

# Thailand 2023 Human Rights Report

## Executive Summary

There were no significant changes in the human rights situation in Thailand during the year; a new government took office in September.

Significant human rights issues included credible reports of: arbitrary arrest and detention; political interference in the judiciary; political prisoners; arbitrary and unlawful interference with privacy; serious restrictions on freedom of expression and media freedom, including arrests and prosecutions of those criticizing the government, censorship, and the use of lèse majesté and criminal libel laws; serious restrictions on internet freedom; serious government corruption; harassment of domestic human rights organizations; extensive gender-based violence, including domestic or intimate partner violence and sexual violence; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons; and significant restrictions on workers' freedom of association.

Authorities took some steps to investigate and punish officials who may have committed human rights abuses. Official impunity, however, continued to be a problem.

Insurgents in the southernmost provinces committed human rights abuses

and attacked government security forces and civilian targets; authorities investigated and prosecuted such actions.

## **Section 1. Respect for the Integrity of the Person**

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

There were no reports that the government or its agents committed arbitrary or unlawful killings, including extrajudicial killings, during the year.

There were reports of killings by both government and insurgent forces in connection with the conflict in the southernmost provinces.

On July 7, authorities charged a military officer and a security official with the killing of three Muslim villagers on a mountain in Ra-ngae District of Narathiwat in 2019. Government security forces shot and killed the three during a raid, believing the villagers were insurgents.

### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

On September 28, a court dismissed murder charges against four national park officials charged for the alleged 2014 abduction and murder of Karen

rights activist Porlajee “Billy” Rakchongcharoen. The court cited insufficient evidence that Rakchongcharoen was dead, noting in particular that a DNA test on bone fragments was inconclusive. The court previously found the director of the National Parks Office, Chaiwat Limlikitsorn, guilty of misconduct for not recording Rakchongcharoen’s arrest and not handing him to the local police for the illegal possession of wild honey. Chaiwat was sentenced to three years in prison but was later granted bail and allowed to appeal the case.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses**

The constitution stated, “torture, acts of brutality, or punishment by cruel or inhumane means shall not be permitted”; however, there were credible reports government officials employed them. An emergency decree in effect in the three southernmost provinces since 2005 effectively provided immunity to security officers for actions committed in those areas during the performance of their duties. The decree was lifted in 11 districts in the Deep South but remained in effect in 22 districts in Yala, Narithiwat, and Pattani Provinces.

The Prevention and Suppression of Torture and Enforced Disappearance Act (in effect since October 2022) provided guidelines to prevent and punish torture and enforced disappearance.

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 into alleged security force abuses lasting years without resolution.

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 May an NGO received a torture complaint from an insurgent who alleged that authorities beat him while he was detained for interrogation at a police cell in Yala Province. As of September, the suspect was detained in a prison in Narathiwat pending trial for alleged involvement in violent attacks. The NGO forwarded a complaint to the National Human Rights Commission, which accepted the complaint and asked relevant agencies for information.

## **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 overcrowded.

**Abusive Physical Conditions:** As of November, authorities held more than 275,000 persons in prisons and detention facilities with a maximum design capacity of approximately 220,000.

Observers reported inadequate medical care at many prisons. Thai Lawyers for Human Rights, a legal aid organization, stated one of their clients, jailed in June, struggled to access her bipolar disorder medication in prison and was moved to a hospital only in August after her weight dropped by 10 percent following a 14-day hunger strike.

Conditions at the IDCs were not subject to many of the regulations that governed the regular prison system. NGOs, international organizations, and detainees at some IDCs reported detainees were confined in overcrowded, unsanitary cells without access to physical exercise, appropriate medical treatment, or halal food for Muslim detainees.

By law authorities could hold individuals without legal authorization to stay in the country, including refugees and asylum seekers or those who otherwise violated immigration law, in IDCs for years unless they were bailed out or paid a fine and the cost of their transportation home.

**Administration:** Authorities permitted prisoners or their representatives to submit complaints to ombudspersons but not directly to judicial authorities. While government bodies reportedly investigated allegations of abuse in pretrial detention, NGOs stated authorities almost never investigated

complaints of mistreatment in prisons and IDCs.

**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.

Representatives of international organizations had limited access to detainees in the IDCs across the country for service delivery and resettlement processing. Access to individual IDCs varied from province to province.

#### **d. Arbitrary Arrest or Detention**

The constitution prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court. The government generally observed these requirements, although there were arbitrary arrests and detentions in security and political cases.

The Deep South emergency decree, which gave the government authority to detain persons without charge for a maximum of 30 days in unofficial places of detention, remained in effect.

Provisions of the Deep South emergency decree made it very difficult to

challenge a detention before a court. Under the decree, detainees had 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 provided broad-based immunity from criminal, civil, and disciplinary liability for officials acting under its provisions.

## **Arrest Procedures and Treatment of Detainees**

The law required police and military officers to obtain a warrant from a judge prior to making an arrest; courts tended to approve requests for warrants. Authorities could detain a person for a maximum of 84 days with court approval. By law authorities had to inform persons of likely charges against them immediately after arrest and allow them to inform someone of their arrest.

The law provided 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.

The law provided defendants the right to request bail, and the government generally respected this right; however, NGOs cited several political and national security cases in which human rights defenders were denied bail.

NGOs reported transgender individuals were often denied bail; were

assigned facilities that matched the sex on their birth certificate, not the gender they identified as; were deprived of hormonal drugs; and were harassed, with officers taking no action to prevent their harassment. NGOs stated pregnant women in prison were required to remain in prison when giving birth and could either raise the baby in a prison medical facility for the first year, or have relatives collect the newborn the day of birth.

**Arbitrary Arrest:** Under the Deep South emergency decree, suspects could be arrested and held for a maximum seven days' detention without a warrant. Under the decree, authorities could detain a person for up to 30 days without charge.

According to an NGO, in March authorities detained at least 15 persons they claimed were participating in a fundraising effort for families of suspected insurgents killed in clashes with government security forces during raid operations. Authorities suspected the group was funding insurgent movements, not providing humanitarian assistance. Some human rights defenders considered these detentions arbitrary.

**Pretrial Detention:** Lengthy pretrial detention was a problem, especially in sensitive political cases. During the year political detainees were denied bail by the court even though legal requirements for bail were met. Activists and human rights defenders who were granted bail were often subjected to restrictive bail conditions, including a ban on posting anything online.



Lawyers raised concerns regarding the simultaneous use of laws applicable in national security cases that could result in lengthy pretrial detention for insurgency-related suspects in the far southern part of the country.

### **e. Denial of Fair Public Trial**

The constitution provided for an independent judiciary, and while the government generally respected judicial independence and impartiality, the constitution provided 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 expressed concern regarding the use of the judicial process to punish government critics.

### **Trial Procedures**

The constitution provided for the right to a fair and public trial, and an independent judiciary generally enforced this right, except in certain national security and *lèse majesté* cases.

Although required by law, authorities did not always provide indigent defendants with counsel at public expense, and there were allegations authorities did not afford defendants their full rights during trials. There were reports defendants were prohibited from meeting with their lawyer or from having family members or other trusted individuals observe their trial. At times the prosecutor, police, or court reportedly objected to defendants’

request for evidence.

On June 1, the Criminal Court insisted on continuing witness examination in the royal defamation trial of activist Chonticha Jangrew, despite her request for a delay because of her lawyer's being unavailable to attend the hearing. The incident was widely shared on social media, and the court subsequently postponed the hearing.

## **Political Prisoners and Detainees**

As of September, the NGO Thai Lawyers for Human Rights estimated there were at least 29 political prisoners, mostly for online political expression and for participating in the 2020-21 student-led protest movement. Authorities permitted human rights organizations to access political detainees, and there were no reports that political prisoners were treated differently than other prisoners.

Human rights groups claimed the convictions of several *lèse majesté* offenders were politically motivated. In September NGOs reported 257 persons were charged under *lèse majesté* laws, mostly for online political expression and participation in antigovernment protests.

## **f. Transnational Repression**

Not applicable.

## **g. Property Seizure and Restitution**

Not applicable.

## **h. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution did not prohibit such actions. Security forces used the Deep South emergency decree to conduct regular, warrantless searches in the southernmost provinces. The law allowed the search and seizure of computers and computer data without a warrant in cases where the defendant allegedly entered information into computer systems that was “likely to cause damage to the public,” was “false,” or was “distorted.”

The government monitored social media and private communications, including mail and telephone. Government agencies used surveillance technologies, including computer-monitoring software and telecommunications interception equipment, to monitor politicians, NGOs, and others they deemed to be security threats. Some legislation exempted data from privacy safeguards that were otherwise stipulated in law and provided broad powers to the government to access personal information without judicial review or other forms of oversight.

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. According to the Monitoring Center on Organized Violence Events (MOVE), the Internal Security Operations Command (the army's political and intelligence arm) collaborated with the Ministry of Interior to deploy commercial spyware and other cyber tools to surveil individuals and to conduct online content manipulation, perceived as a means to deter challengers and support the government.

## **i. Conflict-related Abuses**

Internal violence 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 much of the southern border provinces of Yala, Pattani, and Narathiwat provided military, police, and some civilian authorities significant powers to restrict some basic rights and delegated certain internal security powers to the armed forces; the decree also provided security forces broad immunity from prosecution. Martial law, imposed in 2004, 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, as of July there were 51 raids by security

forces, resulting in the deaths of six 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.

According to Deep South Watch, as of August violence resulted in 89 deaths and 157 injuries in 351 incidents. The main targets of insurgent attacks were government security forces, including police, military, and armed security volunteers, but civilians were also attacked. On March 3, an insurgent group launched a combined bombing and shooting attack against a military unit traveling on a road in Si Sakhon District of Narathiwat. Two officers were killed while another was injured in the attack. The group was returning to base after investigating a March 2 bombing and shooting attack at a different military base.

On June 20, two Buddhist villagers were killed in a gun attack on a road in Ruso District of Narathiwat. Authorities believed they were killed by separatist insurgents. Critics claimed insurgent attacks on Buddhist villagers were retaliation for the government security forces' killing of Muslim insurgent suspects.

On August 17, a bomb exploded at a Muslim family's house in Si Sakhon District of Narathiwat. One government security official from the Corps of Engineers was killed and four others were injured. A civil society organization reported insurgents planted a bomb in a house that was part of

a military project aimed to provide humanitarian assistance for those impacted by the insurgency; the bomb was detonated remotely when the security officials came to repair the house the next morning.

**Physical Abuse, Punishment, and Torture:** In certain cases, authorities detained noncombatant family members of suspected insurgents for inquiry and, in a few cases, for DNA collection. Some human right defenders considered these detentions arbitrary.

On August 16, a civil society group reported a government security official, after firing on a group of Muslim teenagers gathered outside a furniture shop in Nong Chik District of Pattani (no injuries reported), forced his way into the house of a Muslim family and fired shots in the house. A woman was injured when the security official hit her with his gun. A preliminary inquiry by police reported the security official had mental health problems.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

The constitution provided for freedom of expression, including for members of the press and other media. This right, however, was restricted by laws and government actions. The government imposed legal restrictions on criticism of the government and monarchy, harassed antigovernment critics,

monitored media and the internet, and blocked websites.

**Freedom of Expression:** The lèse majesté prohibition made it a crime, punishable by a fine or three to 15 years' imprisonment for each offense, to criticize, insult, or threaten the king, queen, heir apparent, or regent. The law allowed citizens to file lèse majesté complaints against one other.

On March 7, a criminal court convicted a man to three years in prison for selling satirical calendars that authorities alleged defamed the monarchy.

On August 28, the Chiang Mai Provincial Court sentenced two Chiang Mai University students to prison for displaying artwork at a 2021 political rally depicting the country's flag without the color blue, which represents the monarchy. The court later suspended the sentences, allowing the defendants to serve two years of probation instead.

Similar restrictions on freedom of expression occurred in the Deep South.

On June 25, the Fourth Army Region lodged a complaint with police in Pattani, seeking the investigation of a group of individuals, including students, lecturers, politicians, and members of civic groups, who participated in a public forum during which a mock referendum on self-determination was held. The complaint accused the group of engaging in activities that could be deemed to constitute insurrection, instigation of unrest, criminal association, and threatening national security, in violation of the constitution. According to a civil society group in the region, police

summoned some of the persons involved in the mock referendum for questioning but did not press charges against any of them.

University authorities, civil society groups, and media reported the occasional presence of security personnel on campuses, monitoring lectures and attending student political events or rallies. Authorities reportedly arrested students for exercising freedom of expression, although arrests resulted in few formal charges. Academics reported fear of security personnel monitoring their instruction, leading to greater self-censorship. Journalists reported digital harassment hampered their work because of its effects on their personal life and mental health.

**Violence and Harassment:** In September a high-ranking police officer in Nakhon Pathom Province threatened to shoot a member of an Amarin TV news team who called to interview him regarding an investigation into the killing of a police major during a party the high-ranking officer also attended. In response to the release of an audio clip of the conversation, provincial police assigned a special unit to protect media.

On November 11, police in Yala issued a summons for two journalists from Wartani following their February 26 live broadcast of a clash between security forces and relatives of an insurgent suspect killed during a raid operation. The relatives wanted to bring the corpse back home for a funeral ceremony, while authorities wanted to keep it for a postmortem autopsy. Authorities charged the individuals with obstructing them from performing



their duty.

**Censorship or Content Restrictions for Members of the Press and Other**

**Media, Including Online Media:** The government owned all broadcast frequencies and leased them to private media operators, allowing the government to exert indirect influence on media. Laws allowed 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. Authorities monitored the content of all media, including international media. Local practice leaned toward self-censorship, particularly regarding anything that might be seen as critical of the monarchy or members of the royal family.

In July the Royal Thai Police (RTP) preemptively banned Pavin Chachavalpongpun's book *Rama X: The Thai Monarchy under King Vajiralongkorn* (scheduled to be published abroad in October) because it defamed the monarchy. Anyone convicted of importing the book could face imprisonment or a fine.

Filmmakers reported fear of retribution when creating movies and entertainment, leading to greater self-censorship.

The Deep South emergency decree empowered 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 authorized the government to censor news it considered a threat to national security.

**Libel/Slander Laws:** In addition to lèse majesté laws, defamation was a criminal offense punishable by a fine and imprisonment. Military and business figures filed criminal defamation and libel cases against political and environmental activists, human rights defenders, journalists, and politicians.

In January Mongkol Tirakote was sentenced to 42 years in prison (reduced to 28) following two separate lèse majesté cases; he was convicted of posting defamatory comments regarding the monarchy online.

On August 29, human rights campaigners Angkhana Neelapaijit, Puttanee Kangkun, and Thanaporn Saleelphol were found not guilty of criminal defamation in social media posts after a four-year-long court battle. Poultry businessman Chanchai Pheamphon sued them for defamation for online comments alleging abuses of migrant workers at his chicken processing plants; according to media reports, as of August he had filed 37 defamation lawsuits, losing 36.

**National Security:** Various orders issued by the 2014-19 military government continued to provide authorities the right to restrict distribution of material deemed to threaten national security.

## Internet Freedom

The government restricted online content and penalized those who criticized the monarchy. The government monitored social media and private communications without warrants for what it considered false content and “fake news” and blocked websites.

By law the government could imprison and fine individuals for posting on the internet false content found to undermine public security, cause public panic, or harm others, based on vague definitions. Any service provider that consented to or intentionally supported the publishing of illegal content online was also liable to punishment. By law authorities were required to obtain a court order to ban a website, although officials did not always respect this requirement.

The Ministry of Digital Economy and Society required internet service providers and social media platforms to collect and keep user data for 90 days for the government to access if requested, including user identities, user activity, records of attempts to access systems, accessed files, and transaction records.

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

prosecuted individuals for posting a range of social media commentary, including criticism of the government's operations, reporting on government scandals, statements deemed to constitute lèse majesté, and warning of government surveillance.

## **b. Freedoms of Peaceful Assembly and Association**

The government sometimes restricted freedoms of peaceful assembly and association.

### **Freedom of Peaceful Assembly**

The constitution granted the freedom to assemble peacefully, subject to restrictions enacted to “protect public interest, peace and order, or good morals, or to protect the rights and liberties of others.” The government did not consistently respect this right.

On August 22, the Criminal Court ordered the RTP to compensate two antigovernment protesters severely injured by police in 2021. A teargas canister thrown by police into a crowd during a Bangkok protest injured Thanat “Luk Nut” Thanakitamnuy; the RTP was ordered to pay Luk Nut 3.05 million baht (\$87,300). Thanakorn Phanpinij, who suffered similar injuries during a protest in Din Daeng, was awarded 4.2 million baht (\$120,000).

## **Freedom of Association**

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

The law prohibited the registration of a political party with the same name or logo as a legally dissolved party (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 and the Right to Leave the Country**

The constitution provided for freedom of internal movement, foreign travel, emigration, and repatriation; the government enforced some exceptions for “maintaining the security of the state, public order, public welfare, town and country planning, or youth welfare.”

**In-country Movement:** The government restricted the movement of persons registered as stateless and members of hill tribes and other minority groups who were not citizens but held government-issued identity cards. Authorities prohibited holders of such cards from traveling outside

their home provinces without a pass approved by the district chief.

Offenders were subject to fines or a jail term of 45 to 60 days. Persons without cards could 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.

**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. Protection of Refugees**

The government generally cooperated with the UN High Commissioner for Refugees (UNHCR), the International Organization for Migration, and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, and stateless persons, as well as other persons of concern, although with many restrictions.

The country hosted more than 95,000 refugees and asylum seekers and generally provided protection against forced returns. Authorities permitted refugees and asylum seekers to resettle to third countries. International observers were not granted meaningful access to some persons newly displaced by fighting or other violence in Burma; as a result, UNHCR was unable to determine whether returns of these persons were voluntary.

**Access to Asylum:** The law did not provide for granting asylum or refugee status, and the government had no system for providing legal protection to refugees.

During the year, the government introduced a new National Screening Mechanism to identify individuals with protection concerns. The system was open only to certain individuals and did not confer any new rights under the law. UNHCR continued to carry out screenings of asylum seekers. The Thai Immigration Bureau, however, was working on details of the program as of October.

UNHCR had varying levels of access to the estimated several hundred asylum seekers in IDCs to conduct status interviews and monitor new arrivals. Authorities allowed resettlement countries to conduct processing activities in IDCs and allowed humanitarian organizations to provide health care, nutritional support, and other assistance. Access to specific asylum-seeker populations varied, reportedly depending on the preferences of IDC leadership, as well as central government policies restricting UNHCR and NGO access to certain politically sensitive groups.

The government periodically allowed UNHCR to monitor the status of approximately 91,000 Burmese refugees and asylum seekers living in nine camps along the border with Burma.

The government facilitated third-country refugee resettlement or private

sponsorship to multiple countries for those who were official residents in the camps, as well as other refugees and asylum seekers. In May the government, jointly with UNHCR, began a new large-scale resettlement program for registered Burmese refugees in the nine camps.

**Refoulement:** Persons from Burma without legal permission to be in the country were detained and, in some cases, escorted back to the Burmese border. Authorities sometimes provided preferential treatment to members of certain Burmese ethnic minority groups, allowing them greater leeway to remain in Thailand without formal authorization. In April Thai authorities reportedly deported three men back to Burma and into the custody of a military-affiliated Border Guard Force. The three, believed to be soldiers in armed antigovernment resistance organizations, were detained by Thai security forces on March 31 at the Ban Huay Hun Fon checkpoint. There were similar reports of repatriation across the border in Chiang Rai, also allegedly connected to the armed antiregime Burmese People's Defense Force.

**Abuse of Refugees and Asylum Seekers:** Immigration authorities inconsistently permitted bail for certain categories of detained refugees and asylum seekers. NGOs, refugees, and asylum seekers reported numerous instances of immigration authorities demanding bribes in connection with requests for bail. In February and April, two Uyghur detainees were reported to have died in immigration detention.



**Freedom of Movement:** The freedom of movement for refugees residing in camps on the border with Burma was highly limited outside their camps. Refugees apprehended outside the official camps were subject to fines, detention, deregistration, and deportation. Authorities sometimes allowed camp residents limited travel outside of the camps for purposes such as medical care, travel to other camps, and education and training.

For certain foreign trafficking victims, including Rohingya refugees, the law allowed temporary-stay permits while trafficking investigations were underway. Most such victims, however, had to remain in closed, government-run shelters with some limits on freedom of movement.

**Employment:** The law prohibited some refugees recognized by UNHCR from working in the country.

**Access to Basic Services:** The international community provided basic services, including health care and education, for refugees in the nine camps on the border with Burma. Burmese refugee children living in the camps generally had limited access to the government education system.

Access to government-funded basic health services for asylum seekers and recognized refugees, whether in IDCs or outside them, was minimal. NGOs reported access to public schools for refugee children varied from school to school and often depended on the preferences of individual school administrators.

**Temporary Protection:** Authorities generally did not deport persons of concern holding valid UNHCR asylum-seeker or refugee status. The government continued to protect from involuntary deportation the majority of Rohingya refugees detained by authorities. The government continued to conduct preliminary screenings of Rohingya migrants apprehended transiting the country for indicators of whether they were victims of trafficking, although this policy was applied unevenly. As of October, authorities identified one Rohingya individual as a trafficking victim. Authorities generally placed Rohingya mothers and children into shelters run by the Ministry of Social Development and Human Security as an alternative to detention in the IDCs. UNHCR had access to these shelters while authorities conducted formal screenings of the migrants' eligibility for benefits as trafficking victims.

## **f. Status and Treatment of Internally Displaced Persons (IDPs)**

Not applicable.

## **g. Stateless Persons**

Although stateless individuals had access to a pathway to citizenship and a process to reduce the harmful effects of statelessness, the country contributed to statelessness, including through difficulties accessing legal

pathways and birth registration criteria.

The government continued to identify stateless persons and provided them with identity documentation that allowed them to access basic services such as health care, employment, and some freedom of movement. The law allowed a pathway to citizenship for qualifying individuals, including some stateless persons. As of June, the government registered 573,898 persons as stateless, of whom approximately 81 percent resided in provinces near the border.

Authorities excluded Rohingya and other Muslims from Burma, including individuals whose families had lived in Mae Sot near the Burmese border for generations, from the statelessness recognition process. Without legal status, they and other unregistered and undocumented stateless persons were vulnerable to various forms of abuse, including threat of deportation.

Birth within the country did not automatically confer citizenship. The law granted citizenship at birth to children with at least one citizen parent. Individuals could also acquire citizenship by means of special government-designated criteria.

By law stateless members of hill tribes, like any noncitizens, could not vote or own land, and their travel was restricted to their home province. Recognized stateless persons were legally permitted to work, but licenses for certain professions (including doctors, engineers, and lawyers) were

provided only to citizens. Stateless persons had difficulty accessing credit and government services, such as health care. The law permitted undocumented migrant and stateless children to enroll in government schools, 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 village heads and district officials routinely demanded bribes from stateless persons to process their applications for official registration or to obtain permanent residency or 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 law provided citizens the ability to vote for their preferred candidates in local elections and for the lower parliamentary house in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

## Elections and Political Participation

**Abuses or Irregularities in Recent Elections:** The May 14 general election was widely reported to be fair and free of abuses and irregularities. The Asian Network for Free Elections and other civil society organizations reported instances of vote buying.

**Political Parties and Political Participation:** Critics complained that the army's International Security Operations Command, political opponents, and private citizens used legal action to harass and impede liberal opposition parties and officials. A conservative party associated with the outgoing military-dominated government brought several legal challenges against the Move Forward Party and its then leader Pita Limjaroenrat. In September Pita was suspended from parliament (and resigned as party leader) after being accused of breaching laws governing the business dealings of political office candidates by owning shares in a defunct media company.

On September 20, the Supreme Court banned Pannika Wanich, a member of the now dissolved Future Forward Party, from politics for life. Pannika was found guilty of making posts on social media in 2010 insulting the monarchy. On September 13, the Constitutional Court rejected a petition by a former minor government official seeking to dissolve the Move Forward Party on the grounds it advocated for the succession of the Deep South border provinces; other legal cases against Move Forward remained at various

points in the drawn-out legal process.

According to an NGO, ahead of the May election, opposition members were discredited through state-sponsored disinformation campaigns, while prodemocracy activists faced arrest, surveillance, and extralegal harassment in retaliation for their online content. The group also alleged that authorities blocked websites and removed content under claims that it violated provisions of the restrictive Computer-Related Crimes Act. There was no follow up on this case after the May election.

### **Participation of Women and Members of Marginalized or Vulnerable**

**Groups:** No law limited participation of women and members of marginalized or vulnerable groups in the political process, although cultural mores circumscribing women's activities in public spaces deterred full participation in some areas of the country. There were procedures for persons with disabilities and the elderly to make voting more accessible; however, information on that process was not widely publicized, and some persons with disabilities were unable to vote in the May election. No women were elected to parliament in the Deep South; eight women ran as candidates. Women political candidates noted that women in politics were not respected in Muslim majority constituencies, including discouragement from members of the provincial Islamic councils, and therefore it was unlikely they could win constituency seats or become local political leaders.

## Section 4. Corruption in Government

The law provided criminal penalties for corruption by officials; the government generally did not implement the law effectively. There were numerous reports of government corruption during the year.

**Corruption:** In September a village chief in Nakhon Pathom commonly known as Kamnan Nok was arrested after a police officer was shot and killed during a dinner party at his home. National police were investigating the killing and allegations that Kamnan Nok and local police were engaged in a wide range of corrupt practices, including bid rigging, money laundering, and forcing truck drivers to pay bribes.

Senior government officials were implicated in corruption investigations during the year, which exposed further corruption at the national and local levels. On September 5, an arrest warrant was issued for former Culture Minister Itthiphol Khunpluem, accusing him of improperly granting a construction permit to Bali Hai Company Limited for a waterfront hotel and residential complex in Pattaya, Chonburi, in 2008. Given the 15-year statute of limitations that expired three days after the warrant, however, Itthiphol did not face charges. Similarly, in 2022 authorities accused Senator Upakit Pachariyangkun of money laundering and transnational crime, but his arrest warrant was canceled the same day it was approved. In September the Judicial Commission launched a disciplinary probe against the Criminal Court

judges who interfered with police attempts to arrest Upakit.

Petty corruption and bribetaking were widespread among police. In June more than 40 highway police officers were transferred for alleged involvement in an overloaded-truck bribery scandal where operators who loaded their trucks beyond the legal weight bought a special sticker indicating to highway police they paid the bribe. These truck drivers could drive their overweight trucks on the highways without being stopped and weighed, allowing them to travel faster. Of the police officers transferred, 12 were set to face criminal charges for taking bribes. Reporting suggested this bribery scheme was operating for at least the past 20 years.

For additional information about corruption in the country, please see the Department of State's *Investment Climate Statement* for the country, and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

## **Section 5. Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights**

A variety of domestic and international human rights groups generally operated without government restriction to monitor or investigate human rights conditions or cases and publish their findings. Government officials



were somewhat cooperative and responsive to the views of these groups. NGOs that dealt with sensitive political matters, such as political reform or opposition to government-sponsored development projects, faced periodic harassment and government refusal to issue visas for their international counterparts.

**Retribution against Human Rights Defenders:** Following a 2022 investigation that revealed human rights defenders and prodemocracy activists were targeted by Pegasus commercial spyware, more than 40 human rights defenders reported notifications from Facebook early in the year suggesting they change their passwords due to recent suspicious activity originating in state-sponsored accounts and targeting their accounts. According to an NGO, many human rights defenders reported digital harassment directly weakened their collective action by generating public misperception of their work.

Human rights workers focused on violence in the southernmost provinces were particularly vulnerable to harassment and intimidation by government agents. MOVE stated human rights defenders in these provinces were closely monitored by authorities, who assumed they were associated with the Malay Muslim insurgents. According to two NGOs, on March 11, police in Narathiwat summoned an activist from The Patani, an NGO in the Deep South, after he accompanied grieving family members who refused to allow police to dig up a family member's body for DNA testing on suspicion the

individual was a member of a separatist group. The activist was called in for questioning and charged with sedition.

Civil society activists alleged security services monitored their activities, and that in some cases monitoring escalated into intimidation. They stated the security services focused on activists who supported or were perceived to support organizations that agitated for reform of the monarchy and for the repeal or reform of the lèse majesté laws. According to MOVE, human rights defenders, especially women and lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) individuals, were subject to technology-facilitated gender-based violence, including character assassination, doctored images, comments about their appearance, cyberstalking, and digital threats.

**Government Human Rights Bodies:** The mission of the independent National Human Rights Commission of Thailand was to protect human rights and to produce an annual country report. Human rights groups continued to press for greater independence for the commission, and for the right for it to file lawsuits against human rights abusers on its own behalf or on behalf of complainants. The Office of the Ombudsman was an independent agency empowered to consider and investigate complaints filed by any citizen. Following an investigation, the office could refer a case to a prosecutor for further review or provide recommendations for further action to the appropriate agency. The office examined all petitions, but it could not

compel agencies to comply with its recommendations.

## Section 6. Discrimination and Societal Abuses

### Women

**Rape and Domestic Violence:** Rape of women and men was 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 survivors, thereby leaving those assaulted by perpetrators in other ways without legal remedies. The law permitted authorities to prosecute spousal rape, and prosecutions occurred. The law specified penalties for rape or forcible sexual assault ranging from four years' imprisonment to the death penalty as well as fines.

NGOs stated that rape was a serious problem and survivors underreported rapes and domestic assaults, in part due to a lack of understanding by authorities that impeded effective investigations of violence against women. Survivors often perceived police as incapable of bringing perpetrators to justice.

An NGO focused on migrant issues stated undocumented migrant survivors of gender-based violence often lacked legal protection. The NGO stated survivors often did not report such crimes to authorities due to fear of deportation or other retribution. The group highlighted a case in which a

girl, age five, from Burma was raped by another migrant in Mea Sot in July. Neither the girl, her family, nor the perpetrator were in the country legally, so the family had no avenue to pursue justice, and the perpetrator continued to live in the community. The NGO also noted cases in urban areas where police exploited their position of power over undocumented migrant women.

NGOs reported high rates of gender-based violence against persons with disabilities, particularly women with disabilities. According to an NGO, women with disabilities were often survivors of repeated domestic violence. They often could not escape their abuser and lived in fear that if they spoke out, food and necessary assistance could be restricted.

In August former deputy Democratic Party leader Prinn Panitchpakdi was convicted and sentenced to two years and eight months in prison for sexual assault. He resigned in April 2022 following allegations by a woman of sexual assault. After the allegation became public, more women came forward to file complaints against Prinn; in 2022, 16 separate sexual misconduct cases were filed against him.

Domestic violence against women was a significant problem. The Ministry of Public Health operated one-stop crisis centers in state-run hospitals to provide information and services to survivors of gender-based violence throughout the country. According to an NGO, not all one-stop crisis centers were operational and emergency response hotline workers were

often not trained to properly assist survivors of gender-based violence.

The law established measures designed to facilitate both the reporting of domestic violence complaints and reconciliation between the victim and the perpetrator. NGOs expressed concern that 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. Another NGO noted that survivors of gender-based violence faced long waits between reporting to police and throughout the legal process.

Authorities prosecuted some domestic-violence crimes under provisions for assault or violence against a person, under which they could seek harsher penalties. The government operated one shelter in each province for domestic-violence victims. According to an NGO, however, women were able to access the state-run shelter only if they were identified or under the legal identification process, meaning that women who decided not to seek prosecution due to social pressure or shame were unable to access these shelters. Additionally, an NGO noted that LGBTQI+ women and women with disabilities faced additional barriers to accessing state-run shelters. NGOs also reported that individuals in commercial sex were often targeted by police and government officials who accused them of being on drugs and arrested them, rather than filing reports for them, if they tried to report cases of gender-based violence.

**Female Genital Mutilation/Cutting (FGM/C):** No specific law prohibited 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 government efforts to prevent or address the practice.

**Other Forms of Gender-based Violence or Harassment:** Sexual harassment was illegal but remained widespread. NGOs claimed the legal definition of harassment was vague and prosecution of harassment claims difficult, leading to ineffective enforcement of the law.

An NGO cited multiple examples of technology-facilitated gender-based violence during the year against women, girls, and LGBTQI+ persons, including against human rights defenders, which damaged their mental health. The group noted that in instances when survivors reported online harassment and abuse to authorities, they were told it was not rape, and therefore they were not taken seriously, or were even verbally abused by police. Survivors reported that the responsibility to find evidence was put on the victim. In one case, perpetrators threatened to bring a legal case against the survivor and their family to dissuade further investigation.

**Discrimination:** The constitution provided that “men and women shall enjoy equal rights and liberties. Unjust discrimination against a person on the grounds of sex...shall not be permitted.” NGOs reported discrimination commonly occurred against women.

Women comprised approximately 12 percent of the country’s military

personnel. Ministry of Defense policy limited the percentage of women officers to 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 to allow women to apply. Women were barred from applying to the police academy; the RTP continued to list “being a male” as a requirement in employment announcements for police investigators and other positions.

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

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

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

The government provided access to sexual and reproductive health services for survivors of sexual violence, including emergency contraception and postexposure prophylaxis. No law prevented access to sexual and reproductive health services and contraceptives, although noncitizens or stateless persons were ineligible for government-funded services.

## **Systemic Racial or Ethnic Violence and Discrimination**

The constitution stipulated all persons were equal before the law, including having the right to equal protection. The government did not enforce these provisions effectively. During the year there were reports of violence and discrimination against members of ethnic minority groups.

### **Indigenous Peoples**

Although the constitution included provisions aimed at protecting the traditional culture and way of life for Indigenous peoples, by law stateless members (approximately 50 percent) of hill tribes faced restrictions on their movement, were not permitted to own land, had difficulty accessing bank credit, and faced discrimination in employment. Restrictions for stateless Indigenous persons included the requirement for those who were not registered to obtain permission from the Ministry of Interior to leave their designated “control area” every time they wanted to travel. Although labor law gave them the right to equal treatment as employees, employers often disregarded those rights by paying them less than their citizen coworkers and less than minimum wage. The law further barred them from government welfare services.

The law provided citizenship eligibility to members of certain categories of hill tribes: the Karen, Hmong, Mien, Akha, Lahu, Lisu, Lua, Khmu, and Mlabri. The government supported efforts to register new citizens and



educate eligible hill-tribe members regarding their rights. According to Indigenous groups, the government used policies on natural resources preservation to displace and constrict Indigenous communities without proper warning. Indigenous communities emphasized the lack of recognition of nationalities because it was difficult for them to access transportation and travel far to get identification papers, which further impeded their access to health care. Additional concerns from Indigenous communities arose regarding restrictions on ancestral land where they conducted rituals. The government permitted the use of Indigenous languages in schooling and provided access to government schools, regardless of identification status, although implementation of such policies was uneven due to a lack of understanding of the law by school administrations and long distances required to travel to public schools.

## Children

**Birth Registration:** The law stipulated that every child born in the country receive an official birth certificate regardless of the parents' legal status. In remote areas, however, 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 that misinformed or unscrupulous local officials, language barriers, and restricted mobility made it difficult to register births.

**Child Abuse:** The law provided for the protection of children from abuse, and laws on rape and abandonment carried harsher penalties if the victim was a child. The law provided protection to 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 was 17; anyone younger than 20 required parental consent to marry. A court could grant permission for children younger than 17 to marry. The government effectively enforced the law.

In the Muslim-majority southernmost provinces, Islamic law used for family matters and inheritance allowed the marriage of girls after their first menstrual cycle with parental approval. While the minimum legal age to marry was 17, a Muslim younger than 17 could marry with a written court order or written parental consent, which was considered by a special committee of three members, including at least one woman, all with knowledge of Islamic law.

**Sexual Exploitation of Children:** The minimum age for consensual sex was 15. The law provided penalties for persons who procured, lured, compelled, or threatened children younger than 18 for the purpose of commercial sexual exploitation, with higher penalties for persons who purchased sexual intercourse with a child younger than 15. Authorities could punish and revoke parental rights of parents who allowed a child to be sexually

exploited. The law prohibited the production, distribution, import, or export of child pornography. Government enforcement of laws against commercial sexual exploitation of children and child pornography was inconsistent. Child sex trafficking remained a problem. The country continued to be a destination for child sex tourism, and there were increasing cases of online sexual exploitation of children. Children from migrant populations or ethnic minority groups, LGBTQI+ children, children with disabilities, and children from poor families remained particularly vulnerable. Police arrested parents who forced their children into commercial sexual exploitation. Residents and foreign sex tourists committed pedophilia crimes, including child sex trafficking and the production and distribution of child pornography.

## **Antisemitism**

The Jewish population was estimated to be between 200 and 1,000. There were no known reports of antisemitic incidents.

## **Trafficking in Persons**

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

## **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or**

## Sex Characteristics

**Criminalization:** No law criminalized expression of sexual orientation or consensual same-sex sexual conduct between adults.

**Violence and Harassment:** LGBTQI+ persons reported police harassment of individuals who identified as nonbinary or whose appearance did not match the sex on their identification card. If arrested, such persons had to appear in court in attire associated with their sex assigned at birth.

In the case of sexual crimes against LGBTQI+ persons, police tended to downplay sexual motives, abuse, or harassment. NGOs stated that when LGBTQI+ individuals reported harassment, often no action was taken or responsibility to prove the claim was put on the survivor. LGBTQI+ students were reportedly targeted and unjustifiably punished or bullied by teachers and other students often for their appearance or not conforming to dress codes to match their sex assigned at birth, especially in the Deep South. Civil society groups reported harassment of LGBTQI+ persons in military camps by trainers, supervisors, and fellow soldiers.

LGBTQI+ persons reported police and polling station workers questioned their identity because their appearance did not match the sex on their identification card. Police did not track data on hate speech or hate crimes, such as killing of transgender women, limiting understanding on the extent of the problem.

**Discrimination:** The law prohibited discrimination by state and nonstate actors based on sexual orientation, gender identity or expression, or sex characteristics, including in employment. The law recognized LGBTQI+ individuals, couples, and their families but did not grant them rights equal to those of other persons, such as marriage. The law mandated gender equality and prohibited 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.” NGOs, however, stated the law was not enforced, citing instances of LGBTQI+ individuals being evicted from their homes with few options for recourse. The UN Development Program and NGOs reported LGBTQI+ persons experienced discrimination, particularly in rural areas. The UN Development Program also reported media represented LGBTQI+ persons in stereotypical and harmful ways resulting in discrimination.

NGOs and the United Nations reported transgender persons faced discrimination in various sectors, including in the military conscription process, when in detention, and in education because of strict policies in place at most schools and universities that required students to wear uniforms that aligned with their biological gender. LGBTQI+ persons reported barriers to accessing gender-affirming care. Access to gender-affirming surgery was limited to a few Ministry of Public Health-approved specialists in Bangkok.

In April and June, the Ministry of Social Development and Human Security

published a warning about monkeypox, HIV and AIDS, and sexually transmitted infections using photographs of individuals from a Pride event and mentioning entertainment areas popular with LGBTQI+ persons, further stigmatizing the community.

Despite legal protections, members of the LGBTQI+ community faced frequent discrimination in the workplace, partly due to common prejudices. Transgender workers reportedly faced even greater constraints, and their participation in the workforce was often limited to a few professions, such as cosmetology, entertainment, and sex work.

**Availability of Legal Gender Recognition:** The law did not permit transgender or nonbinary persons to change their gender on identification documents.

**Involuntary or Coercive Medical or Psychological Practices:** There were reports that government agencies attempted to involuntarily subject LGBTQI+ persons, especially children, to so-called conversion therapy. Some individuals assigned as male at birth but who did not identify as such were forced to join military training, especially in the Deep South, or become Buddhist monks in the belief that these experiences would “normalize” their gender identity. Some individuals assigned as female at birth faced so-called corrective rape or forced childbirth. According to Intersex Thailand, some intersex children were subjected to involuntary and irreversible genital surgeries, which was not illegal.

According to Marriage Equality Network, in most cases so-called conversion therapy was forced on LGBTQI+ persons by their family or religious community. Advocacy groups emphasized the impact of such practices on the mental health of LGBTQI+ persons and the lack of state-funded mental health resources available to members of this group.

**Restrictions of Freedom of Expression, Association, or Peaceful Assembly:**

No such restrictions on LGBTQI+ individuals or topics were reported, but due to fear and stigma, self-censorship of LGBTQI+ communities in the south, such as not hosting Pride events, was common.

**Persons with Disabilities**

Persons with disabilities were not able to access education, health services, public buildings, or transportation on an equal basis with others. The law mandated persons with disabilities had to have access to information, communications, and newly constructed buildings, but authorities did not uniformly enforce these provisions.

The government maintained dozens of separate schools and educational centers for children with disabilities and operated occupational and career development centers for adults with disabilities. An NGO reported children with physical and intellectual disabilities were restricted from attending regular public schools. The alternative for children with disabilities was to attend boarding schools specifically for persons with disabilities. Children

with disabilities in rural provinces, however, often did not have access to these schools because they were expensive, distant, or otherwise inaccessible. According to a civil society organization, as of 2022, 80 percent of children with disabilities did not complete secondary school.

The law required workplaces with more than 100 employees to hire at least one worker with disabilities for every 100 workers or pay a fine. These companies were then offered tax incentives by the government; however, an NGO focused on supporting youth with disabilities reported collusion between employers and government officials to embezzle wages or loans intended for employees with disabilities.

Organizations for persons with disabilities reported difficulty in accessing information concerning a range of public services, and accessibility for services varied between urban and rural centers. Persons with disabilities also highlighted the lack of accessibility of trains and boats. While the Bangkok city government provided free transportation for individuals with disabilities on public transportation, it was difficult for them to access transport without assistance, and the subsidy did not apply to transportation outside Bangkok. LGBTQI+ groups noted that LGBTQI+ persons with disabilities, especially the deaf, were often unaware of medical information on HIV and AIDs, contributing to a high rate of infection.

NGOs expressed concern regarding the lack of resources and legal options available to women with disabilities who were survivors of gender-based



violence. Additionally, they noted persons with disabilities struggled with physical and mental health problems because of the general isolation they experienced and the inability to use public transportation to reach medical services.

There were procedures to make voting more accessible for persons with disabilities; however, this information was not widely publicized, so some persons with disabilities were unable to vote in the May election.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The constitution stated that a person shall enjoy the liberty to unite and form an association, cooperative, union, organization, community, or any other group. The law provided workers the right, in private-sector and state-owned enterprises (SOEs), to form and join independent trade unions. The law allowed two types of labor union: the house or company union and the industrial union. A house or company union required workers to be with the same employer; an industrial union required workers to be in the same sector, but they could work for different employers. Committee members of all unions had to be Thai citizens. Seasonal workers who had no permanent employer could not form a union. Migrant workers could join,

but not form, a union. Civil servants could assemble as a group, provided that such assembly did not affect the efficiency of national administration and continuity of public services and did not have a political objective.

The law provided a framework binding collective bargaining for private-sector employers but not for civil servants. The law provided for the right to strike and the Labor Relations Committee – which consisted of representatives of employers, government, and workers groups – was mandated to protect employees from antiunion discrimination and unfair treatment. Subcontracted workers, even if doing the same job as permanent workers in the same factory, could not join the same union because they were classified as belonging to the service industry, while full-time workers came under the manufacturing industry. The inability of subcontracted and full-time workers to join the same union limited unions' ability to bargain collectively together. Short-term contract workers were less likely to join unions, fearing antiunion retaliation in the form of nonrenewal of their contracts. Labor advocates claimed that many companies employed subcontracted workers to undermine unionization efforts.

The law allowed migrant workers to join unions but did not allow them (nor contract-based or daily wage employees) to form one or serve as union officers. Migrant worker participation in unions was 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.

To register a union, at least 10 workers were required to submit their names to the Department of Labor Protection and Welfare within the Ministry of Labor. Many unions had only enough members to form a union but not enough to collectively bargain with employers. The law required unions to have 20 percent of workforce membership to bargain collectively. The law did not protect union members against antiunion discrimination by employers until their union was registered, so NGOs explained that employers often used the gap between when workers submitted their labor union application to the Ministry of Labor and when the ministry reached out to the employers to confirm their employment status to dismiss the employees.

According to the Ministry of Labor, there were more than 1,000 registered labor unions in the country, although many were inactive because employers fired their leadership. The law required union officials be full-time employees of the company or SOE and prohibited permanent union staff.

In SOEs, the law allowed only one union per enterprise, and if an SOE union's membership fell below 25 percent of the eligible workforce,

regulations required dissolution of the union. The law restricted formal links between unions of SOEs and their private-sector counterparts because they were governed by two separate statutes. SOEs operated in various sectors of the economy: banking, rail and air transportation, airports, marine ports, and postal services.

The law allowed employees at workplaces without a union to submit collective demands if at least 15 percent of employees were listed as supporting that demand.

Employees in private enterprises with more than 50 workers could establish “employee committees” or “welfare committees.” Welfare committees were nominated by employees or employers and their termination was not protected by law. Employee committees were nominated by labor unions or in elections and their termination required judicial order. The law prohibited employers from obstructing committee work. Union leaders often joined employee committees to avail themselves of the additional legal protection. According to an NGO, migrant workers could be part of a welfare committee, which had less legal protection.

In November 2022, the Y-Tec Company fired five workers who formed and organized a union. Despite a Labor Relations Committee reinstatement order, the company, while paying them, did not allow them back in the factory; the company also withheld other allowances, and several of those fired left the company. Y-Tec also forced 30 workers who participated in

union activities to do nonwork-related activities such as physical labor, refused to allow them to work overtime, and rated them poorly on performance evaluations. On April 28, the Labor Relations Committee ruled the company violated the Labor Relations Act, ruling that the discrimination was due to the workers' union activity. The Labor Relations Committee ordered the company to return the workers to their original positions, allow overtime work, and adjust the bonus payments.

The law required unions to call a general meeting and obtain strike approval from at least 50 percent of union members for any strike. Unions claimed this effectively limited the right to strike because many factories used shift workers, making it difficult to attain a quorum.

The government could block private-sector strikes it deemed as having national security implications or negative repercussions on the population at large, which could be appealed in the Court of Appeals. Strikes and lockouts were prohibited at SOEs, and penalties for violations included imprisonment, fines, or both.

The law protected 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 when such activities caused reputational harm. Reputational damage charges were used to intimidate union members and employees, and employers used lawsuits to intimidate or silence critics in multiple instances.

Labor courts or the Labor Relations Committee could decide complaints of unfair dismissal or labor practices and could require compensation or reinstatement of workers, including union leaders, with wages and benefits equal to those received prior to dismissal. Unregistered associations, community-based organizations, and religious groups often represented the interests of migrant workers but had no legal standing to bargain with employers on their behalf. NGOs reported few cases where migrant workers' collective demands were successful in effecting change, particularly along the border areas.

Labor rights advocates reported that judges and provincial labor inspectors often attempted to mediate cases, even after labor rights violations requiring penalties were found. 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.

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.

Police and other officials were at times complicit in suppressing labor activism. In Mae Sot, an NGO reported 100 employees working in a hemp

sack production factory, all migrants hired under contract-based agreements, were paid less than the minimum wage and denied days off or holidays. The employees, as migrant workers, could not form a union, so they formed an informal association to file a complaint under the Labor Relations Act. A local NGO helped them throughout the complaint mechanism; they were able to arrange a tripartite negotiation among the employer, employees, and government officials. A written settlement was agreed among the parties. When a labor inspector, however, came to the factory the day after the agreement was made, the employer locked the workers in the factory to prevent them from providing further information to the inspector.

Labor law enforcement was inconsistent and sometimes ineffective in protecting workers who participated in union activities. Penalties included imprisonment, a fine, or both and were commensurate with those for other laws involving denials of civil rights; however, authorities rarely applied penalties against employers found guilty of labor violations.

## **b. Prohibition of Forced or Compulsory Labor**

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

## **c. Prohibition of Child Labor and Minimum Age for**

## Employment

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/>.

### d. Discrimination (see section 6)

### e. Acceptable Conditions of Work

**Wage and Hour Laws:** The minimum wage varied by province; it was above the government-calculated poverty line in all provinces. It did not apply to employees in the public sector, SOEs, domestic work, and seasonal agricultural sectors. Regulations provided household domestic workers some protections regarding leave, minimum age, and payment of wages, but they did not address minimum wage, regular working hours, social security, or maternity leave.

The maximum workweek by law was 48 hours, or eight hours per day over six days, with an overtime limit of 36 hours per week. Employees who engaged in “dangerous” work, such as in the chemical, mining, or other industries involving heavy machinery, could work a maximum of 42 hours per week and could not work overtime. Petrochemical industry employees could not work more than 12 hours per day but could work continuously for a maximum period of 28 days. It was common to find wage, hour, and overtime violations in the agriculture, construction, and fishing sectors. The



mobility of fishing boats and the uncertainty of catching time made overtime common in the fishing industry. Farming and agricultural sites in remote areas made labor inspections harder. The relocation of the construction sites and the contracting employment basis prevented workers from accessing protection and welfare services.

In April the government amended the Labor Protection Act to support remote workers and regulate arrangements between the employer and employee to ensure access to social security and other welfare. Employees who worked from home also had the right to “disconnect,” meaning the right to refuse all communication with the employer after the end of normal working hours.

**Occupational Safety and Health:** The law established occupational safety and health (OSH) standards that were appropriate for the main industries. The law required safe and healthy workplaces, including for home-based businesses. The law prohibited pregnant women and children younger than 18 from working in hazardous conditions. The law also required employers to inform employees of hazardous working conditions prior to employment. The law did not grant workers the right to remove themselves from situations that endangered health or safety without jeopardy to their employment. The government conducted investigations following complaints. If labor inspectors determined there was a violation, they generally would issue an order to the employer and fine them.

Ministry of Labor regulations provided for a workers' compensation plan covering workplace accidents and injuries, but these did 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.

**Wage, Hour, and OSH Enforcement:** The Department of Labor Protection and Welfare was responsible for enforcement of wage, hour, and OSH law and regulations. Inspectors had the authority to make unannounced inspections and issue orders to employers to comply with the law. If an employer failed to comply with the order within a specified period, inspectors had a duty to refer the case for criminal law enforcement and could impose penalties. Fines for wage, hour, and OSH violations were commensurate with those for similar crimes, such as fraud or negligence; however, their potential criminal penalties (imprisonment) were less than those for fraud or negligence.

According to civil society groups, the number of inspectors was insufficient to enforce compliance and efficiency and enforcement of inspections remained low. OSH experts actively identified unsafe work conditions, but the numbers of OSH experts and inspections were insufficient; most inspections only took place in response to complaints. The Ministry of Labor did not track the application of sanctions through the courts and did not have information related to whether penalties were applied against

violators. An NGO reported that eight labor inspectors in Chiang Mai were responsible for inspecting more than 40,000 firms in all sectors, including the agricultural and domestic service sectors. Of the eight, two or three were responsible for all OSH inspections.

The law imposed fines and imprisonment for minimum wage noncompliance. 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). NGOs also reported inconsistent enforcement of wage law resulted in widespread irregular or delayed payment of wages, illegal wage deductions, and illegal recruitment fees for migrant workers.

Regulations on migrant labor limited the maximum charges for recruitment fees, but effective enforcement of the rules was hindered by the lack of documentary evidence of underground recruitment, documentation fees, and migration costs.

Firms used subcontract labor, by which workers signed contracts with labor brokers to evade regulations. By law businesses had to provide such subcontract laborers “fair benefits and welfare without discrimination.” Employers, however, often paid subcontract laborers lower wages and provided few or no benefits. Migrant workers also faced withholding of documents and contracts in the Thai language, which many did not

understand well.

The International Transport Workers Federation reported, based on surveys of fisheries workers in the country, that vessel inspections did not adequately identify, report, or require the correction of violations, which were widespread, and that the mostly migrant crewmembers were not interviewed privately or with interpretation. The federation reported fishing crews faced widespread violations of wage, hour, and OSH law and regulations, notably including prolonged working hours, insufficient rest periods, and illegally prolonged time at sea.

The Labor Protection in Fishing Work law required workers in fisheries to have access to health care and social security benefits and that certain vessels provide adequate living conditions for workers. As of November, key implementing regulations related to work hours and age limits were pending. Government regulations required registered migrant fishery workers to buy health insurance and vessel owners to contribute to the workers' compensation fund. Migrant fishery workers holding a border pass were eligible for accident compensation.

While the country provided universal health care for all citizens, social security and workers' compensation programs were only available to employed persons.

NGOs reported many construction workers, especially contracted or

subcontracted workers and many 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.

Workers for online mobile delivery services were not protected under labor laws, as they were considered a "partner" rather than an employee.

The country's informal sector was estimated at approximately half of GDP. Labor laws largely did not apply to the sector.