violation of company rules, or negative attitudes toward the company; prohibiting workers from demonstrating in work zones; inciting violence, then using a court order to clamp down on protests; transferring union leaders to other branches, thus making them ineligible to participate in employee or welfare committees; transferring union leaders and striking workers to different, less desirable positions or stripping them of management authority; and supporting the registration of competing unions to circumvent established, uncooperative unions.

The unionization rate among wage and salary workers was estimated at 3.4 percent, and only 34 of 77 provinces had any labor unions.

Labor groups reported that employers exploited the COVID-19 pandemic to discriminate against union members during the year. In May, 93 of the 94 workers dismissed from Sunstar Engineering, an auto supplier, were members of the sectoral Thailand Auto Parts and Metal Workers Union. Another 800 workers from Body Fashion Factory in Nakhon Sawan Province, an undergarment and lingerie manufacturer, were dismissed without compensation after the workers gathered to demand that the company pay the previously agreed wages and

THAILAND

bonuses.

Employers sometimes filed lawsuits against union leaders and strikers for trespass, defamation, and vandalism.

Private companies also continued to pursue civil and criminal lawsuits against NGOs and journalists as well as workers (see section 2.a., Libel/Slander Laws). Since 2016 and continuing into May, Thammakaset, a poultry farm owner in Lopburi Province, filed 13 criminal and civil cases against 14 former employees, labor rights activists, and journalists on various charges such as criminal defamation, theft of timecards, and computer crime. Authorities and courts dismissed most of these complaints and ordered Thammakaset to pay THB 1.7 million (\$56,900) in compensation for back wages, overtime, and holiday pay to 14 former employees for labor-law violations. As of September some of these cases remained pending.

NGOs and labor advocates reported incidents where their staff members were followed or threatened by employers after they had been seen advocating for labor rights.

In October the Central Criminal Court for Corruption and Misconduct Cases found 13 State Railway Workers' Union leaders guilty of "committing an official act of omission of the official duty or...to disrupt work or to cause damage by doing so together with five or more persons" and sentenced them to three years in prison. This case concerned the union's role in organizing a strike in 2009 to protest against unsafe conditions following a train derailment that killed seven persons. The International Labor Organization (ILO) found that the union leaders' actions were in line with international standards. In 2018 the Supreme Court ordered seven railway union leaders to pay a fine of THB 15 million (\$500,000) plus accrued interest in connection with the same incident; the government then started to garnish the wages and seize the assets of union leaders. Various labor organizations and unions viewed these penalties as an effort to send a signal chilling freedoms of expression and association.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, except in the case of national

THAILAND

emergency, war, martial law, or imminent public calamity. Penalties were commensurate with those for other analogous serious crimes, such as kidnapping. The government enforced the law with mixed results.

In 2019 the government amended the Anti-Trafficking in Persons Act for the third time in five years. The new amendment added a separate provision specifically addressing “forced labor or services” and prescribed penalties of up to four years’ imprisonment. More severe penalties can be pursued under the previously existing human trafficking statute or if victims were seriously injured. Government agencies and nongovernmental groups worked on revisions of subordinate regulations, victim-identification guidelines, and standard operating procedures.

The Ministry of Social Development and Human Security, the Ministry of Labor, and the Office of Attorney General organized training workshops for law enforcement and multidisciplinary teams to understand changes to the law.

There were reports that forced labor continued in fishing, shrimp, garment production, agriculture, domestic work, and begging. The government did not effectively enforce the law. Penalties were commensurate with those for other analogous serious crimes, such as kidnapping. NGOs acknowledged a decline in the most severe forms of labor exploitation in the fishing sector. Some NGOs, however, pointed to inconsistencies in enforcing labor law, particularly around irregular or delayed payment of wages, illegal wage deductions, illegal recruitment fees, withholding of documents, and not providing written contracts in a language that workers understand.

Labor rights groups reported that some employers utilized practices indicative of forced labor, such as seeking to prevent migrant workers from changing jobs or forcing them to work by delaying wages, burying them in debt, or accusing them of theft. NGOs reported cases where employers colluded to blacklist workers who reported labor violations, joined unions, or changed jobs.

The government and NGOs reported trafficking victims among smuggled migrants, particularly from Burma. Most of those cases involved transnational trafficking syndicates both in Thailand and in the country of origin. Many victims were subjected to deception, detention, starvation, human branding, and abuse

THAILAND

during their journey. Traffickers sometimes destroyed the passports and identity documents of victims. Some victims were sold to different smugglers and subjected to debt bondage.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law does not prohibit all of the worst forms of child labor. The law protects children from child trafficking, commercial sexual exploitation, use in illicit activities, and forced labor, but it does not meet the international standard for prohibiting military recruitment of children by nonstate armed groups. The law regulates the employment of children younger than age 18 and prohibits employment of children younger than 15. Children younger than 18 are prohibited from work in any activity involving metalwork, hazardous chemicals, poisonous materials, radiation, extreme temperatures, high noise levels, toxic microorganisms, operation of heavy equipment, and work underground or underwater. The law also prohibits children younger than 18 from workplaces deemed hazardous, such as slaughterhouses, gambling establishments, places where alcohol is sold, massage parlors, entertainment venues, sea-fishing vessels, and seafood processing establishments. As such, children ages 15 to 17 may legally engage in hazardous “homework” (work assigned by the hirer representing an industrial enterprise to a homeworker to be produced or assembled outside of the workplace). The law provides limited coverage to child workers in some informal sectors, such as agriculture, domestic work, and home-based businesses. Self-employed children and children working outside of employment relationships, defined by the existence of an agreement or contract and the exchange of work against pay, are not protected under labor law, but they are protected under laws on child protection and trafficking in persons. Children participating in paid and nonpaid *Muay Thai* (Thai boxing) competitions, however, are not protected under labor law, and it was unclear whether child-protection legislation sufficiently protects child *Muay Thai* participants.

Penalties for violations of the law may include imprisonment or fines. These penalties were commensurate with those for other analogous serious crimes, such

THAILAND

as kidnapping. Parents of victims whom the court finds were “driven by unbearable poverty” may be exempt from penalties. The government effectively enforced law related to the worst forms of child labor but was less effective enforcing laws on the minimum age of work and hazardous work.

Government and private-sector entities used bone-density checks and dental examinations to identify potentially underage job applicants. Such tests, however, were not always conclusive. Labor inspectors used information from civil society to target inspections for child labor and forced labor.

Civil society and international organizations reported they rarely saw cases of child labor in manufacturing, fishing, shrimping, and seafood processing. They attributed the decline to legal and regulatory changes both in 2014 that expanded the number of hazardous-job categories in which children younger than 18 were prohibited from working and in 2017 that increased penalties for the use of child laborers.

NGOs, however, reported that some children from within the country, Burma, Cambodia, Laos, and ethnic minority communities were working in informal sectors and small businesses, including farming, home-based businesses, restaurants, street vending, auto services, food processing, construction, domestic work, and begging. Some children were forced to work in prostitution, pornography, begging, and the production and trafficking of drugs (see section 6, Children). In 2019 the Thailand Internet Crimes against Children Task Force investigated 26 cases of child sex trafficking, three cases of forced child begging, and 31 cases of possession of child-pornographic materials.

The DLPW is the primary agency charged with enforcing child labor law and policies. NGOs reported child labor violations found by the DLPW’s labor inspectors were usually referred to law enforcement officers for further investigation and prosecution. NGOs reported families whose children suffered from trafficking or forced labor received some support, but little support was provided to children found working in violation of other child labor laws (minimum working age, hazardous work limits).

In 2019 the government reported a slight increase in the number of labor inspectors

THAILAND

and interpreters directly employed by the Ministry of Labor. During the year labor inspections were targeted at fishing ports and high-risk workplaces, including garment factories, shrimp and seafood processing, poultry and pig farms, auto repair shops, construction sites, and in service-sector businesses like restaurants, karaoke bars, hotels, and gas stations. The DLPW reported 43 violations related to child labor, including the employment of underage children, failure to notify the government about the employment of child workers, and employing children younger than 18 to work in hazardous conditions or during the night.

Observers noted several limiting factors in effective enforcement of child-labor law, including insufficient labor inspectors, insufficient interpreters during labor inspections, ineffective inspection procedures (especially in hard-to-reach workplaces like private residences, small family-based business units, farms, and fishing boats), and a lack of official identity documents among young migrant workers from neighboring countries. NGOs also reported insufficient protection for child-labor victims, including lack of legal assistance for claiming compensation and restitution, inadequate protection and counseling mechanisms, and a lack of safe repatriation (especially for migrant children). They alleged that while there were clear mechanisms for the protection and repatriation of child trafficking victims, there was no such mechanism for child-labor victims. A lack of public understanding of child-labor law and standards was also an important factor.

In June 2019 the government published its first national working-children survey, using research methodology in line with international guidelines. This survey was the product of cooperation among the Ministry of Labor, the National Statistical Office, and the ILO. The survey revealed that 3.9 percent of 10.47 million children ages five to 17 were working children, including 1.7 percent who were child laborers (exploited working children)--1.3 percent in hazardous work and an additional 0.4 percent in nonhazardous work. The majority of child laborers were doing hazardous work in household or family businesses (55 percent), in the areas of agriculture (56 percent), service trades (23 percent), and manufacturing (20 percent). Boys were in child labor more than girls, and more than half of child laborers were not in school. Of the top three types of hazardous work which children performed, 22 percent involved lifting heavy loads, 8 percent working in

THAILAND

extreme conditions or at night, and 7 percent being exposed to dangerous chemicals and toxins.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings> and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

d. Discrimination with Respect to Employment and Occupation

Labor law does not specifically prohibit discrimination in the workplace on the basis of race, religion, national origin, color, ethnicity, disability, age, sexual orientation, or HIV status. The law imposes penalties of imprisonment or fines for anyone committing gender or gender-identity discrimination, including in employment decisions. Penalties for gender discrimination were commensurate with those for laws related to civil rights, but the government did not effectively enforce its limited discrimination law. The law requires workplaces with more than 100 employees to hire at least one worker with disabilities for every 100 workers.

Women are prohibited from work underground, in mining, or in underwater construction; on scaffolding higher than 33 feet; and in production or transportation of explosive or inflammatory material.

Discrimination with respect to employment occurred against LGBTI persons, women, and migrant workers (see section 7.e.). Government regulations require employers to pay equal wages and benefits for equal work, regardless of gender. Union leaders stated the wage differences for men and women were generally minimal and were mostly due to different skills, duration of employment, and types of jobs, as well as legal requirements which prohibit the employment of women in hazardous work. Nonetheless, a 2016 ILO report on migrant women in the country's construction sector found female migrant workers consistently received less than their male counterparts, and more than half were paid less than the official minimum wage, especially for overtime work (see section 6, Women). There were reports many companies intentionally laid off pregnant women during

THAILAND

the year.

In 2018 the police cadet academy announced it would no longer admit female cadets. This decision was widely criticized as discriminatory and detrimental to the ability of the police force to identify some labor violations against women. Discrimination against persons with disabilities occurred in employment, access, and training. In April advocacy groups for the rights of persons with disabilities filed a complaint on embezzlement and illegal deduction of wages from workers with disabilities. The case was transferred from the Public Sector Anti-Corruption Commission to the National Anti-Corruption Commission because it involves senior government officials and remains under investigation.

Members of the LGBTI community faced frequent discrimination in the workplace, partly due to common prejudices and a lack of protective law and policies on discrimination. Transgender workers reportedly faced even greater constraints, and their participation in the workforce was often limited to a few professions, such as cosmetology and entertainment.

e. Acceptable Conditions of Work

The minimum wage was three times higher than the government-calculated poverty line. It does not apply to employees in the public sector, SOEs, domestic work, and seasonal agricultural sectors.

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

The law requires safe and healthy workplaces, including for home-based businesses, and prohibits pregnant women and children younger than 18 from working in hazardous conditions. The law also requires the employer to inform employees about hazardous working conditions prior to employment. Workers do not have the right to remove themselves from situations that endanger health or

THAILAND

safety without jeopardy to their employment.

Legal protections do not apply equally to all sectors. For example, the daily minimum wage does not apply to employees in the public sector, SOEs, domestic work, and seasonal agricultural work. Ministerial regulations provide household domestic workers some protections regarding leave, minimum age, and payment of wages, but they do not address minimum wage, regular working hours, social security, or maternity leave. According to government statistics, 54 percent of the labor force worked in the informal economy, with limited protection under labor law and the social security system.

The DLPW enforces laws related to wages, hours of work, labor relations, and occupational safety and health. Inspectors have the authority to make unannounced inspections and issue orders to employers to comply with the law. If an employer fails to comply with the order within a specified period, inspectors have a duty to refer the case for criminal law enforcement actions. The number of labor inspectors was insufficient to enforce compliance. The law subjects employers to fines and imprisonment for minimum-wage noncompliance, but the government did not effectively enforce the law. Penalties were commensurate with or greater than those for similar crimes such as fraud.

The DLPW issued orders to provincial offices in 2018 prohibiting labor inspectors from settling cases where workers received wages and benefits less than those required by law; however, there were many reports during the year of minimum-wage noncompliance that went to mediation, where workers settled for owed wages lower than the daily minimum wage. NGOs reported contract workers in the public sector received wages below minimum wage as they were governed by separate law.

Labor inspections increasingly focused on high-risk workplaces and information received from civil society partners. Labor inspections, however, remained infrequent, and the number of labor inspectors and resources were inadequate. Trade-union leaders suggested that inspectors should move beyond perfunctory document reviews toward more proactive inspections. Rights advocates reported that provincial-level labor inspectors often attempted to mediate cases, even when

THAILAND

labor rights violations requiring penalties had been found.

Due to the economic impact of COVID-19, union leaders estimated almost one million workers were laid off, and many workers, particularly subcontract workers and migrant workers, were laid off without receiving severance payment or advance notice as required by law.

The government did not effectively enforce minimum wage, overtime, and holiday-pay laws in small enterprises, in certain geographic areas (especially rural or border areas), or in certain sectors (especially agriculture, construction, and sea fishing). In 2019 labor unions estimated 5-10 percent of workers received less than the minimum wage; the share of workers who received less than minimum wage was likely higher among unregistered migrant workers and in the border region. Unregistered migrant workers rarely sought redress under the law due to their lack of legal status and the fear of losing their livelihood.

The law subjects employers to imprisonment and fines for violations of occupational safety and health (OSH) regulations. Penalties were commensurate with or greater than those for similar crimes such as negligence. The numbers of OSH experts and inspections were insufficient, however, with most inspections only taking place in response to complaints. The government did not effectively enforce OSH law.

Union leaders estimated 20 percent of workplaces, mostly large factories owned by international companies, complied with government OSH standards. Workplace safety instructions as well as training on workplace safety were mostly in Thai, likely contributing to the higher incidence of accidents among migrant workers. Medium-sized and large factories often applied government health and safety standards, but overall enforcement of safety standards was lax, particularly in the informal economy and among smaller businesses. NGOs and union leaders noted that ineffective enforcement was due to insufficient qualified inspectors, an overreliance on document-based inspection (instead of workplace inspection), a lack of protection against retaliation for workers' complaints, a lack of interpreters, and a failure to impose effective penalties on noncompliant employers.

The country provides universal health care for all citizens, and social security and

THAILAND

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

NGOs reported that many construction workers, especially subcontracted workers and migrant workers, were not in the social security system or covered under the workers' compensation program because their employers failed to register them or did not transfer the payments to the social security system.

In March 2019 the Ministry of Labor issued regulations for a workers compensation plan for workplace accidents and injuries; however, the regulations do not cover vendors and domestic workers. Labor-union leaders reported that compensation for work-related illnesses was rarely granted because the connection between the health condition and the workplace was often difficult to prove.

In November 2019 a new labor-protection law for workers in the fishing industry came into effect. It required workers to have access to health-care and social security benefits and, for vessels with deck size more than 300 tonnage gross or which go out more than three days at a time, to provide adequate living conditions for workers. Social security benefits and other parts of the law, however, were not enforced pending approval of subordinate laws by the Council of State. The existing government requirements are for registered migrant fishery workers to buy health insurance and for vessel owners to contribute to the workers' compensation fund. Since 2019 fishery migrant workers holding a border pass have been eligible for accident compensation. The lack of OSH inspections, first aid kits, and OSH training in the migrant workers' language increased the vulnerability of fishery workers. During the year NGOs reported several cases where the navy rescued fishery workers who had been in accidents at sea.

Firms used a "subcontract labor system" under which workers sign a contract with labor brokers. By law businesses must provide subcontract laborers "fair benefits and welfare without discrimination." Employers, however, often paid subcontract

THAILAND

laborers less and provided fewer or no benefits.

Department of Employment regulations limit the maximum charges for recruitment fees, but effective enforcement of the rules was hindered by worker unwillingness to provide information and the lack of documentary evidence regarding underground recruitment, documentation fees, and migration costs. Exploitative employment-service agencies persisted in charging citizens working overseas illegal recruitment fees. NGOs reported that workers would often borrow this money at exorbitant interest rates from informal moneylenders.

In 2019, the latest year for which data were available, there were 94,906 reported incidents of accidents or work-related diseases. Of these, 2 percent resulted in organ loss, disability, or death. The Social Security Office reported most serious workplace accidents occurred in manufacturing, wholesale retail trade, construction, transportation, hotels, and restaurants. Observers said workplace accidents in the informal and agricultural sectors and among migrant workers were underreported. Employers rarely diagnosed or compensated occupational diseases, and few doctors or clinics specialized in them.