

THAILAND 2013 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Thailand is a constitutional monarchy. The King serves as head of state and has traditionally exerted strong influence. A coalition government led by Prime Minister Yingluck Shinawatra and her Puea Thai (For Thais) Party came to power in 2011 following National Assembly lower house elections that were generally viewed as free and fair. Authorities maintained effective control over the security forces. However, some members of the security forces were involved in human rights abuses.

The most persistent human rights problems included: abuses by government security forces and local defense volunteers in the context of the continuing Malay-Muslim separatist insurgency in the three southernmost provinces; occasional excessive use of force by security forces, including police killing, torturing, and otherwise abusing criminal suspects, detainees, and prisoners; and continued government limits on freedom of speech and press.

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

Authorities occasionally dismissed, arrested, prosecuted, and convicted security force members who committed abusive behavior. Official impunity, however, continued to be a serious problem, especially in provinces where the 2005 Emergency Decree, the 2008 Internal Security Act, and martial law remained invoked.

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

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

a. Arbitrary or Unlawful Deprivation of Life

There were continued reports that security forces at times used excessive and lethal force against criminal suspects and committed or were connected to extrajudicial, arbitrary, and unlawful killings. According to the Ministry of Interior's Investigation and Legal Affairs Bureau, security forces--including police, military, and other agencies--killed 74 suspects during the arrest process between October 2012 and July 2013. The police department with jurisdiction over the location of the killings investigated each case, although no details were available.

For example, in March, members of the Prachinburi Provincial Police anti-piracy merchandise unit arrested Somsak Phalangsuesat, a CD/video seller and allegedly demanded a 25,000 baht (\$800) bribe in exchange for not prosecuting him. While Somsak's relatives were collecting the money, passers-by found his badly beaten body on a street, raising suspicions that the police killed Somsak. Authorities arrested one suspect but later dismissed the charges against him because of insufficient evidence. The provincial public prosecutor's office continued to review this decision as of November. Police authorities stated the investigation was closed pending discovery of new evidence.

While there were no confirmed reports that the government or its agents committed politically motivated killings during the year, there were at least two deaths linked to attacks suspected of being politically motivated. For example, on February 25, two gunmen shot and killed village headman Prajob Nao-opas in Chachoengsao Province. Prajob had led protests against a proposed garbage disposal dumpsite and factory in his village. In April police arrested the alleged mastermind of the killing, the owner of an industrial company in the area, as well as two Air Force officers. Authorities held the Air Force officers in pretrial detention at year's end, but the whereabouts of the accused owner were unknown.

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

In August the National Human Rights Commission (NHRC) released the final report of its investigation into the 2010 clashes between security forces and antigovernment protesters in Bangkok and the Northeast. The report found the clashes resulted in the deaths of 79 civilians, 11 security force members, and two foreign journalists. Groups affiliated with the United Front for Democracy against Dictatorship (UDD or "Red Shirts") as well as members of civil society and academia criticized the report for failing to condemn sufficiently the government's actions, including the use of live ammunition during the crackdown on the

protestors. They also condemned the report for attributing much of the violence to unidentified provocateurs.

In August a criminal court found that soldiers shot and killed six unarmed individuals, including a nurse and two rescue volunteers, in Bangkok's Pathum Wanaram Temple in 2010. The inquest dismissed claims by a soldier that there was an unidentified armed group near the temple at the time of the shootings. The Department of Special Investigations (DSI) announced plans to charge with these killings Abhisit Vejjajiva, Democrat Party member and opposition leader of the lower house, in his former capacity of prime minister, and Suthep Thaugsuban, a Democrat Party member of the lower house, in his former capacities of deputy prime minister and director of the Center for the Resolution of Emergency Situations. As in previous cases, DSI did not file charges against the soldiers who shot and killed individuals as part of the government's response to protests, since it found they acted in accordance with prime/deputy prime ministerial orders.

In a separate case related to the 2010 violent clashes, on December 12 the criminal court formally indicted Abhisit on two murder charges and one attempted murder charge. The court had previously found that armed forces members killed Phan Khamkong and 14-year-old Kunakorn "Nong Isa" Srisuwan and wounded Samorn Maithong in 2010. Also facing indictment for these charges, Suthep requested postponement of his formal indictment on the grounds that he was leading antigovernment protests and was unable to appear in court. The defendants continued to claim that the charges, along with charges made in 2012, were politically motivated.

Via cabinet resolutions of January and March 2012, the government created a two billion baht (\$62 million dollars) compensation fund for victims of political violence during the period from 2005 to May 2010, and instructed the Ministry of Social Development and Human Security (MSDHS) to administer the fund. As of June, approximately 6,150 individuals had registered as "affected persons," and the ministry paid more than 2,300 claims, totaling more than 1.8 billion baht (\$56 million).

In addition, via cabinet resolutions of 2005 and April 2012, the government created a compensation fund for victims of violence in the South since January 2004, and assigned the Southern Border Provinces Administration Center to manage the fund. Based upon the April 2012 resolution, as of August, it compensated more than 12,000 people with a total of approximately 2 billion baht (\$62 million).

Thai security forces clashed with illegal cross-border loggers, mostly Cambodian citizens, throughout the year, resulting in both Thai and Cambodian deaths. Members of an illegal logging group shot and killed Thai Forestry Patrol Ranger Thaweesak Chomyong in Sa Kaew Province in March. Thai security forces killed two Cambodian illegal loggers and captured two in a clash in Sisaket Province in May.

There were no clashes reported between Thai and Cambodian security forces in the disputed border area near the Preah Vihear temple; however, a landmine that military officials believed Cambodians planted in Surin Province approximately one kilometer from the border exploded on March 5 and injured three Thai security members. The Thai military submitted a protest letter to the Cambodian military regarding the incident.

b. Disappearance

There were no confirmed reports of politically motivated disappearances (see section 1.g.).

The Office of the National Anti-Corruption Commission (NACC) concluded its investigation into the 2004 disappearance of Muslim attorney and human rights activist Somchai Neelaphaijit without identifying any culprits. The NACC also suspended its investigation into the August 2011 killing of Jehrohane Yuso, the wife of Abduloh Abukaree, a key witness in the DSI case connected to Somchai's disappearance. The NACC failed to identify any perpetrators in Jehrohane's killing. Abduloh Abukaree disappeared in 2009.

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

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

The constitution prohibits such practices. There is no law specifically prohibiting torture, although it is punishable as an offense against the person. Additionally, Section 17 of the Emergency Decree on Public Administration in the State of Emergency (2005), hereinafter "the Emergency Decree," effectively provides immunity from prosecution to security officials for actions committed during the performance of their duties. As of September the cabinet had renewed the

Emergency Decree 33 times for consecutive three-month periods since 2005 in several provinces in the South.

Credible NGOs and legal entities continued to report that police and military members occasionally tortured and beat suspects to obtain confessions, and newspapers continued to report numerous cases of citizens accusing police and other security officials of brutality. There were criminal actions pursued against Royal Thai Police (RTP) officers. Available official statistics showed 456 charges filed from January to August, twice as many as were filed during the previous eight-month period, May to December 2012. There were 4,760 internal investigations of official misconduct conducted from October 2011 through September 2012, a decrease from 7,024 investigations for the previous year.

Families of four male minors, ages 14 to 16, claimed police officers wrongfully accused, arrested, detained, and beat the youths in Nakhon Pathom Province on February 12. They contended that officers arrested the youths in their homes based on allegations they were members of a gang and then beat them at the police station until they confessed to the crime. Police officials denied the allegations, and the investigation continued at year's end.

In April video clips surfaced of a 2011 incident in which military trainers beat and kicked three naked recruits whom they ordered to remain stationary. The Army investigation of this incident that occurred within the 15th Communication Battalion of the 15th Infantry Division based in Pattani Province continued as of August.

Prison and Detention Center Conditions

Conditions in prisons and various detention centers--including drug rehabilitation facilities and immigration detention centers (IDCs) where authorities detained refugees and asylum seekers--remained poor, and most were overcrowded.

Physical Conditions: As of September 1, there were approximately 273,000 prisoners held in prisons and detention facilities with a maximum design capacity of 209,000. About 15 percent of the detainees were female, and less than 1 percent were juveniles. At the IDC in Bangkok, as of September 1, authorities detained 735 foreign nationals.

In some prisons, sleeping accommodations were insufficient, the lack of medical care was a serious problem, and communicable diseases were widespread.

Prisoners generally had access to potable water supplied as tap water treated by water purification. Authorities at times transferred seriously ill prisoners and detainees to provincial or state hospitals.

Approximately 27 percent of the prison population consisted of pretrial detainees. Prison officials did not segregate these detainees from the general prison population. The government often detained individuals held under the Emergency Decree in the southernmost provinces in military camps or police stations rather than prisons. Authorities occasionally held men, women, and children together in police station cells pending indictment. Separate detention facilities for juvenile offenders were available in all provinces. Conditions for women were typically better than for men, in large part because the prisoners themselves managed and implemented much of the prison's maintenance and cleaning.

In IDCs, however, authorities detained women and men together and placed juveniles above age 14 with adults. Complaints, especially by Muslim detainees, continued of inadequate and culturally inappropriate food. There also were persistent reports of forced labor and extortion by guards and poor facility ventilation. IDC operators reportedly did not permit detainees, including children, to exercise sufficiently at some facilities.

Conditions at Laksi Temporary Prison, which held 23 members of the UDD who violated the lese-majeste (royal insult) law or engaged in illegal activity during the April-May 2010 political violence, were relatively better and less crowded than general prisons, according to the prisoners' attorneys.

According to the Ministry of Interior Investigation and Legal Affairs Bureau, 799 persons died in official custody from October 2012 to July. Authorities attributed most of those deaths to natural causes. There was one report of officials killing a prisoner during the year. In May prison officials killed one prisoner and captured four who had stabbed a guard taken hostage during their attempted escape from a Nakhon Si Thammarat Province Prison. An investigation into the incident continued as of September.

An investigation continued at year's end into the July 2012 death of Kamnung Phonphruk, a murder suspect detained in Phang Nga Provincial Prison.

Separately, the government may detain individuals who use drugs in compulsory rehabilitation centers for either 120 or 180 days in order to convert drug addicts into "decent citizens." These centers, a joint project of the ministries of justice and

public health as well as the Royal Thai Armed Forces, are located in approximately 56 military camps and 11 civilian centers and have held approximately 15,000 individuals as of September. Department of Probation authorities contend that the government periodically evaluated the effectiveness of the operations and that many military camps had medical personnel or a medical team visited the camp at least once a week.

The law classifies drug users as patients rather than criminals, but local authorities made no individual clinical assessments of the severity of drug dependence and afforded no due process before detention. After release, government officials did not typically offer patients follow-up treatment. Media reports catalogued abuses of addict detainees, including physical abuse; the absence of some health services, such as medically assisted detoxification; HIV prevention, treatment, care, and support; and evidence-based drug dependence treatment. For example, in May authorities arrested a military trainer for the murder of an addict detainee in Phetchaburi Province. The trainer allegedly forced the detainee to withdraw 600,000 baht (\$19,000) from a bank before he fatally shot him. The individuals operating rehabilitation centers were generally military personnel with no medical background. Moreover, civil society groups operating harm-reduction programs faced barriers to delivering their services to drug users, and there continued to be reports that law enforcement officers arrested and harassed outreach workers acting within this government-approved project.

Administration: Prison authorities sometimes used solitary confinement of not more than one month, as permitted by law, to punish male prisoners who consistently violated prison rules or regulations. The Department of Corrections maintained that the average confinement was approximately seven days. Authorities also used heavy leg irons to control prisoners who were deemed escape risks or possibly dangerous to other prisoners. In January the Department of Corrections removed leg irons from over 500 death row and other long-term inmates in a Bangkok prison as part of a pilot program to terminate this practice.

Prisoners and detainees had access to visitors and authorities permitted religious observance. Authorities permitted prisoners and detainees or their representatives to submit complaints without censorship to ombudsmen but not directly to judicial authorities. Ombudsmen in turn may consider and investigate complaints and petitions received from prisoners and provide recommendations to the Department of Corrections, but they are not empowered to act on a prisoner's behalf, nor may they involve themselves in a case unless an individual files an official complaint

(see section 5). Authorities rarely investigated complaints and did not make public the results of such investigations.

Officials used an online data-sharing system for prisoner recordkeeping, which they sometimes supplemented with letters and phone calls if information conflicted. In IDCs, according to independent human rights observers, detainees and their children may be held for years unless they pay a fine and their way home, since by law, "...the alien will have to pay the expense of deportation...[and] [t]he expense of detention shall be charged to the alien's account."

Judicial authorities often imposed alternative penalties (e.g., probation, suspended sentence, fine, or restriction on movement) rather than imprisonment on nonviolent offenders, minors, and convicts with disabilities. In March the Department of Corrections began to use personal electronic monitoring devices to detain some individuals at their homes instead of in prisons.

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

Independent Monitoring: The Ministry of Justice, through its Department of Corrections, is responsible for monitoring prison and detention facility conditions. The government permitted visits to prisons and IDCs by independent human rights observers, and allowed human rights organization representatives to meet prisoners without third parties present, to make repeated visits, and to receive access to all police facilities in the southernmost provinces. An international human rights organization reported that authorities allowed access to all prisons in the country during the year and continued to engage with military and police agencies regarding international policing standards and the exercise of police powers.

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

d. Arbitrary Arrest or Detention

The constitution specifically prohibits arbitrary arrest and detention, although government forces occasionally arrested and detained persons arbitrarily. The

Emergency Decree, which gives the government authority to detain persons without charge for up to 30 days in unofficial places of detention, remained in effect in the three southernmost provinces of Yala, Narathiwat, and Pattani except the Mae Lan District of Pattani Province (see section 1.d., Role of the Police and Security Apparatus). The decree is in addition to martial law, which is also in force in the three southernmost provinces (except the Mae Lan District) as well as 31 border provinces. Martial law allows the government to detain individuals for up to seven days.

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

According to the advocacy group People's Information Center, as of June, the government imprisoned 18 UDD protesters for crimes such as rioting and arson that they allegedly committed during the 2010 political demonstrations. These individuals included five convicted prisoners and 13 pretrial detainees. Lawyers affiliated with the UDD movement continued to pursue bail for these remaining detainees held in several provinces. According to a UDD-affiliated information center, of the 1,857 arrests related to the 2010 protests, authorities prosecuted 1,664 individuals as of June. Authorities continued prosecutions against 150 persons, 137 of whom are free on bail, while officials continued to detain 13 individuals. According to DSI, of the 272 protest-related cases under its jurisdiction, it completed 224 investigations as of September. DSI continued to investigate the remaining 48 cases.

Role of the Police and Security Apparatus

The RTP has the authority to minimize threats to internal security and suppress criminal activity. It is under the direct supervision of the prime minister and a 20-member police commission. The prime minister appoints the police commissioner general subject to cabinet and royal approval. The Border Patrol Police have special authority and responsibility in border areas to combat insurgent or separatist movements.

The Internal Security Act (ISA) created the Internal Special Operations Command (ISOC) as a state agency under the command of the prime minister, who acts as

ISOC director. The ISOC is an interagency monitoring body with both civilian and military representation. The ISA also authorizes broad powers for the military. The government continued its 2011 pilot program in Mae Lan District, Pattani Province, in which it maintained the ISA and martial law without using the Emergency Decree, to study the effectiveness of the ISA alone in maintaining security and decreasing violence in the South. The experiment resulted in a similar or reduced incidence of violence in the district, which is small and has had a low incidence of violence historically compared with the region. An additional four districts in Songkhla Province were only under the ISA. The decree provides the government greater powers than the ISA and therefore takes precedence.

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

There were reports that police abused prisoners and detainees, generally with impunity. Complaints of police abuse may be filed directly with the superior of the accused police officer, the Office of the Inspector General, or the police commissioner general. The NHRC, the Lawyers' Council of Thailand (LCT), the NACC, the Supreme Court of Justice, the Justice Ministry, and the Office of the Prime Minister also accepted complaints of police abuse and corruption, as did the Office of the Ombudsman. The NHRC received 254 complaints of police abuse, as of August, about five times as many as were filed in all of 2012.

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

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

Under a cabinet mandate, the Ministry of Defense requires that service members receive human rights training. Routine training occurred at various levels, including for officers, noncommissioned officers, enlisted personnel, and recruits. Additionally, military service members deploying in support of counterinsurgency

operations in the South also received specific human rights training, including training for detailed, situation-specific contingencies.

Arrest Procedures and Treatment of Detainees

With few exceptions the law requires police to obtain a warrant from a judge prior to making an arrest. The system for issuing arrest warrants was subject to misuse by police as well as a judicial tendency automatically to approve all requests for warrants. By law authorities must inform persons of likely charges against them immediately after arrest and allow them to inform someone of their arrest. Criminal detainees have the right to initiate habeas corpus or other court proceedings to determine the lawfulness of their detention and may obtain compensation if authorities unlawfully detained them.

The law provides for access to counsel for criminal detainees; however, lawyers and human rights groups claimed that police often conducted interrogations without providing access to an attorney. In the southernmost provinces, lawyers reported that under the Emergency Decree, authorities denied them adequate access to detained clients, and some individuals reported that government officials denied them permission to visit detained family members. Authorities sometimes pressured foreign detainees, especially migrant workers and those in the country illegally, to sign confessions without the benefit of a competent interpreter/translator. The Ministry of Justice and the Court of Justice assigned approximately 450 attorneys to indigent detainees at public expense from October 2012 to August. Lawyers noted that fees offered for such service were often low.

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

Arbitrary Arrest: Under martial law, the military has the authority to detain persons without charge for a maximum of seven days, and under the Emergency Decree, authorities may detain a person for up to 30 days without charge (see section 1.g.).

Pretrial Detention: Under normal conditions, the law allows police to detain criminal suspects for 48 hours after arrest for investigation. Lawyers reported that

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

Before charging and trial, authorities may detain individuals for a total of 84 days (for the most serious offenses), with a judicial review required for each seven-day period. After formal charge and throughout trial, depending on prosecution and defense readiness, court caseload, and the nature of the evidence, detention may last for one to two years before a verdict and up to six years until Supreme Court appellate review. The time a defendant spent in detention prior to sentencing occasionally equaled or exceeded the sentence for the alleged crime.

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

Amnesty: A June royal pardon allowed the release of Singapore national Wanchai Sae Tan, after he served four years in prison on a 15-year sentence for lese-majeste offenses.

In August the governing Puea Thai Party introduced legislation that would grant amnesty to persons involved in political unrest between September 2006 and May 2011. Human rights groups and political opponents expressed concern that the bill would grant amnesty to former Prime Minister Thaksin Shinawatra for a conviction for economic fraud and to government authorities allegedly responsible for the violent crackdown in 2010. The international community, including the UN Office for the High Commissioner for Human Rights, called for the legislation to exclude those responsible for human rights abuses and to take steps to prosecute perpetrators of such violations. The government withdrew the bill on November 11 after significant public street protests.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary. Although observers generally regarded the judiciary as independent, it was subject to corruption and outside influence. According to human rights groups, the lack of progress in

several high-profile cases involving alleged police and military abuse continued to diminish public trust in the justice system and discourage some victims of human rights abuses (or their families) from seeking justice.

Trial Procedures

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

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

The government provided legal aid on an intermittent, voluntary basis, and the aid was of low quality. The LCT budget remained the same as last year, approximately 50 million baht (\$1.6 million). Some NGOs reported that legal aid lawyers pressured their clients into paying additional fees directly to them, but the LCT's lawyer etiquette division explained that clients must pay expenses, such as travel, incurred by their attorney. The court is required to appoint an attorney in cases where the defendant disputes the charges, is indigent, or is a minor, as well as in cases where the possible punishment is more than five years' imprisonment or death. Most free legal aid came from private groups, including the LCT and the Thai Women Lawyers Association. There is no discovery process; consequently, lawyers and defendants do not have access to evidence prior to trial. The law provides for access to courts or administrative bodies to appeal or seek redress, and the government generally respected this right.

Several NGOs continued to express concern over the lack of adequate protection for witnesses, particularly in cases involving alleged police wrongdoing. The Justice Ministry Office of Witness Protection had limited resources and primarily played a coordinating role. In most cases witness protection was provided by

police, but six other state agencies also participated in the program--the Ministry of Defense; the Office of the Narcotic Control Board; and the Departments of Special Investigations, Provincial Administration, Juvenile Observation and Protection, and Corrections.

Police officials continued to force pretrial criminal suspects to re-enact their alleged crimes in the presence of media, victims and their families, and the public. Media widely published and broadcast images from these re-enactments on an almost-daily basis. Police officials often ordered suspects to perform certain actions consistent with the crime's circumstances. Police conducted thousands of re-enactments during the year. Although police regulations required that suspects "confess" before re-enactments, police often obtained these "confessions" by coercion, including physical assault. Individuals at re-enactments physically assaulted suspects on at least five separate occasions this year, as of August. The NHRC investigated crime re-enactments and hosted seminars on this issue in August 2012 and in July. They recommended in March that police officials modify their procedures to protect suspects' rights. Human rights organizations have criticized forced re-enactments because they violate the presumption of innocence and encourage violence against suspects.

Political Prisoners and Detainees

There were no government reports of political prisoners or detainees, but sources estimated that seven to 18 persons remained detained under lese-majeste laws that outlaw criticism of the monarchy (see section 2.a.). Some of those cases involved persons exercising their rights of freedom of expression and peaceful assembly.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters. The law provides for access to courts and administrative bodies to sue for damages for, or cessation of, a human rights violation. The government generally respected this right, but the Emergency Decree in force in three provinces expressly excludes Administrative Court scrutiny or civil or criminal proceedings against government officials. Victims may seek compensation from a government agency instead.

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

The constitution specifically prohibits such actions. The government generally respected these prohibitions, but martial law and the Emergency Decree give

government security forces authority to conduct warrantless searches, and they continued to use this authority routinely in the southernmost provinces and border areas. There were complaints during the year from persons claiming that security forces abused this authority, although the seriousness of allegations declined compared with prior years.

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

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

Internal conflict continued in the ethnic Malay- Muslim-majority, southernmost provinces (Narathiwat, Pattani, Yala, and portions of Songkhla) throughout the year. As a result of frequent bombings and other attacks by suspected insurgents as well as government security operations, tension between the local ethnic Malay Muslim and ethnic Thai Buddhist communities remained high, alongside the local population's persistent distrust of security officials. The Emergency Decree in effect in this southern area gives military, police, and civilian authorities significant powers to restrict some basic rights and delegates certain internal security powers to the armed forces. The decree also provides security forces broad immunity from prosecution. Moreover, martial law--imposed in 2006--remained in effect and significantly empowered security forces in Narathiwat, Pattani, and Yala Provinces (see section 1.d.).

Killings: Human rights groups accused government forces and progovernment death squads of extrajudicial killings of individuals suspected of involvement with separatists. According to the NGO Deep South Watch, government forces conducted 30 extrajudicial killings in the three southernmost provinces in 2013, as of September.

A reputable NGO claimed that progovernment death squads killed six persons, as of August, after authorities released them early from prison, with a string of targeted shootings during Ramadan. On July 16, an Islamic teacher, Mahdari Ali, was killed in Yala's Banang Sata district. Muslim sources described Mahdari as an important Barisan Revolusi Nasional (BRN) insurgency group cross-border liaison and known by the BRN to be on a security force "black list." Also on July 16, Abdul Rahim Torleh, an individual with suspected links to the insurgency, was killed in his house near an Islamic school in Sateng Nork sub-district, Yala.

According to statistics from the NGO Deep South Watch, separatist violence resulted in 350 individuals killed and 703 injured in 1,039 incidents as of September, comparable to 2012 statistics. They also reported that as of August, violence caused 5,816 deaths and injured 10,391 persons in 13,589 incidents in the region since January 2004, but the organization does not differentiate between violence caused by insurgents, security forces, or criminal elements. As in previous years, separatists frequently targeted government representatives, including district and municipal officials, military personnel, and police, with bombings, shootings, and kidnappings. There was, however, a drop in the number of teachers and school personnel whom separatist targeted this year. Separatists also killed and injured both Buddhist and Muslim civilians from many occupations.

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

Abductions: The Justice for Peace Foundation reported 25 enforced disappearances in 2012 but had not compiled information for 2013, as of September. There were no confirmed reports that individuals disappeared after security officials questioned them in the southern provinces. There were no updates in the possible forced disappearances of Nasuelan Pi from a teashop in Narathiwat Province in January 2012 by two men in military uniforms, or of Abdullo Kutha after a June 2012 meeting with a member of the 43rd Paramilitary Task Force at Ingkhayut Borihan Military Camp in Pattani Province.

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

Martial law allows detention for up to seven days, without charge and without court or government agency approval in Pattani, Narathiwat, and Yala Provinces. The Emergency Decree in effect in the same areas allows authorities to arrest and detain suspects for up to 30 days without charge. After the expiration of this

period, authorities may begin holding suspects under normal criminal law (see section 1.d.). Unlike under martial law, these latter detentions require court consent, although human rights NGOs complained that courts did not always exercise their right of review. In some cases a suspect was held first under martial law for seven days and then detained for an additional 30 days under the decree. The Southern Border Province Police Command stated that it arrested 113 persons under the decree during the year. The number of ISOC arrests during the year under martial law in the southern provinces of Yala, Pattani, and Narathiwat was not available as of September.

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

The UN Committee on the Rights of the Child issued a report on in February 2012 that criticized the government's data collection on this problem, including among refugee children. The report also called for further action to prevent the informal involvement of children in village defense militia, criminalize recruitment under age 18, and review military school training that involved children ages 16 to 18.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

Other Conflict-related Abuses: Human rights organizations alleged that the military continued to mail official letters to village headmen or local district officers in the four southernmost provinces, inviting them to nominate a specified number of "voluntary villagers" to attend a workshop. Credible sources claimed that villagers who attended these training sessions had their privacy invaded since they were interrogated and forced to furnish biometric data (fingerprints, DNA samples, and photographs), but this practice has reportedly become less common. Nonetheless, the 2012 ISOC Region 4 Annual Report stated that 73 of the 729 individuals "invited" or "welcomed" to such sessions were also named in arrest warrants. NGOs also reported in December that DNA sampling was required of over 100 men and boys rounded up during recent police raids on three villages in Sai Thong subdistrict, Pattani Province, and at several road checkpoints in the southernmost provinces.

As of September, insurgents had not attacked schools in the southernmost provinces. In the 2004-12 period insurgents burned more than 300 schools. The government frequently armed ethnic Thai Buddhist and ethnic Malay Muslim civilians, fortified schools and temples, and provided military escorts to monks and teachers. In some cases the military used schools as barracks. According to the Ministry of Education, during the year separatists killed one student and 10 school personnel, as of September. Since 2004, separatist violence has killed 211 teachers, students, and education staff and injured 352. Insurgent violence also included attacks on medical facilities. The Ministry of Public Health reported that there were 28 arson and bombing attacks on public health centers or residences of public health personnel as of August. During the same period, insurgents killed 26 public health officials and injured 26 others.

Large numbers of Thai Buddhists have fled areas in the South affected by violence. Official registration statistics from the Department of Provincial Administration showed that as of December 2012, Yala Province experienced a slight decline in population, but Pattani and Narathiwat Provinces had slight increases. Likewise, during the 12-month period ending in September, registration data showed only Yala Province had significantly fewer Buddhists move into (824) rather than out of (4,351) the province; Pattani and Narathiwat Provinces' arrival and departure statistics for Buddhist residents were nearly equal. Official registration data, however, may not accurately reflect numbers of actual residents who may live elsewhere for employment or other reasons but remain registered in the region.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law specifically provide for freedom of speech and press with some exceptions, although the government used Emergency Decree authority to limit these rights during the year in southern provinces. The government continued to monitor television and radio broadcasters and exert pressure on broadcast media to cooperate in disseminating constructive and "balanced" news. Nevertheless, the media and civil society vocally criticized government authorities throughout the year. Print, broadcast, and online media covered news critical of the government and its senior-level officials and carried interviews with opposition figures.

The international and independent media operated freely, except in coverage of matters deemed a threat to national security or offensive to the monarchy. By law,

the government may restrict freedom of expression to preserve national security, maintain public order, preserve the rights of others, protect public morals, and prevent insults to Buddhism. The law also allows police with a court order to restrict or confiscate publications and other materials that disturb the peace, interfere with public safety, or offend public morals.

In October 2011 the UN special rapporteur on the promotion and protection of the right to freedom of opinion and expression reportedly urged the government to hold public consultations on amending provisions of lese-majeste laws and computer crime laws in view of their limitations on human rights, their vagueness, and the severity of their penalties. In January 2012 the rapporteur conducted a series of private consultations, reportedly including meetings with members of both houses of the National Assembly and the NHRC. As of the rapporteur's June 2012 report to the UN Human Rights Council, an official visit request was pending.

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

Official statistics varied by agency, but compared to recent years, the number of new lese-majeste cases reportedly decreased this year. According to a local NGO, the number of new lese-majeste cases this year was less than 30. In 2012 there were 84 new cases, 86 in 2011, and 478 in 2010. In the decade before 2006, there were approximately five new lese-majeste charges on average annually according to the Office of the Judiciary. According to the Department of Corrections, the government currently detains between seven to 18 persons under lese-majeste laws, as of October.

On October 1, an appeals court reversed a lower court's acquittal of Sondhi Limthongkul, a core member of the royalist People's Alliance for Democracy, and sentenced him to three years imprisonment for defaming the King in 2008. Despite his strong support for the monarchy, the court convicted Sondhi for merely repeating comments by Red Shirt leader Daranee "da Torpedo"

Charnchoengsilpakul, who was sentenced to 15 years on lese-majeste charges in 2011.

In one of the highest profile lese-majeste cases, on January 23, a court convicted publisher and labor organizer Somyot Phruksakasemsuk on lese-majeste charges based on two articles published in *Voice of Taksin* magazine in 2010 and sentenced him to 11 years in prison. The court also denied his bail request for the fifteenth time. In October 2012 the Constitutional Court rejected Somyot's petition to invalidate Article 112 as unconstitutional and ruled that criminal penalties for lese-majeste offenses were constitutional because such offenses represented threats to national security.

For the first time, a court ruled that the lese-majeste law covers former monarchs. On May 8, the Supreme Court upheld a trial court's conviction of a local politician for defaming King Rama IV, who reigned from 1851 to 1868, and sentenced him to four years in prison, subsequently reduced to a two year suspended sentence. The court reasoned that defaming the former king could affect the current king.

Although the lese-majeste law does not criminalize insults against members of the Privy Council, the Supreme Court in Nakhon Ratchasima Province sentenced a local Red Shirt leader, Paphachanan Ingchan, to three years in prison for burning a coffin bearing the name of the then head of the Privy Council, General Prem Tinsulanond, at an April 2009 protest. Paphachanan and others placed a mocking reference to General Prem--"*Pra Ong Than*"--which roughly translates as "His/Her Highness," on the coffin. A high-ranking military officer subsequently filed a complaint with the police. The court ruled that such a display threatened the king.

During the year citizens initiated complaints against each other, and in one case, a person filed charges against his brother for purportedly insulting the monarchy while watching television news and placing allegedly defamatory words on a compact disc. On September 13, the criminal court found Yuthaphum Madnok not guilty of these lese-majeste charges, although authorities had detained Yuthaphum since his arrest in November 2010 and denied both of his bail requests. The Office of the Attorney General (OAG) had not decided whether to appeal the case, as of October.

The King granted at least three royal pardons to those found guilty of lese-majeste during the year, including to Surachai Danwattananusorn, a well-known Red Shirt leader whom a court sentenced in 2012 to 7 1/2 years in prison for defaming the monarchy. The King only pardons those individuals who confess to their offense.

Advocates of freedom of expression lauded the decision by the Thai Public Broadcasting Service's (PBS) to broadcast a political discussion program in a five-part series on the role of the monarchy and lese-majeste entitled "The Monarchy under the Constitution." The episodes featured a historian, a former foreign minister, and supporters and opponents of the monarchy. The programs discussed whether public loyalty towards the monarchy is genuine and contained heated debates on lese-majeste. Protests from monarchy supporters prompted PBS to delay airing the final episode, but PBS ultimately decided to go forward with the broadcast.

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

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

Violence and Harassment: Four men on two motorcycles threw a steel ball and a giant firecracker at a security-guard booth of *Thai Rath Newspaper* office on May 11. No one was injured, but the attack damaged the booth. Police have failed to identify the four men, claiming that the closed-circuit television in front of the newspaper's office was broken. The attack occurred after *Thai Rath's* famous cartoonist Somchai Katanyutanant, aka Chai Ratchawat, posted a message on his Facebook page criticizing Prime Minister Yingluck Shinawatra for her controversial April 29 speech in Mongolia at the Community of Democracies Ministerial Meeting. On May 30, UDD members staged a rally in front of *Thai*

Rath to protest the cartoonist's message and demanded that the newspaper fire Somchai.

On August 17, gunmen opened fire on the house of *Post Today's* editor Pattara Khampitak in Nonthaburi Province. The attack damaged a family member's vehicle. Individuals found a hand grenade hanging on the house's front gate. After the incident, opposition Democrat Party leader Abhisit Vejjajiva said the attack at Pattara's house was "intended to send a threatening message" because the editor criticized the government. Two days later, Deputy Government Spokeswoman Sunisa Lertpakawat denied the government's involvement in the attack.

Censorship or Content Restrictions: The Emergency Decree, which remains in effect in the conflict-affected three southernmost provinces, empowers the government "to prohibit publication and distribution of news and information that may cause the people to panic or with an intention to distort information." It also authorizes the government to censor news considered a threat to national security.

Journalists generally were free to comment on government activities and institutions without fear of official reprisal. Nonetheless, they occasionally practiced self-censorship, particularly with regard to the monarchy and national security. A journalism institute reported that although the government did not engage in any direct intimidation of print media, it did do so indirectly through its advertising choices.

Broadcast media were subject to government censorship, both directly and indirectly, and self-censorship was also evident. Nevertheless, broadcast media reported criticism of the government.

In January, TV Channel 3 abruptly canceled the popular series of TV drama "*Nua Mek 2*" (*Above the Cloud Part II*) ostensibly because of viewer protests, although activists believe government officials ordered TV 3 administrators to terminate the program because it criticized corrupt politicians. Both TV 3 and the government denied these allegations. The television and radio regulator, the National Broadcasting and Telecommunication Commission, determined that the decision was within TV 3's administrative power and did not object to the decision.

Libel Laws/National Security: Defamation is a criminal offense, punishable by a fine of up to 200,000 baht (\$6,200) and two years' imprisonment. During the year

criminal courts made several rulings on defamation and libel cases against political activists and politicians.

On May 3, Prime Minister Yingluck Shinawatra's legal team filed a libel report against *Thai Rath*'s cartoonist Somchai Katanyutanant, aka, Chia Ratchawat. She alleged that Somchai defamed her by posting a critical message on Facebook regarding her April 29 speech in Mongolia (see also Violence and Harassment).

Internet Freedom

The government imposed some restrictions on access to the internet and reportedly monitored internet chat rooms and social media without appropriate legal authority. Individuals and groups generally engaged in the peaceful expression of views via the internet, including by e-mail, although there were several limitations on content, such as lese-majeste, pornography, and gambling. Internet access was widely available in urban areas and used by citizens, including through a government program to provide limited free Wi-Fi access at 300,000 hotspots in cities and schools.

The law establishes procedures for the search and seizure of computers and computer data in certain criminal investigations and gives the Ministry of Information and Communications Technology authority to request and enforce the suspension of information disseminated via computer. The government may impose a maximum five-year prison sentence and a 100,000 baht (\$3,100) fine for posting false content on the internet that undermines public security, causes public panic, or hurts others. Authorities may impose a maximum 20-year sentence and 300,000 baht (\$9,400) fine if an offense results in the death of an individual. The law also obliges internet service providers to preserve all user records for 90 days in case officials wish to access them. Any service provider who gives consent to or intentionally supports the publishing of illegal content is also liable to punishment. Most prosecutions continued to be for content-related offenses. By law authorities must obtain a court order to ban a website, although they did not always apply this requirement. Media activists criticized the law, stating that the offenses were too broadly defined and some penalties were too harsh.

There was continued internet censorship, and use of the law continued to stifle certain areas of freedom of expression. In August for instance, Thai authorities harassed and questioned Sermsuk Kasitpradit, a journalist and political news editor, for posts made on his personal Facebook page that speculated about a possible military coup. The government closely monitored and blocked thousands

of websites that criticized the monarchy. Many political web boards and discussion forums chose to self-censor and monitor discussions closely to avoid being blocked, and newspapers disabled or restricted access to their public comment sections to minimize exposure to possible lese-majeste charges.

The RTP Electronic Crime Suppression Division reported receiving during October 2012 to September 2013, 611 cases that resulted in 146 investigations. In contrast, they reported 776 computer-related complaints during 2011 that resulted in 442 investigations--a complaint rate markedly greater than the 47 in 2009 or 285 in 2010. Most cases involved alleged defamation, lese-majeste, and illegal activity such as gambling and pornography. According to a local NGO's report, the Ministry of Information and Communication Technology received 48 requests, which resulted in blocking 4,587 Uniform Resource Locators (URLs), 88 percent of which related to lese-majeste. Since passage of the 2007 Computer Crime Act, authorities blocked more than 102,000 URLs, 76 percent related to lese-majeste, according to 2012 statistics.

In August the Technology Crime Suppression Division (TCSD) Chief Police Major General Pisit Pao-in announced that his division contacted the Japan-based LINE provider in order to gather information on LINE users in Thailand. LINE is a popular social media platform used by an estimated 15 million Thai citizens. Police said this action was "for the sake of the nation's security." After the media, academics, and LINE users heavily criticized him, Pisit organized another press conference to explain that police did not intend to interfere with individuals' right of privacy, but would "scrutinize some suspected LINE users who may do illegal acts through LINE." The Minister of Information and Communications Technology denied any government effort to gather information about LINE users.

Academic Freedom and Cultural Events

The government continued to restrict academic discussions of the monarchy. Thammasat University professor and noted historian Somsak Jiamthirasakul, who voluntarily appeared at a police station in May 2011 for the government to charge him with lese-majeste for discussing the future of the monarchy, reported to the OAG in November 2012 and on April 3, but the OAG granted postponements on both occasions. His case, based on a complaint an RTA officer filed, remained pending at year's end.

Authorities may censor cultural events, and usually cited reasons of public decency for doing so. By law the state may also ban the release of movies that "offend the

monarchy, threaten national security, hamper national unity, insult faiths, disrespect honorable figures, challenge morals, or contain explicit sex scenes.” The law stipulates that the Film and Video Classification Committee must screen and approve all films to be shown, rented, exchanged, or sold in the country. Additionally, theater owners and broadcasters frequently removed content before submitting films to the board.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution provides for freedom of assembly, and the government respected this right with some exceptions. Martial law, which gives the military authority to restrict freedom of assembly, remained in effect in 31 border provinces and the three southernmost provinces. The Emergency Decree, in effect in the three southernmost provinces, also provides authority to limit freedom of assembly.

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

The government re-imposed the ISA for eight days in August, and for approximately seven weeks in October and November, in three Bangkok districts to control protests by antigovernment groups against parliament’s consideration of an amnesty bill. On November 25, the government subsequently expanded ISA enforcement to include all of Bangkok and other surrounding areas after antigovernment protestors seized government agencies. Thousands of protesters demonstrated peacefully outside of the restricted districts.

On the evening of November 30-December 1, five people were killed in clashes between pro and antigovernment protestors near Ramkhamhaeng University. In separate incidents, demonstrators clashed violently with police forces December 1-2 as security officials used tear gas, water cannons, and rubber bullets to prevent demonstrators from entering Government House and police headquarters, although they later allowed protesters to occupy temporarily these facilities. Some demonstrators and police officials sustained injuries, but no one was killed.

In January the Supreme Administrative Court ordered the Royal Thai Police, the Songkhla Provincial Authority, and the Ministry of Interior to pay 100,000 baht (\$3,100) to 24 Thai and Malaysian protestors against a gas pipeline project, because authorities suppressed their December 2002 demonstration in Songkhla.

Freedom of Association

The constitution specifically provides for freedom of association, although the law permits exceptions “to protect public interests, to maintain public peace and order or good morals, or to prevent economic monopoly.” While the government generally respected the freedom of association, Falun Gong members reported that the government continued to deny their request to register their organization as an official foundation or association.

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

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

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

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

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

Authorities continued to treat refugees and asylum seekers from Burma outside of designated border camps, including Rohingya boat arrivals, as illegal migrants. Individuals categorized as illegal migrants are by law subject to arrest and

detention. The government continued to work in cooperation with donors and international organization partners to ensure Rohingya protection and assistance while in IDCs and shelters. Despite its temporary suspension in 2012, the process of permitting bail for detained refugees and asylum seekers initiated in 2011 continued to result in the release of limited numbers of detainees. As of November 26, 34 refugees, of whom five were children, and 10 asylum seekers, including two children, were out of immigration detention on bail.

In-country Movement: The government continued to restrict the free movement of members of hill tribes and other minority groups who were not citizens but held government-issued identity cards. The holders of such cards are prohibited from traveling outside their home districts without prior permission from the district office or outside their home provinces without permission from the provincial governor. Offenders are subject to fines or a jail term of 45 to 60 days. Persons without cards may not travel at all. Human rights organizations reported that police at inland checkpoints often asked for bribes in exchange for allowing stateless persons to move from one district to another.

Refugees residing in the nine refugee camps on the border with Burma were not allowed freedom of movement and were by law confined to the camps, although a few registered refugees were granted permission to travel from one camp to another. A refugee apprehended outside the official camps is subject to a fine, detention, deregistration, and deportation.

Refugees and asylum seekers were not eligible to participate in the official nationality verification process, which allows migrant workers with verified nationality and passports to travel throughout the country. Authorities restricted those holding only work permits from traveling outside the province where they work without official permission.

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

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

Protection of Refugees

Thailand is not a signatory to the 1951 Convention relating to the Status of Refugees or its 1967 Protocol. The government's treatment of refugees and asylum seekers continued to be inconsistent. Nevertheless, authorities continued to host significant numbers of refugees, provided some protection against their expulsion or return, and allowed persons fleeing fighting or other incidents of violence in neighboring countries to cross the border and remain until conflict ceased. In addition, authorities permitted non-Burmese refugees recognized by the UNHCR and registered Burmese refugees residing in official refugee camps to resettle in third countries.

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

The UNHCR remained limited in its ability to exercise its protection mandate to some Lao Hmong and Burmese outside the official camps as well as to all North Koreans. It continued to have access to asylum seekers in the main IDC in Bangkok and at Suvarnabhumi International Airport to conduct status interviews and monitor new arrivals. During the year it gained access to provincial IDCs containing ethnic Rohingya, including coastal Ranong Province and southern Songkhla Province to conduct limited refugee status determinations. Authorities allowed resettlement countries to conduct processing activities in the IDCs, and humanitarian organizations were able to provide health care, nutritional support, and other humanitarian assistance.

The government continued to allow the UNHCR to monitor the protection situation of the more than 130,000 Burmese refugees and asylum seekers living in the nine camps along the border with Burma but continued to prohibit the UN agency from having an assistance role in the camps. NGOs, funded by the international community, provided basic humanitarian assistance in the camps, including healthcare, food, education, shelter, water, sanitation, housing, and other services. Government authorities issued identification cards to registered refugees living in the camps. Outside the camps, government officials did not distinguish between asylum-seeking Burmese and other undocumented Burmese, regarding all as illegal migrants. Authorities generally took those arrested to the border and deported them. A portion of Rohingya boat arrivals in early 2013 were reportedly

either deported across the Burmese border at Ranong, or “helped on”--escorted out of Thai waters to Malaysia. For example, in February, 98 Rohingya died in a boat that the government allegedly towed back to sea before it landed in Sri Lanka.

The government facilitated the resettlement of 6,223 Burmese from camps to eight other countries as of November. Refugees residing in the nine camps along the border who were not registered with the government were not eligible for third-country resettlement.

An estimated 60,000 Burmese have not registered since the cessation of the Provincial Admissions Boards (PAB) in 2005. Prior to November 2012, when registered refugees resettled, unregistered family members were left behind without re-unification prospects. In addition, beneficiaries of foreign-government-approved refugee and asylee family re-unification visas were not permitted to depart Thailand. In November 2012 the government resumed a limited PAB screening to consider refugee cases under the family re-unification criteria (parent/child or spousal relationships) only. During the year authorities approved the first list of 925 family re-unification cases and most of the initial tranche departed for third-country resettlement. The limited PAB screening process expanded to all nine camps, benefiting an estimated 1,600 previously unregistered camp residents, including 115 individuals eligible for family re-unification by means of re-unification visas approved by foreign governments. UNHCR submitted an additional 400 cases in a second tranche between March and August.

Refoulement: The government provided some protection against the expulsion or return of refugees to countries where they would face threats to their lives or freedom because of their race, religion, nationality, membership in a particular social group, or political opinion, and during the year thousands of asylum seekers entered the country and its refugee camps. Nonetheless, NGOs estimated that army border units returned thousands of Burmese asylum seekers--mostly those seeking refuge from border skirmishes--to Burma before they could reach established refugee camps. The Mae Sot District IDC in Tak Province deported 53,243 migrants this year, as of July and the Ranong Province IDC deported 3,508 migrants this year, as of August; some of them might have had asylum claims.

Immigration Police continued to arrest and detain asylum seekers and refugees, including women and children, in Bangkok. About 250 detainees were from Laos, Cambodia, and Burma, while approximately 130 were from North Korea. Government officials estimated that the IDC repatriated approximately 200 to 300 detainees per week. Authorities usually detained Laotian, Burmese, and

Cambodian individuals for five days on average, before they repatriated them. Officials held detainees who lacked assistance from their respective embassies, sought third-country resettlement, refused to return to their nations of origin, or lacked funds to pay for their return trip home, oftentimes for a year or more.

Refugee Abuse: Media reports, Human Rights Watch, and other sources alleged that government officials pushed boats of Rohingya, possibly asylum seekers, out to sea, fired guns at boat passengers, took bribes from human smugglers and traffickers who detained Rohingya on Thai islands, and colluded with traffickers.

Authorities fired a police official and charged him with human trafficking in June in a case that involved a man raping a female asylum seeker who was previously in a shelter for women and children. The investigation continued as of November and it was not clear as to what extent the police officer was involved in the incident and whether he played a facilitating role. Five female Rohingya, two of them minors, claimed that in late May two civilians and a police officer lured them from a shelter, with the police officer driving them to a location where the civilians raped a 25-year old victim. Officials charged the police officer with three counts, including collaboration in trafficking, abduction, and negligence and dereliction of duty. As of November, the case remained with the Office of Public Sector Anti-Corruption Commission.

In an August 8 news report, the media quoted an alleged member of a smuggling and trafficking operation on Tarutao Island, who claimed that his group had bribed ten police and military units in the last four months. The media also reported that half of the island was allegedly off limits to the public and park staff for the first time in the park's history, but noted that the marine police conducted a raid and found a number of smuggled migrants.

During the year approximately 1,400 individuals--mostly ethnic Rohingya--remained confined in IDCs, shelters and police stations for up to nine months. During October and November, the government deported 1,100 of these persons to Burmese islands, where human smugglers allegedly took custody of them.

International humanitarian organizations noted congested conditions and lack of exercise in the IDCs. Some IDCs containing Rohingya lacked efficient medical referral mechanisms and/or failed to make sufficient medical referrals or allow exercise for fear that detainees would escape. Approximately eight Rohingya deaths in IDCs during the year may have been preventable with timely medical referrals.

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

Human Rights Watch stated in August that the government should end the separation and detention of ethnic Rohingya families and allow them to contribute to the Thai economy legally. Following riots and occasionally successful escapes from over a dozen IDCs, shelters, and police stations, government authorities restricted UNHCR, IOM, and ICRC access to Rohingya asylum seekers in August but resumed access on a prearranged basis for some organizations and most sites by October.

Immigration officials allegedly asked Rohingya detained in IDCs if they wanted to repatriate voluntarily, even though in most cases Burma would not recognize them as citizens. Near the end of the year, authorities allegedly conducted "soft deportations" of 1,100 Rohingya across the Burmese border near Ranong. Some were found to be Bangladesh nationals and repatriated to Bangladesh. The government made plans to consolidate and move the Rohingya to expanded detention centers; however, they had taken no action on this plan as of November.

Employment: The law prohibits refugees from working in the country. The government allowed undocumented migrant workers from neighboring Burma, Cambodia, and Laos to work legally in certain economic sectors if they registered with authorities and began a process to document their status (see section 7.d.).

Access to Basic Services: The international community provided basic services for refugees living inside closed camps on the border with Burma. A complicated medical referral system continued to hamper the ability of refugees to seek some necessary medical services.

Since refugee children generally did not have access to the Thai education system, NGOs continued to provide schooling, with some coordination with the Ministry of Education regarding curriculum.

Temporary Protection: Throughout the year small groups of individuals fleeing fighting in Burma's Shan State continued to cross into Thailand. There were no reports of their forced return to Burma by the government, although persons of Shan ethnicity were not permitted to enter the refugee camps, pursue refugee status, or seek resettlement to third countries.

Stateless Persons

In the previous five years, the government proceeded to identify stateless individuals, provide documentation to preclude statelessness, and open paths to Thai citizenship for long-time residents. According to the UNHCR, an estimated 500,000 persons, mainly residing in the northern region, could be considered stateless, and several NGOs stated that most may be eligible for citizenship. Many were members of hill tribes, also known as highlanders (see section 6, Indigenous People). Others were migrants from Burma who did not have evidence of Burmese citizenship, ethnic minorities registered with civil authorities, previously undocumented minorities, and displaced persons residing in border camps.

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

The law stipulates that every child born in the country will receive an official birth certificate, regardless of the parents' legal status. Many parents did not obtain birth certificates for their children due to the complexity of the process, the need to travel from remote areas to district offices, and a lack of recognition of the importance of the document. There were no reports of local officials charging for the free certificate. Through September, authorities issued 2,272 birth certificates

in refugee camps, compared with 3793 in all of 2012. In some camps, government officials issued birth certificates only to children of registered refugees, but NGO sources noted government progress toward issuance of a certificate to every newborn. There is currently a backlog of over 4,000 children born to at least one registered parent between September 2008 and September 2010 without birth certificates.

By law, as noncitizens, stateless highlanders may not vote or own land, and their travel is restricted. Stateless persons also may not participate in certain occupations reserved for citizens, including farming, although officials permitted noncitizen highlanders to undertake subsistence agriculture. Stateless persons had difficulty accessing credit and government services, such as health care. Although education is technically accessible for all undocumented and stateless children, it is usually of poor quality. School administrators continued to place the term “non-Thai citizen” on these individual’s high school graduate certificates, which severely limited their economic opportunities. Officials denied these individual’s university student loan applications, yet provided such loans to Thai citizen students. Public universities continued to charge stateless and undocumented students higher tuition rates than Thai citizens. For example, Chiang Mai University charged Thai citizens 8,000 baht (\$250) per semester, but charged expatriate non-Thais (including stateless people) 28,000 baht (\$870) per semester.

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

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

The constitution provides citizens the right to change their government peacefully through periodic, free, and fair elections based on universal, compulsory suffrage. The constitution provides for the election of all members of the 500-seat House of Representatives and 77 members of the 150-seat Senate. It also provides for the appointment of 73 additional Senate members by a selection committee composed of members of the judiciary and other regulatory bodies, last designated in April 2011.

Elections and Political Participation

Recent Elections: The July 2011 national election for the National Assembly’s lower house generally was considered free and fair, although there were allegations

of vote buying, minor procedural irregularities, and scattered but unconfirmed reports of intimidation by local military and government officials. The Election Commission of Thailand (ECT) reported 604 complaints of fraud in relation to the national election. Among them, the ECT completed 355 investigations--which led to 334 dismissals, 10 re-elections, two recounts, and nine findings of fraud that were referred to the Supreme Court--and 249 complaints were dismissed by the ECT or withdrawn by petitioners without full investigation.

Pollsters Suan Dusit and ABAC announced in February that they would not conduct entry or exit polls for the Bangkok governor's election in March because they feared for the safety of their student pollsters. They alleged that election officials and political party supporters intimidated and obstructed students' access to voters. Some election officials allegedly allowed political supporters to be present at the polling place but forced student pollsters to leave.

Participation of Women and Minorities: The constitution encourages political parties to consider a "close proximity of equal numbers" of both genders. Women have the right to vote and run for positions, but voters elected relatively few female officials. Besides the country's first female prime minister, Yingluck Shinawatra, the July 2011 national election resulted in 81 women in the 500-seat lower house joining 25 women (12 elected, 13 appointed) in the 150-seat Senate. Women held three of the 36 cabinet positions (including Prime Minister Yingluck Shinawatra as defense minister) and chaired two House committees and five of the Senate's 22 standing committees.

Few members of ethnic minorities held positions of authority in national politics. Muslims from the South held significant elected positions at the national level, although officials appointed few Muslims to local and provincial government positions staffed by the centralized national civil service. There were 25 Muslim and seven Christian members of parliament. In the five southernmost provinces, Muslims held 13 of the 21 parliamentary seats. No Muslims or Christians held cabinet posts.

The ECT and civil society organizations continued to work together to enhance voting opportunities for elderly, people with disabilities, hill tribe members, and youth.

Section 4. Corruption and Lack of Transparency in Government

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

Corruption: Corruption remained widespread among members of the police. There were numerous incidents of police charged with abduction, sexual harassment, theft, and malfeasance plus reports that police tortured, beat, and otherwise abused detainees and prisoners, generally with impunity. Authorities arrested police officers and convicted them of murder, drug trafficking, and smuggling; police reportedly also were involved with intellectual property rights violations. For instance, a criminal court in May sentenced four police officers to death, later suspended to life imprisonment, for attempting to resell illegal drugs they had confiscated in their official capacities.

Media reported that police officials at checkpoints in Kanchanaburi Province inspected commuter buses and vans travelling to the Thai-Burma border, singled out Burmese workers, and demanded bribes from them. Authorities reportedly ordered the Burmese nationals to pay 100 baht (\$3) per checkpoint if they had a passport and substantially more if they did not.

A cargo truck owner in Chanthaburi Province accused Police Lieutenant Colonel Suphot Rakkan, Deputy Superintendent for Crime Suppression in Prachinburi Province, of demanding bribes from his transportation business. The owner claimed that after Suphot and other police officials stopped one of his trucks and demanded a bribe and the driver refused, the officers pushed the truck into a canal and the driver and his wife disappeared.

The National Anti-Corruption Commission (NACC) sent several high-profile cases of malfeasance by officials and politicians to the OAG for prosecution and reported that there were 8,581 cases pending investigation in October. In the 12-month period ending October 1, the NACC received 2,625 cases and completed 1,999 cases, 271 of which required further action, including disciplinary actions, impeachments, and referrals to the courts, the OAG, or a joint NACC-OAG committee, and forwarded 293 cases to other agencies for investigation.

At year's end the government continued to enforce the 2009 arrest warrant against former Prime Minister Thaksin Shinawatra. The Supreme Court of Justice for Persons Holding Political Positions' case against him regarding a 2006 government bank loan to Burma remained suspended. He continued to reside outside the

country. The NACC and OAG continued to investigate allegations of corruption committed by members of the Thaksin government from 2001-06, and their findings triggered several cases at the Criminal Division of the Supreme Court of Justice for Persons Holding Political Positions.

For instance, the NACC found former Minister of Information Communication and Technology (ICT) Surapong Suebwonglee and two ICT officials guilty on July 17 of negligence of duty for their amendment of the satellite concession that financially assisted former Prime Minister Thaksin's Shin Corp that owned the concession in 2004. The NACC forwarded the case to the OAG to submit to the Supreme Court of Justice for Persons Holding Political Positions for further action.

On September 10, the Supreme Court's Criminal Division for Holders of Political Positions sentenced in absentia former Deputy Interior Minister Pracha Maleenont to 12 years in prison and former Bangkok Metropolitan Administration Public Disaster Prevention Director Athilak Tanchukiat to 10 years in prison for malfeasance in connection with the 68 billion baht (\$2.1 billion) procurement of a fleet of fire engines in 2004. Both individuals remained at large, and the government issued arrest warrants for them. The court acquitted former Bangkok Governor Apirak Kosayodhin, former Interior Minister Bhokin Bhalakula, and former Commerce Minister Wattana Muangsuk because of lack of evidence.

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

Whistleblower Protection: The law provided protection to public and private employees for making internal disclosures or lawful public disclosures of evidence of illegality. The NACC and the Office of the Witness Protection under Ministry of Justice provided protection for whistleblowers, sometimes in coordination with other state agencies. The law grants protection, personal concealment, and

compensation to whistleblowers, and retaliation by the accused agency or individual is prohibited.

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

In July the NACC found former Defense Permanent Secretary General Sathien Phoemthong-in guilty of unlawful gains while serving as Commander of the Armed Forces Development Command and guilty of false declaration of assets and liabilities while with a state enterprise under the Ministry of Commerce. The NACC planned to freeze some 65 million baht (\$2 million) of Sathien's assets and forward the case to the Supreme Court of Justice's Criminal Division for Political Office Holders for further action.

Public Access to Information: The constitution and law provide public access to government information, and the government effectively implemented the law. The law provided some exceptions for nondisclosure including damage to the monarchy, national security threats, and impediments to effective law enforcement. A state agency was required to respond to a petition within 15 days, but was not required to submit a decision within a certain time. There is no processing fee. If a state agency ignores the petition for disclosure or the requester appeals a request denial, a judge with the Office of the Official Information Commission (OOIC) must decide the case within 60 days. If the OOIC orders the disclosure, the state agency must disclose the information within seven days. The law subjects a non-compliant agency head to civil disciplinary actions or criminal penalties. The OOIC received 159 petitions (agency-ignored requests) and 87 appeals from January to April. The office organized public campaigns and trainings, as well as e-learning programs among its officials and state officials responsible for reviewing requests.

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

A wide variety of domestic and international human rights organizations generally operated without government restriction, investigating and publishing their findings on human rights cases. An exception was NGOs that dealt with sensitive political matters, such as opposition to government-sponsored development projects or border matters, who continued to face periodic harassment. Human rights workers focusing on violence in the southern provinces were particularly vulnerable to harassment and intimidation by government agents and militant groups. The government accorded very few NGOs tax-exempt status, which sometimes hampered their ability to secure adequate funding.

The Natural Fruit Company filed a 318 million baht (\$10 million) criminal defamation case on February 14 against migrant rights advocate and foreign national Andy Hall for his role in publicizing an investigative report released in January and commissioned by the NGO Finnwatch that alleged serious labor rights violations at the company's factory in Prachuap Khiri Khan Province. The company subsequently filed additional criminal defamation charges in September in relation to videos posted by NGO Finnwatch that features comments by Hall, Natural Fruit workers, European Union parliamentarians, and a Finnish retailer about the fruit company's labor practices. Allegations included child labor, failure to pay overtime, confiscation of migrant workers' passports, and conditions that amount to human trafficking. The company claimed that Hall defamed and damaged the company by "broadcasting false statements to public media." Hall and other human rights advocates maintained that the company filed charges to silence him and other activists. Four UN special rapporteurs have expressed in a letter to the government their concerns that the charges against Hall may infringe upon his right to free speech, that the charges may have the effect of silencing other human rights advocates, and that the underlying allegations of human rights violations in the report in question have not been adequately addressed. In August the government released a report of January 28 and February 4 government inspections of the factory, in which it interviewed six workers and found no evidence of child labor, some discrepancies in overtime pay, and widespread document confiscation.

Authorities arrested two suspects, including a police officer, for the November 2012 killings of Montha Chukaew and Pranee Boonrat, activists in a land dispute involving a palm oil company in Surat Thani Province. An investigation continued at year's end.

UN and Other International Bodies: The UN special rapporteur on the right to safe drinking water and sanitation visited in February and urged the government to set up an independent water-monitoring regulator to ensure safe drinking water and sanitation. She stated that undocumented migrant workers, stateless people, members of hill tribes, and sex workers oftentimes lacked access to clean and safe drinking water. The government agreed to schedule a visit by the UN special rapporteur on torture and other inhumane treatment in August or September 2014. According to UN reports, there were no developments regarding official visits previously requested by the UN working group on disappearances; by the UN special rapporteur on the freedoms of expression, assembly, and association; or by a U.N. special rapporteur on the situations of human rights defenders, migrants, and IDPs.

Government Human Rights Bodies: The constitution calls for an independent National Human Rights Commission to protect human rights and to produce an annual country report. The Senate selected the current seven members in 2009. The commission received 607 petitions during the year, as of September. Statistics regarding completed investigations was unavailable. Modest staffing and resources continued to hamper progress. The government responded to NHRC recommendations with an explanation or action approximately one-fourth of the time and adopted approximately one in five recommendations. Civil society leaders continued to rate the NHRC poorly and debated publicly whether the weakness was institutional or simply a result of capacity limitations. They also criticized the commission for not filing lawsuits against human rights violators on its own behalf or on behalf of complainants. In August, the NHRC released the final report of its investigation into the 2010 political violence (see section 1.a).

The Office of the Ombudsman is an independent agency empowered to consider and investigate complaints lodged by any citizen. Following an investigation, the office may refer a case to a court for further review or provide recommendations for further action to the appropriate agency. The office examined all petitions, but it cannot compel agencies to comply with its recommendations. The office is required to submit annual performance reports to the National Assembly but had not done so by year's end. Its 2013 budget was 212.87 million baht (\$6.6 million), up from 184 million baht (\$5.7 million) in 2012. From October 2012 to October 2013, the office received 3,416 new petitions and resolved approximately 3,018 cases. The office also has some 1,500 pending cases.

Two parliamentary committees addressed human rights problems: the House Standing Committee on Legal Affairs, Justice, and Human Rights, and the Senate

Standing Committee on Human Rights, Rights and Liberties, and Consumer Protection. Human rights advocates generally continued to believe the committees were well intentioned but lacked the enforcement capability required to be effective. Advocates also described the committees as reactive, difficult to access, and hampered by the political affiliations of their chairs.

In August the UN Office of the UN High Commissioner for Human Rights reiterated prior calls for the government to implement the recommendations made in the Truth for Reconciliation Commission of Thailand's September 2012 report (see section 1.d., Amnesty). The government had implemented some suggestions, but NGOs and the international community found these steps to be inadequate.

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

The constitution provides for equal treatment without respect to race, gender, religion, disability, or language; however, some discrimination existed, and government enforcement of equal protection statutes continued to be uneven. The law does not provide for equal treatment without respect to sexual orientation or gender identity.

Women

Rape and Domestic Violence: Rape is illegal, although the government did not always enforce the law effectively. The law permits authorities to prosecute spousal rape, and prosecutions occurred. The police reported receiving 2,503 rape cases from January to September, including one case in which the perpetrator killed the victim, and they arrested suspects in 1,456 of these cases, including one that resulted in the victim's death.

The law specifies penalties ranging from four years' imprisonment to the death penalty, as well as fines, for rape or forcible sexual assault, depending on the age of the victim, severity of the assault, use of a weapon, multiple assailants, and physical and mental condition of the victim afterward. The amount of the fine depends on the severity of injury to the victim and generally varies from 8,000 to 40,000 baht (\$250 to \$1,200). The law also provides that any individual convicted twice for the same type of criminal rape within three years is liable to receive increased penalties for recidivism. According to court statistics, authorities filed 4,053 cases in 2012 involving sexual assault with the courts, a marked increase compared with 2011.

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

Domestic violence against women continued to be a significant problem. The Health Ministry reported that during October 2012 to September 2013, 12,637 women older than age 18 reported abuse and sought assistance from the ministry's One Stop Crisis Center (OSCC). Of these victims, 73 percent reported physical abuse, and 18 percent reported sexual abuse. The law imposes a fine of up to 6,000 baht (\$190) or up to six months' imprisonment for violators and provides authorities, with court approval, the power to prohibit offenders from remaining in their homes or contacting family members during trial. The law also establishes measures designed to facilitate both the reporting of domestic violence complaints and reconciliation between the victim and the perpetrator. Additionally, the law restricts media reporting on domestic violence cases in the judicial system. In April the government changed the OSCC into a joint operation among 12 government agencies to enable victims to file a complaint in over 20,000 government offices.

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

The Ministry of Social Development and Human Security (MSDHS), which collects statistics on victims who seek legal assistance under the Domestic Violence Prevention Act, reported that it recorded 450 cases of domestic violence nationwide during the year, as of June. In 134 cases, the victim pursued criminal

charges, while in 212 cases the victim chose not to do so. Seventy-nine cases were pending for the victim's recovery and decision whether to pursue the case; 25 cases were under reconciliation procedures; the disposition of the remaining cases was unknown. Sentencing information continued to be unavailable.

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

Sexual Harassment: Sexual harassment is illegal in both the public and private sectors. The law specifies fines of not more than 20,000 baht (\$620) for individuals convicted of sexual harassment. The punishment depends on the degree of harassment. Abuse categorized as an indecent act may result in imprisonment of up to 15 years and a fine of up to 30,000 baht (\$940). The penalty depends upon the degree of severity and the age of the victim. The law governing the civil service also prohibits sexual harassment and stipulates five levels of punishment: probation, docked salary, salary decrease, suspension, and termination. NGOs claimed that the legal definition of harassment was vague and prosecution of harassment claims difficult. Data on the numbers of abusers prosecuted, convicted, and punished were unavailable.

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

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

Discrimination: Women generally enjoy the same legal status and rights as men. Nonetheless, women experienced discrimination on occasion.

The law does not mandate nondiscrimination based on gender in hiring practices, and discrimination in hiring was common. For example, it is legal to ask a

prospective employee for family status during an interview. Government regulations require employers to pay equal wages and benefits for equal work, regardless of gender. Nonetheless, women continued to receive lower pay for equal work in many sectors of the economy. Employers did not allow women to work in all industries available to men, and women tended to be concentrated in lower-paying jobs. Women were able to own and manage businesses freely.

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

Military academies (except for the nursing academy) continued to refuse female students, although a significant number of instructors were women. According to the Ministry of Defense's Personnel Directorate, 80 women held the rank of general or equivalent across all military branches and within the Ministry of Defense as of September, an increase from 61 last year. The Police Cadet Academy for commissioned officers accepts female cadets and reserved 70 of 250 places in the 2014 cadet class for women. The first female cadet class was to graduate from the four-year program in March 2014. According to the Office of the Civil Service Commission, women held 26 percent of executive-level civil service positions in 2012.

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

Leaders of a lawyer's association as well as academics reported the widespread practice of innocent women pleading guilty to criminal offenses, usually involving illegal drugs, in order for a male relative, in most cases their husband, to avoid prosecution or trial. Family members and others often pressured these women to provide false confessions, ostensibly so that the male offender could continue to provide financially for the family. Criminal defense attorneys insisted that police officials, prosecutors, and members of the judiciary were aware of this situation but consistently failed to assist the innocent women. Women constitute 15 percent of the prison population, one of the highest percentages in the world.

Children

Birth Registration: Birth within the country does not automatically confer citizenship, but all children born in Thailand are entitled to birth registration (see

section 2.d., Stateless Persons, for legal provisions on citizenship). According to NGOs, highlanders and other stateless individuals on occasion did not register births with the authorities, especially births in remote areas, because administrative complexities, misinformed and unscrupulous local officials, language barriers, and restricted mobility continued to make it difficult to do so.

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

Many NGOs reported that children of registered migrant workers, particularly in Samut Sakhon, Tak, Kanchanaburi, Ranong, and Chiang Mai Provinces and Mae Sot District, had more limited access to schooling due to frequent relocation to new job sites, distance from school, and a lack of Thai language. Many children attended Migrant Learning Centers (MLC) at the primary level instead of government-run schools, which limited these students' opportunities beyond primary education because the government did not officially recognize MLCs. These children also remained without access to community services provided to children attending public schools, such as day-care centers, and government-subsidized free milk and lunch. Migrant workers who could afford to pay often chose to send their children to private nurseries or day-care centers at their own expense.

Child Abuse: The law provides for the protection of children from abuse, and laws on rape and abandonment carry harsher penalties if the victim is a child. The law imposes a jail term of seven to 20 years' imprisonment and a fine of up to 40,000 baht (\$1,200) for sexual intercourse with a victim under age 13. If the victim is between ages 13 and 15, the penalty is four to 20 years' imprisonment and the same range of fines.

The Health Ministry reported that from October 2012 to September this year, 19,229 children reported abuse and sought assistance from the ministry's One Stop Crisis Center. Of these victims, 69 percent reported sexual abuse, and 22 percent reported physical abuse. Police continued their reluctance to investigate abuse cases, and rules of evidence made prosecution of child abuse difficult. The law is designed to protect witnesses, victims, and offenders under age 18 in abuse and pedophilia cases. With a judge's consent, children may testify on videotape in private surroundings in the presence of a psychologist, psychiatrist, or social worker. Many judges, however, declined to use videotaped testimony, citing technical problems and the inability to question accusers and defendants directly in

court. Some children's advocates claimed that sexually abused girls received better physical and psychological care than male victims did. Authorities charged persons accused of pedophilia under appropriate age-of-consent and, in cases of the commercial sexual exploitation of children, prostitution laws.

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

Harmful Traditional Practices: Some NGOs reported that female genital mutilation occurs in the Muslim-majority south.

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

The law imposes heavy penalties on whoever procures, lures, compels, or threatens children under age 18 for the purpose of prostitution and provides that a customer who purchases sexual intercourse with a child under age 15 shall be subject to two to six years in prison and a fine of up to 120,000 baht (\$3,700). If the child is between the ages of 15 and 18, the prison term is one to three years, and the fine is up to 60,000 baht (\$1,900). Authorities may also punish parents who allow a child to enter into prostitution and revoke their parental rights. The law prohibits the production, distribution, import, or export of child pornography. The penalty is imprisonment for up to three years or a maximum fine of 6,000 baht (\$190) or both. The law also imposes heavy penalties on persons who sexually exploit persons younger than age 18 and defines punishments for pimping, trafficking, and other sexual crimes against children.

The UN Committee on the Rights of the Child issued a report in February 2012 that criticized the government's data collection on the sexual exploitation of children and called for further action. Specific actions included planning

comprehensive enforcement measures; coordinating and training government entities and personnel; raising public awareness; strengthening laws, especially on the sale of children and child pornography; preventing child sex tourism; and improving assistance and support to child victims. The government had not officially responded to the report as of September.

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

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

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's annual compliance report at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html, as well as country-specific information at http://travel.state.gov/abduction/country/country_3781.html.

Anti-Semitism

The Jewish community is very small, and there were no reports of anti-Semitic incidents. Nazi symbols and figures, however, were sometimes displayed on merchandise and used in advertising. In July students at Bangkok's Chulalongkorn University created and prominently displayed a large mural with Adolf Hitler appearing alongside comic book superheroes such as Superman and Batman. The school issued a statement apologizing for the incident and removed the mural from campus.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

The constitution and law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in education, air travel and other transportation, access to health care, or the provision of other state services. Although the government modified many public accommodations and buildings to accommodate persons with disabilities, government enforcement was not consistently effective. The law also mandates that persons with disabilities have access to information, communications, and newly constructed buildings, but these provisions were not uniformly enforced. The law does not require government entities to install wheelchair-accessible street curbs when they repaired or constructed streets or roads.

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

The Community Based Rehabilitation Program and the Community Learning Center for People with Disabilities project operated in all provinces. Each province contained two centers, while Bangkok had 10 centers. The government observed National People with Disabilities Day annually on November 14.

The government maintained 44 special schools for students with disabilities, 77 centers offering special education programs for preschool-age children, and 77 educational centers for persons with disabilities. The law requires all state schools nationwide--approximately 31,000--to accept students with disabilities, and about two-thirds taught such students during the year. There were some reports of schools turning away students with disabilities, although the government claimed that such incidents occurred because schools did not have appropriate facilities to accommodate them. The government reported that it did not receive any complaints during the year. There also were nine government-operated and at least 23 NGO-operated training centers for persons with disabilities, including both full-time and part-time or seasonal centers. The government operated 13 state shelters specifically for persons with disabilities, including two day-care centers for autistic children. In addition, there were private associations providing occasional training for persons with disabilities.

Some employers subjected persons with disabilities to wage discrimination. Government regulations require private firms either to hire one person with a

disability for every 100 other workers or contribute to a fund that benefits persons with disabilities, but this provision continued not to be uniformly enforced. Government officials estimated that 56 percent of firms complied with the law, while the chair of the Council of Disabled People of Thailand believed the number to be 25 to 30 percent, which he attributed primarily to inadequate government follow-up with companies. Many private firms preferred to contribute to the fund rather than hire a person with a disability because they believed it was less costly.

National/Racial/Ethnic Minorities

Two groups--former Chinese civil war belligerents and their descendants living in the country since the end of the civil war, and children of Vietnamese immigrants who reside in 13 northeastern provinces--continued to live under laws and regulations that could restrict their movement, residence, education, and access to employment. A law confined the Chinese to living in the three northern provinces of Chiang Mai, Chiang Rai, and Mae Hong Son. According to the Interior Ministry, authorities granted approximately 1,000 persons citizenship or legal alien status during the year, thus permitting them to reside elsewhere.

In August 2012 the UN Committee on the Elimination of Racial Discrimination issued a report calling for the country to introduce a definition of racial discrimination into its legislation to make it punishable by law and to study the possible discriminatory effects of existing law and policy. The report also highlighted committee concern for ethnic Malay women facing ethnic and religious discrimination in many fields of political and social life. The government had not taken official action on this report at year's end.

Indigenous People

Noncitizen members of hill tribes continued to face restrictions on their movement, could not own land, and had difficulty accessing bank credit, and although labor laws gave them the right to equal treatment as employees, employers often violated those rights by paying them less than their citizen coworkers and less than the minimum wage. For instance, a local NGO documented the case of a noncitizen 19-year-old woman who worked in a large supermarket warehouse where she made half as much as citizen employees. The law also bars them from state welfare services, such as universal health care.

The law provides citizenship eligibility to certain categories of highlanders who were not previously eligible (see section 2.d., Stateless Persons). The government

supported efforts to register citizens and educate eligible hill tribe persons about their rights. Despite these efforts, activists reported that widespread corruption and inefficiency, especially among highland village headmen and district and subdistrict officials, continued to contribute to a persistent backlog of pending citizenship applications as well as improperly denied applications. For example, the NGO International Justice Mission continued to report that an official in Chiang Dao District, Chiang Mai Province, reportedly delayed hundreds of citizenship applications.

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

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

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

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

The law does not permit transgender individuals to change their gender on identification documents, which coupled with discrimination in society, limited employment opportunities for transgender individuals. On June 10, the Bangkok Metropolitan Administration began to allow transgender individuals to wear clothing of their chosen gender when they were photographed for their national identification cards in Bangkok district offices.

According to a recent study commissioned by Plan International Thailand in partnership with UNESCO and Mahidol University, in both private and government-operated secondary schools, students teased or bullied other students whose gender expression did not match local gender norms. Secondary schools either did not cover sexual diversity topics or covered them inconsistently and used stigmatizing terminology. They generally lacked explicit antibullying policies,

including policies specifically aimed at reducing bullying based on gender identity or sexual orientation.

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

The Ministry of Defense continued to comply with the 2011 Bangkok Central Administrative Court's order to stop describing transgender persons as "permanently mentally disabled" in conscription records. Personnel records continued to indicate "current sexual status contrary to sexual status at birth."

University officials allowed transgender students to participate in commencement ceremonies and sit for examinations while wearing gender-specific uniforms of their choice on a case-by-case basis. At the same time, university authorities usually required students to obtain official permission before they could wear their chosen uniform. Such permissions remained voluntary for each school.

There was some continued commercial discrimination based on sexual orientation and gender identity. For example, some life insurance companies refused to issue policies to gay men, although at least four of 23 companies sold policies to LGBT citizens with provisions for full transfer of benefits to same-sex partners. NGOs alleged that some nightclubs, bars, hotels, and factories denied entry or employment to gay, lesbian, and transgender individuals.

Other Societal Violence or Discrimination

Persons with HIV/AIDS faced the psychological stigma associated with rejection by family, friends, colleagues, teachers, and the community, although continued intensive educational outreach efforts by the government and NGOs may have reduced this stigma in some communities. There were continued reports that some employers refused to hire persons who tested HIV-positive following employer-mandated blood screening. According to the Thailand Business Coalition on AIDS, 1,767 businesses had pledged in 2012 to neither to require HIV/AIDS tests for employees nor to discharge infected employees, and vowed to hold regular awareness campaigns.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The constitution provides some workers freedom of association and the right to bargain collectively. Labor laws, including the Labor Relations Act and related regulations and statutory instruments, allow private sector workers to form and join trade unions of their choosing without prior authorization, and to bargain collectively. The law defines the mechanisms for collective bargaining, government-assisted conciliation, and arbitration in cases under dispute. State-owned enterprise workers by law have the right to form unions. The law restricts affiliations between state-owned enterprise unions and private sector unions. The law allows only employees “working for the same employer” or “in the same description of work” to form a union, which limits the ability of contract workers to join unions. The law does not allow civil servants, including public and private schoolteachers and university professors, soldiers, and police, to form or register a union. Civil servants may form and register associations, but these associations do not have the right to bargain collectively. While workers in the agricultural and informal economy sectors, including household domestic workers and home-based workers, were not excluded from the right to form unions or participate in collective bargaining, they did not do so often due to low levels of awareness and few opportunities to organize.

Noncitizen migrant workers, whether registered or working illegally, do not have the right to form unions or serve as union officials. Registered migrants may be members of unions organized and led by citizens. In a small number of cases, documented migrants did join unions run by citizens, but language barriers and the segregation of Thai and migrant workers by industry limited the impact of these unions on the migrant labor force.

The law prohibits antiunion actions by employers, but this protection does not apply until the union is registered. To register a union, at least 10 workers must submit their names to the Department of Labor Protection and Welfare, which verifies the names with the employer, potentially exposing the workers to retaliation before registration is complete. Additionally, the law requires that union officials be full-time employees of the company or state enterprise and prohibits permanent union staff. Employers may dismiss workers for any reason, provided severance payment is made. A union leader who loses his or her job for any reason, including downsizing, may not continue to represent union members. The law does not provide for reinstatement, but a court decision may allow for employee reinstatement and compensation of salary for losses while absent from work.

The law requires employers to begin negotiating within three days from the time a union submits its demands. If a negotiation cannot be reached, the government considers it a labor dispute and begins conciliation. A union is entitled to no more than two advisors, who must register with the Ministry of Labor.

The law permits workers to strike after an employee has submitted a demand resulting in a deadlock between the employer and employee. Workers must submit a letter of notification at least 24 hours in advance. The government has the authority to restrict private sector strikes that would affect national security or cause severe negative repercussions for the population at large, but it did not invoke this provision during the year. Under the Labor Relations Act (LRA), employers can charge union leaders with libel for statements made during collective bargaining and strike action if they “[harm] the employer’s reputation.”

The law forbids strikes in “essential services,” which are defined more broadly than they are under International Labor Organization (ILO) criteria and include sectors such as telecommunications and public transportation. The law prohibits the termination of employment of legal strikers, but employers are permitted to hire workers to replace strikers. Strike action in the private sector was constrained by the legal requirement to call a general meeting of trade union members and obtain strike approval by at least 50 percent of all union members. Neither strikes nor lockouts are permitted in the public sector. The law provides penalties, including imprisonment and possible compulsory labor, for strikers in state-owned enterprises.

Labor law enforcement was inconsistent and in some instances ineffective in protecting workers who participated in union activities. For example, even when labor courts ordered employee reinstatement when dismissal resulted from union activity, the process was lengthy and costly for the employee. Most cases were settled out of court through severance payments to the employee with no effective punishment of the employer.

A system of labor courts exercised judicial review over most aspects of labor law for the private sector. The Ministry of Labor reported that most conflicts referred to the Central Labor Court continued to involve dismissals and other violations of labor law and working-condition agreements.

The tripartite Labor Relations Board (LRC) adjudicated problems of collective labor relations and were subject to labor court review. Workers may also seek redress through the NHRC. In private sector labor disputes that cannot be resolved

through negotiation or voluntary arbitration and may affect the national economy or public order, the Ministry of Labor may refer them to the LRC for settlement but seldom used this legal authority. The State Enterprise Relations Committee handled redress of grievances for state enterprise workers. Labor leaders generally were satisfied with the treatment that their concerns received in these forums, although they continued to complain that the committee awarded unjustly dismissed union leaders only back wages with no punitive sanctions against the employer, thus failing to dissuade employers from illegal actions.

During 2012 the Department of Labor Protection and Welfare reported 177 informal conflicts between employers and employees involving 94,124 employees: Of these, 144 conflicts were resolved without walkouts, 14 were referred to a labor court, and 13 continued under the department's process. The department also reported 91 formal labor disputes and six lockouts with six strikes that involved 2,304 employees. Most disputes were related to wages and other benefits.

Employers continued to discriminate against workers who sought to organize unions. While the law protects workers who submit demands relating to working conditions, it does not protect workers from employer reprisal for union activities prior to a union's registration. There were also cases reported of employers dismissing workers from their jobs for engaging in union activities, both before and after union registration. In some cases, the labor courts ordered workers reinstated if they proved that the grounds for their dismissal were unlawful.

There were several reported cases where employers dismissed employees involved in unions or worker representatives during labor disputes. Electrolux Thailand dismissed 129 union members and workers in January because of resistance to the company's plan to change wages, short-term contracts, and bonuses. After several months of negotiations and demonstrations by workers, the company agreed in June to reinstate the union leaders and withdraw the court case against them. There were reports, however, that the company transferred re-instated workers to different positions while other union leaders officially resigned.

On July 8, management at Somboon Somic Manufacturing Co., Ltd. requested permission to dismiss five union leaders, claiming that their organizing work slowed down production. At least one NGO report alleged that Somboon had first offered bribes to the leaders to leave; when they refused, the employer dismissed them. After nearly a month of negotiations and demonstrations, management re-instated all five union leaders on August 1.

Union leaders and outside observers noted that regulations prohibiting permanent union staff and governing appointment of union advisors interfered with the ability to negotiate, train union members, and develop expertise in collective bargaining and that it contributed to rapid turnover in union leaders. They also stated that the Ministry of Labor had broad discretion to overturn registration of union advisors and penalize labor leaders who failed to register.

Legal definitions of who may join a union (“employees working for the same employer” or “employees in the same description of work”) and requirements that the union represent a certain percentage of the workforce could combine to hamper collective bargaining efforts if contract workers, who made up a substantial portion of the workforce, were not considered part of the potential bargaining unit. Because the law classifies contract workers as working in the “service industry,” as opposed to the “manufacturing industry,” they may not join an industrial union. This restriction on joining with full-time employees of industries often diminished the ability to bargain collectively as a larger group.

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

Despite limitations on the rights of migrant workers to form or join unions, there were reports of protests by migrant workers. In June migrant employees of Charoen Pokphan (CP) Seafood Processing plant protested after the company dismissed 160 Burmese workers. CP reported that their dismissal was due to decrease in production following a disease that decimated shrimp populations by 40 percent in China, Vietnam, Malaysia, and Thailand. The company failed to pay the legally required 75 percent of the salary for all workers on days the company closed the factory due to raw-material shortages. After the protest, the company agreed to reinstate all dismissed workers.

In August rubber farmers blocked the main highway in the South and demanded state support after a slowdown in demand from China and concerns over global economic growth sent prices tumbling to multi-year lows in mid-2012. Clashes between police officials and rubber farmers injured over 50 persons, as of November.

There were no developments in the case involving the dismissal of 13 railway workers by the State Railways of Thailand. The railway dismissed the workers in

response to a union-led work stoppage protesting unsafe locomotives after a crash in Prachuap Khiri Khan Province in 2009 resulted in seven fatalities. The International Transport Workers' Federation and the International Trade Union Confederation filed a formal complaint with the ILO and the government calling for the re-instatement of the dismissed railway workers.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, except in the case of national emergency, war, martial law, or imminent public calamity. Penalties for labor recruiters, labor agents, and employers range from four to 15 years imprisonment and a fine of 80,000 bhat to 200,000 baht (\$2,500 to \$6,200), but a number of factors contributed to a low number of prosecutions for forced labor.

Despite some efforts by the government to enforce and raise awareness of the law, problems of forced labor of men, women, and children persisted, particularly in those sectors where foreign migrant labor was common and in the informal economy (see section 7.c.).

Reports of sweatshops and abusive treatment, including forced labor, continued in many sectors, including Thai-flagged seagoing trawlers, garment and other factories, and labor-intensive industries such as food and seafood processing facilities, as well as in the informal sector and in domestic work.

Language barriers, lack of legal status, lack of education, lack of an understanding of Thai law, and ineffective complaint mechanisms for non-Thai speakers increased vulnerability to exploitation for the large numbers of migrants from Burma, Cambodia, and Laos concentrated in those sectors. The ILO released a report in September highlighting labor conditions in the fishing sector, including the finding that roughly 17 percent of workers were “working against their will and unable to leave for variety of reasons including financial penalty/withholding wages, threat of violence or to inform authorities, etc.”

Migrants seeking work in Thailand assumed significant debts to brokers and often borrowed from local moneylenders who charged interest rates of up to 20 percent; these practices led migrant workers, in many cases, into conditions of debt bondage. There were also reports of employers who confiscated migrant workers' registration and travel documents, which restricted their movement and contributed to their vulnerability to forced labor, despite laws prohibiting this practice. In some cases employers, subcontractors, or brokers charged excessive fees to

workers for passport processing, exacerbating vulnerability to debt bondage. Migrants without documentation--including legal workers whose documents were confiscated by employers--remained vulnerable and without recourse under the law. In order to avoid deportation, migrants often paid additional fees or bribes to police and immigration officials if caught without documentation.

Civil society observers continued to criticize government handling of vulnerable migrant workers, many of whom are victims of human trafficking. In the Thai-Burma border area of Mae Sot, brokers often shadowed workers at Thai deportation centers and flagged their arrival at the Burmese border to procure additional fees from migrants.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

Legal protections generally exist for children in the formal economic sector. The law regulates the employment of children under age 18 and prohibits employment of children under age 15, although an exception exists for children 13 to 15 years old who have parental permission to perform agricultural work during school breaks or nonschool hours as long as the employers provide a safe work environment.

Employers may not require children under age 18 to work overtime or on a holiday and may not require work between 10:00 p.m. and 6:00 a.m. without prior labor ministry approval. Children under age 18 must not be employed in hazardous work, which includes any activity involving metalwork, hazardous chemicals, poisonous materials, radiation, and harmful temperatures or noise levels; exposure to toxic microorganisms; operation of heavy equipment; work underground or underwater; and work in places where alcohol is sold or in massage parlors. The maximum penalty for violating these prohibitions is one year in prison, fines up to 200,000 baht (\$6,200), or both.

The law provides limited coverage to child workers in some informal sectors, such as fishing and agricultural farming, and allows for issuance of ministerial regulations to address sectors not therein covered. In November 2012 the government issued the Ministerial Regulation on Labor and Welfare Protection for Domestic Workers, which offered some protection to child domestic workers, including setting the minimum age for domestic work at 15 years. To implement

the new regulation, the Ministry of Labor conducted many awareness-raising activities through the media and several workshops as well as distributed brochures and information of the new regulation to domestic workers' networks and employers. Officials also trained labor inspectors to conduct home inspections.

The Ministry of Labor's Department of Labor Protection and Welfare is the primary agency charged with enforcing child labor laws and policies. Observers considered labor inspectors too few in number and insufficiently responsive to complaints. In an effort to improve enforcement, the ministry's inspection plan for the year continued to prioritize labor inspections of small factories (those with fewer than 50 workers), which were believed to be high risk for the use of child labor. In line with prevailing cultural norms, the inclination of labor inspectors when dealing with violators was to negotiate promises of better future behavior rather than seek prosecution and punishment. The legal requirement for a warrant hampered inspection of private homes to monitor the welfare of child domestic workers or children working in home-based employment.

The Hazardous Child Labor List issued in 2012 prohibits children under age 18 from working in occupations and working conditions considered hazardous to the development, health, and welfare of children, including on seagoing fishing vessels. The government did not finalize during the year a revision to the ministerial regulation on sea fishing vessels that was required for enforcement.

The Social Security Office under the Labor Ministry reported 44,263 children ages 15-17 formally working and registered in the social security system in 2013. The Department of Labor Protection and Welfare reported that labor inspectors inspected 549 workplaces specifically for child labor violations and found 29 workplaces that were in violation of the law. The number of children inspected in 2012 was 2,457 working children in 548 workplaces between ages 15 and 17, an increase from 2,106 working children in 470 workplaces inspected in 2011.

Children worked in agriculture, the garment industry, seafood processing, fishing-related industries, and the informal sector. There was reason to believe that employers used child labor to produce and process some garments, pornography, shrimp, fish, and sugarcane in violation of international standards. In urban areas, most working children labored in the service sector, including in gasoline stations, small-scale industries, and restaurants. Some children continued to be exploited in street selling, begging, commercial sex, domestic service, and agriculture work, sometimes in a system of debt bondage (see section 6, Children). Many of these children, predominantly migrants from Burma, Cambodia, and Laos, were in the

country illegally, which increased their vulnerability to exploitation. There continued to be reports of street children whom employers bought, rented, or forcibly “borrowed” from their parent(s) or guardian(s) to beg alongside women in the street. Reports also indicated parents deployed children in begging during school break, evenings after school, or weekends to contribute to household income.

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

The total number of child laborers, legal and illegal, continued to be much larger when statistics considered child laborers in the informal sector, including unregistered migrant children. There was no comprehensive survey of child labor throughout the country.

Also see the Department of Labor’s *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work

In January the national daily minimum wage increased to a nationwide uniform rate of 300 baht (\$9), except in seven provinces in which the minimum wage increased to 300 baht (\$9) in April 2012. The daily minimum wage is just slightly higher than Thailand national poverty line of 240 baht (\$7). The government last calculated the official poverty line in 2011 at 2,422 baht (\$76) per month.

The maximum workweek by law is 48 hours, or eight hours a day over six days, with a limit on overtime of 36 hours per week. Employees engaged in “dangerous” work, such as chemical, mining, or other industries involving heavy machinery, may work a maximum of 42 hours per week and are not permitted overtime. Petrochemical industry employees may not work more than 12 hours per day and may work continuously only for a period not exceeding 28 days. According to the Labor Relations Act, employers could not change employment conditions without the employee’s consent, unless the changes are beneficial to the employee.

Legal protections do not apply equally to all sectors. For example, ministerial regulations provide household domestic workers some protections regarding

holidays, sick leave, minimum age, and payment of wages, but do not address minimum wage, regular working hours, or maternity leave.

The Occupational Safety, Health, and Environment Act and the Home-based Worker Protection Act that became effective in 2011 impose a maximum sentence of one year's imprisonment and fines not exceeding 400,000 baht (\$12,000) on employers for violations. These acts require safe and healthy workplaces and bring home-based businesses into the formal economy. They also prohibit pregnant women and children under age 15 from working in hazardous conditions (as detailed in ministerial regulations).

Under the Labor Protection Law, the Ministry of Labor is responsible for ensuring that employers adhere to minimum wage requirements in the formal sector, as well as inspecting for working hours, rest time, holiday and sick leave, overtime payment, etc. The ministry also enforces laws related to occupational safety and health. In 2013 the ministry employed approximately 600 inspectors for an estimated 358,639 workplaces. Labor inspectors had limited resources, and NGOs noted concerns about the practice of giving advance warning of planned labor inspections.

They inspected 54,104 workplaces employing 2.1 million workers during 2012, according to ministry statistics, and found 689 workplaces that failed to comply with labor protection laws. By law, employers are subject to fines up to 100,000 baht (\$3,100) and/or imprisonment up to six months for minimum wage noncompliance, but enforcement was mixed. After the government increased the minimum wage, the Ministry of Labor reported that labor inspectors found an increasing number of violations related to minimum wage noncompliance and delayed payment of wages. From January to September, labor inspectors reported minimum wage noncompliance and delay payment of wages in 1,356 workplaces, an increase from 618 workplaces found in 2012, of which 19 workplaces were subject to fine.

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

On occupational health and safety, the ministry inspected 17,606 workplaces employing 1.6 million workers and found 964 workplaces (6 percent) that failed to

comply with health and safety regulations. Most of these involved fire accidents; failure to establish safety committees; and inappropriate levels of heat, light, and noise. According to the Department of Labor Protection and Welfare, the incidence of violations regarding workers' safety was highest in manufacturing, wholesale and retail trade, construction, hotels, and restaurants. While the majority of violations were resolved after the department issued orders to companies to make amends, there were at least 48 court cases filed by labor inspectors after the employer failed to make amends or pay the required fine.

The government reduced visa fees from 2,000 to 500 baht (\$62 to \$15) for the next four years to incentivize workers from Laos, Cambodia, and Burma to enter Thailand legally. The government continued its policy of regularizing migrant labor to help decrease the proportion of undocumented workers in its workforce, and thereby reduce migrants' vulnerability to abuse. As of August, approximately 1.15 million migrant worked legally in the country. While there was no reliable count of irregular migrant workers in the country, governmental and NGO sources estimated the number of both regular and irregular migrant workers to be two to three million.

Authorities instituted new registration procedures for irregular workers from Laos, Cambodia, and Burma and extended the nationality verification program through August, permitting those who register to work and live temporarily in Thailand access to social security and healthcare benefits for two years. After the August deadline, the government allowed migrants who were listed as employees by their employers to temporarily stay and work in Thailand for another year.

The government provided information on the registration process and fees, a hotline for migrant communities, a pamphlet designed to reassure relatives of migrants and border-crossing workers, and a website in Thai and other languages. Some observers noted challenges with accessibility of materials for migrant workers.

In the fishing industry, the government made efforts to address the problem of large numbers of undocumented workers by allowing workers to apply twice annually for one-year residence and work permits. It also required employers to keep official records of their workers, use standardized employment contracts that clearly outline the wage, working hours, benefits, and welfare while working on board a vessel. However, workers in the fishing industry continued to lack access to social security and accident compensation as well as a guaranteed minimum

wage. Registration for fishing industry workers began in September, and continued through year-end.

The government required recruitment agencies who recruit migrant workers for employment in the country to register with the Department of Employment, though this requirement was not effectively enforced.

After implementation of the new minimum wage, civil society organizations received complaints from workers, particularly in rural and border areas, that employers failed to comply with the new minimum wage. NGOs also claimed that employers did not respect the 300 baht (\$9) minimum wage for migrant workers. There were increased reports of disputes between employers and employees in multinational and export companies due to employer's demands to change employment conditions or cut down overtime working hours in order to control labor costs in response to the minimum wage increase.

General Motors (Thailand) changed from a five-day to a six-day workweek, which reduced workers' average hourly wage, even though their total income increased. NXP manufacturing (Thailand) changed the work schedule from 8 hours a day, six days a week to 12 hours a day, four days a week. Both cases led to strikes and subsequent lockouts. Negotiations continued as of September.

Labor brokerage firms use a "contract labor system" under which workers sign an annual contract. By law, businesses must provide contract laborers "fair benefits and welfare without discrimination." Regardless of whether the contract labor employee was outsourced and collected wages from a separate company, by law the contracting business is the overall employer, and the law requires equal pay and benefits for subcontract and regular employees. Although contract laborers performed the same work as direct-hire workers, employers often paid them less and provided fewer, or no, benefits.

Despite efforts at regularization, migrant workers, in particular undocumented migrants, did not enjoy many labor protections afforded to Thai workers, and remained vulnerable and without recourse under the law. NGOs reported poor working conditions for both documented and undocumented migrants. A substantial number of migrants worked in factories near border-crossing points, where there were frequent reports of labor law violations and few labor inspections. Labor inspectors generally could not speak the languages of migrant workers, which hampered the ability of migrant workers to report violations. The Ministry of Labor reported establishing a center with an interpreter in each of the

following 11 provinces with significant migrant-worker populations: Samut Sakhon, Kanchanaburi, Chonburi, Rayong, Chiang Mai, Khon Kaen, Trang, Phuket, Ranong, Songkhla, and Tak. Civil society groups working on migrant rights reported improvements in services due to these efforts.

Observers remained concerned that additional, informal fees imposed during the legalization process, increased the vulnerability of migrant workers to human trafficking and debt bondage. There continued to be reports that companies employing migrant workers made unlawful deductions from migrant worker wages to repay the costs of smuggling, registration, permits, and other costs, both real and fabricated. Workers also reported several other violations by contractors, including failure to pay holiday overtime; provide equipment, uniforms, or adequate drinking water; or pay daily minimum wages for less than eight hours of work. Workers further reported deductions from wages for sick leave absences and bribes to government officials to ignore undocumented workers. The Department of Labor Protection and Welfare continued to assist migrant workers to claim compensation, including illegal deductions from wages, delayed or unpaid wages, unpaid overtime, and legal severance pay.

Exploitative labor supply agencies persisted in charging Thai citizens working overseas large, illegal recruitment fees that frequently equaled their first- and second-year earnings. NGOs noted that local moneylenders, mostly informal, continued to contribute to this practice by offering loans at exorbitant interest rates so workers could pay recruitment fees, some of which were as high as 500,000 baht (\$16,000). The Ministry of Labor's Department of Employment regulations limit the maximum charges for recruitment fees, but effective enforcement of the rules remained difficult and inadequate. The department suspended the licenses of 43 recruitment agencies for violations related to charging excessive recruitment fees (higher than 25 percent of the first month's salary) or using unregistered recruiters; revoked the license of one such agency; and filed criminal charges against 44 agencies. The department also reported that they negotiated with the government of Israel to reduce the expenses and recruitment fees for Thai migrant workers, starting in June.

During 2012 there were 131,826 reported incidents of diseases and injuries from industrial accidents, including 93,106 minor disabilities (resulting in no more than three days' work missed) and 38,720 disabilities resulting in more than three days' work missed (including permanent disabilities and deaths). The rate of incidents occurring in the informal and agricultural sectors and among migrant workers was believed to be higher but underreported. Occupational diseases rarely were

diagnosed or compensated, and few doctors or clinics specialized in them. Since August 2012, all migrant workers in formal and informal sector have been eligible to buy health insurance. Some migrant workers, however, did not purchase health insurance because they did not understand their rights due to language barriers, the lack of healthcare personnel, and other factors. Medium and large factories often applied government health and safety standards, but overall enforcement of safety standards continued to be lax. In the informal sector, health and safety protections continued to be substandard.

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