

# THAILAND 2019 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Thailand is a constitutional monarchy, with King Maha Vajiralongkorn Bodindradebayavarangkun (Rama X) as head of state. On March 24, Thailand held the first national election after five years of rule by a junta-led National Council for Peace and Order (NCPO). The NCPO-backed Phalang Pracharath Party (PPRP) and 18 supporting parties won a majority in the lower house, and in June they retained as prime minister NCPO leader Prayut Chan-o-Cha, the leader of the 2014 coup and a retired army general. The election was generally peaceful with few reported irregularities, although observers noted that a restrictive legal framework and selective enforcement of campaign regulations by the Election Commission favored PPRP-aligned parties.

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

Significant human rights issues included: unlawful or arbitrary killings by the government or its agents; forced disappearance by or on behalf of the government; torture by government officials; arbitrary arrest and detention by government authorities; political prisoners; political interference in the judiciary; censorship, website blocking, and criminal libel laws; interference with the rights of peaceful assembly and freedom of association including harassment and occasional violence against human rights activists and government critics; refoulement of refugees facing threats to their life or freedom; restrictions on political participation; significant acts of corruption; and forced child labor.

Authorities took some steps to investigate and punish officials who committed human rights abuses. Official impunity, however, continued to be a problem, especially in the southernmost provinces, where martial law, the Emergency Decree of 2005, and the 2008 Internal Security Act remained in effect in certain districts.

The Ministry of Defense requires service members to receive human rights training, and the Royal Thai Police (RTP) requires all cadets at its national academy to complete a course in human rights law.

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

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

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

There were numerous reports that the government or its agents committed arbitrary or unlawful killings. According to the Ministry of Interior's Investigation and Legal Affairs Bureau, from October 1, 2018, to September 25, 2019, security forces--including police, military, and other agencies--killed 39 suspects during the arrest process, a more than three-fold increase over 2018. Authorities attributed the increase to the rise in violent confrontations between security personnel and armed drug traffickers in the northern part of the country, often along the Burmese border.

Earlier cases of arbitrary or unlawful killings remain unsolved. The Chiang Mai public prosecutor has yet to indict a soldier accused of shooting prominent ethnic Lahu student activist Chaiyaphum Pasae in 2017, and in May his family filed a civil-court complaint for damages from the Royal Thai Army (RTA). In June 2018 the Chiang Mai Provincial Court found Chaiyaphum died from gunshot wounds and forwarded the case to the public prosecutor to determine liability, where the case stalled. Chaiyaphum's relatives and lawyer denied he acted violently toward the soldier, petitioned the RTA to release the CCTV footage from the military checkpoint where the incident occurred, and demanded a full, transparent investigation into the incident.

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

### **b. Disappearance**

There were no official reports of disappearances by or on behalf of government authorities from January to September. International and local human rights organizations, however, alleged government authorities were complicit in the

disappearance of three Thai dissidents in May. Chucheep Chiwasut, Siam Theerawut, and Kristana Thapthai, accused of *lese majeste* (“royal insult”), fled to Laos after the 2014 coup and reportedly crossed into Vietnam early in the year. Vietnamese border guards reportedly returned them to Thailand, but they remain missing, and Thai authorities deny knowing their whereabouts. The departure of the three dissidents from Laos followed the December 2018 discovery of the mutilated bodies of Phu Chana and Kasalong, two close aides of anti-monarchist activist Surachai Danwattananusorn, on the Laos side of the Mekong River; Surachai remains missing. In January, Thai authorities announced plans to investigate these killings but denied allegations of enforced disappearance and murder. Police have not reported any progress in the investigation.

While most cases from prior years remained unsolved, the Ministry of Justice’s Department of Special Investigations (DSI) announced on September 4 that it had found the bones of Porlajee “Billy” Rakchongcharoen, a Karen-rights activist missing since 2014. Porlajee disappeared in Petchaburi Province after his detention at a checkpoint in Kaeng Krachan National Park and questioning regarding unlawful wild-bee honey allegedly found in his possession. The findings suggest Porlajee was tortured and murdered, and his body burned and placed into an oil tank submerged in the reservoir to conceal the murder. In November Park Chief Chaiwat Limlikhitaksorn and three park employees were charged with six offenses, including murder and concealing Porlajee’s body, before being released on bail.

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

The constitution states, “Torture, acts of brutality, or punishment by cruel or inhumane means shall not be permitted.” Nonetheless, the Emergency Decree effectively provides immunity from prosecution to security officers for actions committed during the performance of their duties. As of September the cabinet had renewed the Emergency Decree in the southernmost provinces every three months since 2005. Four districts were exempted from the decree: Su-ngai Kolok and Sukhirin in Narathiwat Province, Betong in Yala Province, and Mae Lan in Pattani Province.

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

“superficial nature” of police and judicial investigations into incidents of alleged torture and other mistreatment by security forces and reported deficiencies in official investigations into deaths in custody.

Representatives of nongovernmental organizations (NGOs) and legal entities reported police and military officers sometimes tortured and beat suspects to obtain confessions, and newspapers reported numerous cases of citizens accusing police and other security officers of brutality. In August detainee Abudullah Esomuso died, a month after being found unconscious following interrogation by security authorities at a military camp in Pattani Province. Although the army claimed Abudullah suffered no signs of abuse and denied any wrongdoing, several human rights groups called for a full inquiry.

There were numerous reports of hazing and physical abuse by members of military units. In May, Private Ruechanon Nanthabut, a soldier attached to the Provost Marshal (Military Police) Battalion of the RTA, was found dead. Ruechanon’s parents maintained the bruises on his body indicated he was physically assaulted before he died. The RTA, however, insisted the soldier died after falling from a building where he had hidden after leaving a training session without permission. RTA officials reported the case was still under investigation.

The Royal Thai Air Force launched an investigation into a report that three military trainers physically assaulted an unnamed private attached to the Military Police Regiment at Bangkok’s Don Muang air base because he used his mobile phone without permission. The private said he was beaten for several hours on July 2, after which he fled the base and filed a complaint with local police. The names of the three trainers were not released.

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

### **Prison and Detention Center Conditions**

Conditions in prisons and various detention centers--including drug rehabilitation facilities and immigration detention centers (IDCs) where authorities detained undocumented migrants, refugees, asylum seekers, and foreign nationals who violated immigration laws--remained poor and most were overcrowded. The Ministry of Justice’s Department of Corrections is responsible for monitoring

prison conditions, while the Ministry of Interior's Immigration Department monitors conditions in IDCs.

The government continued to hold some civilian suspects at military detention facilities, despite the NCPO order in July mandating the transfer of all civilian cases from military to civilian courts. According to the Department of Corrections, as of June 13, there were at least four civilians at the 11th Military Circle detention facility in Bangkok.

Physical Conditions: Prison and detention-facility populations were approximately 60 percent larger than designed capacity. As of September 23, authorities held 365,303 persons in prisons and detention facilities with a maximum designed capacity of 210,000 to 220,000 persons.

In some prisons and detention centers, sleeping accommodations were insufficient, and there were persistent reports of overcrowding and poor facility ventilation. Serious problems included a lack of medical care. Authorities at times transferred seriously ill prisoners and detainees to provincial or state hospitals. Conditions at IDCs are not subject to many of the regulations that govern the regular prison system, and detainees there also complained of overcrowding and unhealthy conditions. Pretrial detainees were approximately 17 percent of the prison population. Prison officers did not segregate these detainees from the general prison population. The government often held pretrial detainees under the Emergency Decree in the southernmost provinces in military camps or police stations rather than in prisons.

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

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

housing while resolving their immigration status. Other NGOs reported complaints, especially by Muslim detainees in IDCs, of inadequate halal food.

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

According to the Ministry of Interior's Investigation and Legal Affairs Bureau, 752 persons died in official custody from October 2018 to September 2019, including 37 deaths while in police custody and 715 in the custody of the Department of Corrections. Authorities attributed most of the deaths to natural causes.

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

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

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

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

One week before its dissolution on July 16, the junta government repealed 76 orders, restoring some civil and community rights. Other NCPO orders, however, remain in force, and the military retains the authority to detain persons without charge or trial for a maximum seven days. According to the UN Office of the High Commissioner for Human Rights (OHCHR), as of May 31, military courts had indicted 2,204 civilians in 1,946 cases since the 2014 coup.

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

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

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

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

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

Both the court of justice and the Justice Fund of the Ministry of Justice assign lawyers for indigent defendants. According to the most recent figures, from January to August the court of justice assigned attorneys to 17,217 adult and 13,468 juvenile defendants. From October 2018 to September, the Ministry of Justice provided 2,720 lawyers for needy defendants.

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

Arbitrary Arrest: Under an NCPO order, the military has authority to detain persons without charge for a maximum of seven days without judicial review. Under the Emergency Decree in effect in the southernmost provinces, authorities may detain a person for a maximum of 30 days without charge (see section 1.g.).

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

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

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

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

The 2017 constitution provides for an independent judiciary, and the government generally respected judicial independence and impartiality. Nevertheless, portions of the 2014 interim constitution left in place by the 2017 constitution's transitory provisions provide the government with power to intervene "regardless of its effects on the legislative, executive, or judiciary" to defend the country against national security threats. Human rights groups continued to express concern about the government's influence on independent judicial processes, particularly the use of the judicial process to punish government critics. In October chief judge Kanakorn Pianchana of the trial court in Yala Province sustained life-threatening injuries after attempting suicide in open court to protest what he claimed was rampant interference in judicial discretion by his superior. In November the court of justice's Office of the Judicial Commission set up a disciplinary committee to investigate his actions and transferred him from far southern Yala Province to far northern Chiang Mai Province.

Several members of parliament were accused of illegally holding shares in media companies, but members from the government coalition and opposition camps appeared to receive different treatment by the constitutional court. On November 20, the court found Thanathorn Juangroongruangkit, leader of the opposition Future Forward Party (FFP), guilty of failing to disclose ownership of media-company shares when registering as a candidate for the March election. Possible penalties include imprisonment, a ban from politics, a fine and disbandment of his party. Critics claimed the court showed favoritism in declining to suspend 32 government-coalition parliamentarians accused of similar wrongdoing.

### **Trial Procedures**

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

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

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

On July 9, an NCPO order mandated the transfer of all remaining civilian cases from military court to the civilian court of justice, ending a practice of prosecuting certain offenses in military courts. As of August 30, no civilian cases remained pending before military courts. According to the Judge Advocate General's Office, military courts initiated 1,728 cases involving at least 2,211 civilian defendants after the 2014 coup, most commonly for lese majeste; sedition; failure to comply with an NCPO order; and violations of the law controlling firearms, ammunition, and explosives.

## **Political Prisoners and Detainees**

Prior to the seating of the new government, the NCPO routinely detained those who expressed what it perceived as critical political views (see section 1.d.). As of August the Department of Corrections reported there were approximately 65 persons awaiting trial or imprisoned under lese majeste laws that outlaw criticism of the monarchy (see section 2.a.). Human rights groups claimed the prosecutions and convictions of several lese majeste offenders were politically motivated. Thai Lawyers for Human Rights reported that courts dropped several lese majeste charges, opting instead to prosecute persons under other statutes (see section 2.a.).

## **Civil Judicial Procedures and Remedies**

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

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

Provisions of an NCPO order along with the Emergency Decree give government security forces authority to conduct warrantless searches. Security forces used this authority regularly, particularly in the southernmost provinces and other border areas. Other legislation establishes procedures for the search and seizure of computers and computer data in cases where the defendant allegedly entered information into computer systems that is “likely to cause damage to the public,” is “false,” or is “distorted” (see section 2.a.). The law gives the Ministry of Digital Economy and Society authority to request and enforce the removal of information disseminated via the internet. There were complaints during the year from persons who claimed security forces abused this authority.

In September human rights groups publicly condemned an official request by the police’s Special Branch Bureau (SBB) to universities nationwide to supply information on Muslim student groups after the directive was made public. Prime Minister Prayut responded by calling the police request necessary in light of the series of explosions in Bangkok in August believed to be linked to Muslim elements, arguing the data would be used for “the creation of an intelligence

database” and that “no rights have been breached.” Muslim students, however, filed a petition calling the data collection a rights violation. The SBB reportedly withdrew its request in October, according to FFP Member of Parliament Rangsiman Rome, spokesperson for the House Committee on Law, Justice, and Human Rights, who said the SBB assured the panel it would abandon the data-collection practice. Three police officials, however, refused to verify the reversal, instead indicating the data collection had only been suspended, not ended.

There were reports military officers harassed family members of those suspected of opposing the NCPO, including parents of students involved in anti-NCPO protests, the families of human rights defenders, and democracy demonstrators (see section 2.b.). Prime Minister Prayut in April discouraged student activists from collecting signatures to support the impeachment of the Election Commission for its perceived mismanagement of the March general election and criticized parents who allowed their children to participate in the campaign.

Security services monitored persons, including foreign visitors, who espoused controversial views. An American academic reported that he was detained temporarily by the Immigration Police when leaving Thailand on February 10. He said he learned that during his detention he was on a list of approximately 30 researchers “on society, culture, politics” for whom the authorities wanted to know whereabouts and personal contacts. The academic said his detention was likely the result of his signing a petition supporting four protesters from Chiang Mai University. They had been charged with organizing an unlawful political gathering for holding a banner protesting the heavy police presence at the 13th International Thai Studies Conference in 2017. The case against the protesters was dismissed in December 2018 after the revocation of the NCPO order under which they were charged.

### **g. Abuses in Internal Conflicts**

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

An Emergency Decree in effect in the southern border provinces of Yala, Pattani, Narathiwat, and parts of Songkhla provides military, police, and some civilian authorities significant powers to restrict some basic rights and delegates certain internal security powers to the armed forces. The decree also provides security

forces broad immunity from prosecution. Moreover, martial law--imposed in 2006--remained in effect and significantly empowered security forces in the southernmost provinces.

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

According to DSW, violence resulted in 169 deaths and 231 injuries in 384 incidents as of November, showing a decrease compared to 2018. DSW also reported that through November, violence caused more than 7,074 deaths and injured at least 13,221 persons in 20,485 incidents in the region since 2004, but the organization did not differentiate between violence caused by insurgents, security forces, or criminal elements. As in previous years, suspected insurgents frequently targeted government representatives, including district and municipal officials, military personnel, and police, with bombings and shootings.

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

Although suspected insurgents carried out numerous attacks on civilians, the numbers of violent incidents and related casualties were both lower in the first half of the year than in the same period in 2018, according to data from DSW.

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

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

The Southern Border Provinces Police Operation Center reported through August that authorities arrested 82 persons via warrants issued under the Emergency Decree. Of these, authorities released 34, prosecuted 47, and held one in detention pending further investigation. The government did not use military courts to try civilian defendants in the southernmost provinces.

An insurgent attack on security forces guarding a school in Patani in January resulted in the death of four security guards. The government frequently armed both ethnic Thai-Buddhist and ethnic Malay-Muslim civilian defense volunteers, fortified schools and temples, and provided military escorts to monks and teachers.

Military service members who deploy in support of counterinsurgency operations in the southernmost provinces receive specific human rights training, including training for detailed, situation-specific contingencies.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Expression, Including for the Press**

The 2017 constitution provides for freedom of expression, including for the press. This right, however, was restricted by laws and government actions. For example the government imposed legal restrictions on criticism of the government and monarchy, favored progovernment media organizations in regulatory actions, harassed antigovernment critics, monitored the media and internet, blocked websites, and used criminal defamation laws to limit freedom of expression, including for the press.

Although laws and regulations that could restrict media freedom remained in effect prior to the March election, there was a significant increase in criticism of the junta during the pre-election period, continuing a trend that started in early 2018 when the junta began loosening some civil restrictions. While government stations and

pro-junta media had a large presence in the period before the election, neutral and opposition media operated with considerable freedom.

On July 9, Prime Minister Prayut lifted 76 orders instituted under NCPO rule, including ones that effectively prohibited criticism made with “malice” and “false information” intended to “discredit” the NCPO or the military. Press restrictions still in place include orders that give military personnel the authority to prohibit the propagation of any publication that was likely to “cause public alarm” or which “contains false information likely to cause public misunderstanding” that could potentially threaten national security; and that allow authorities to shut down media critical of the military regime.

Freedom of Expression: The lese majeste (“royal insult”) prohibition makes it a crime--punishable by a maximum of 15 years’ imprisonment for each offense--to criticize, insult, or threaten the king, queen, royal heir apparent, or regent. The law also allows citizens to file lese majeste complaints against one other. On June 11, political activist Srisuwan Janya filed a petition asking the National Anti-Corruption Commission (NACC) to probe whether Future Forward Party member of parliament and spokesperson Pannika Wanich had posted certain photos to her Facebook page nearly a decade earlier that were insulting towards King Rama IX.

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

According to the local NGO Internet Dialogue on Law Reform, as of September, 98 lese majeste cases had been filed since the 2014 coup, 67 of which have been concluded. In some of these cases, the accused committed the alleged offense prior to the 2014 coup, but authorities only filed charges afterwards. According to current-year statistics from the Department of Corrections, approximately 65 persons were awaiting trial or imprisoned on lese majeste charges as of August.

Two long-standing lese majeste cases saw new developments during the year. On June 11, the Bangkok Military Court allowed Siraphop Kon-arut, a political activist and writer, to be released on bail after five years’ detention on lese majeste and computer-crime charges. On July 17, former pop singer and actor Thanat Thanawatcharanon, also known as Tom Dundee, was granted a royal pardon after serving a five-year prison sentence for a lese majeste offense.

Human rights activists reported that while lese majeste prosecutions declined, the government increasingly turned to computer-crime and “sedition” legislation to restrict free speech and silence critics. Prosecutors brought a growing number of cases against members of the Organization for Thai Federation, whom authorities accused of trying to alter the country’s current political arrangement. According to Thai Lawyers for Human Rights, local authorities initiated 11 cases against 20 individuals accused of sedition, being members of a secret society, and violating computer-crime and public-assembly laws.

In October the Fourth Army Region of the Internal Security Operations Command covering the southern provinces filed a police complaint against 12 persons--including several opposition-party leaders and academics--accusing them of sedition for their remarks during a September 28 forum on resolving the conflict in the southern part of the country. At the center of the complaint are comments by Chalita Banthuwong, a lecturer at Kasetsart University’s Faculty of Social Sciences, who, in discussing possible solutions to the southern insurgency, allegedly proposed amending the section of the 2017 constitution that affirms Thailand as a unitary state. The complaint alleges the panel members violated legislation barring sedition and carrying a jail term of up to seven years. The seven accused opposition-party leaders responded by defending their right to free speech and filing a counter complaint accusing two army officials of defamation and giving false information to the authorities.

New regulations on constitutional court procedures effective as of October empower the court to take legal action against individuals deemed to have unfairly criticized its decisions. The new regulations prohibit distortion of facts, laws, or verdicts related to the court’s adjudication of cases; dishonest criticism; and sarcasm or mockery of the court, according to OHCHR. In August the court summoned an academic to give statements following his criticism of the court’s decision to suspend FFP leader Thanathorn Juangroongruangkit but not 32 other members of parliament similarly accused of illegal media shareholding. Some human rights activists conveyed concern that the court’s new posture could restrict free speech.

There were numerous reports of security forces harassing citizens who publicly criticized the military government, including by visiting or surveilling their residences or places of employment. Prior to the March election, Pheu Thai Party parliamentary candidates in the country’s northeast claimed that security personnel made visits to their homes, seemingly to intimidate them.

From March through June, three prominent antigovernment critics were physically assaulted in several incidents by unidentified armed assailants. On March 31, two unidentified men broke into the house of Anurak “Ford” Jeantawanich and beat him. On May 25, he was attacked again when riding his motorcycle by six assailants who knocked him off his bike, rammed their motorcycles into his back, and beat him with metal bars. Ekachai Hongkangwan was hospitalized May 13 for three days after being beaten by three men as he emerged from a public bus in front of the Bangkok Criminal Court, where he was to give testimony in a sedition case against him for organizing a protest demanding the government hold elections; this was reportedly the tenth time Ekachai was the victim of a physical assault or property crime since March 2018. Sirawith “Ja New” Serithiwat was attacked on June 2 and June 28, with the second ambush seriously injuring his eye and leaving him hospitalized in intensive care. After public outcry by human rights and civil liberties activists over the failure of authorities to make arrests in any of these cases, Prime Minister Prayut called on police to step up their investigations but as of September, the cases remained unsolved.

Press and Media, Including Online Media: Independent media were active but faced significant impediments to operating freely. The outgoing NCPO government lifted several orders restricting press freedoms.

On February 12, however, prior to the March election, the National Broadcasting and Telecommunications Commission (NBTC) ordered a 15-day shutdown of the opposition television channel Voice TV for airing the “Wake Up News-Tonight Thailand” program. The station carried what the government called biased content that could instigate political unrest.

In April the government invoked an order to waive the terms of all digital television operators’ license payments at a combined cost of 13.6 billion baht (THB) (\$453 million). This action raised questions about the government’s subsidy approach, which could be interpreted as a benefit for progovernment media organizations and indirect intervention in freedom of press.

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

In August writer and academic Sarinee Achavanuntakul was summoned by the Election Cases Division of the Supreme Court after she was accused of contempt

of court for publishing an article in the *Krungthep Turakij* newspaper commenting on the court's handing of parliamentarians' media shares. The court dropped the case after Sarinee published a subsequent article clarifying her characterization of the court's decision, which she acknowledged may have been misleading. Also in August, Kovit Wongsurawat, a Thammasat University political science professor, was summoned to the constitutional court for a tweet criticizing the court for suspending FFP Leader Thanathorn Juangroongruangkit for owning media shares while declining to suspend other parliamentarians who held media shares. He apologized to the court and posted a tweet clarifying his intent before the court found him guilty of contempt, although no penalty or punishment was imposed.

Censorship or Content Restrictions: An NCPO order remains in effect empowering the National Broadcasting and Telecommunications Commission (NBTC) to suspend or revoke the licenses of radio or television operators broadcasting content deemed false, defamatory to the monarchy, harmful to national security, or unnecessarily critical of the government. Authorities monitored media content from all media sources, including international press. Local practice leans toward self-censorship, particularly regarding anything that might be critical of the monarchy or members of the royal family.

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

Libel/Slander Laws: Defamation is a criminal offense punishable by a maximum fine of THB 200,000 (\$6,660) and two years' imprisonment. Military and business figures filed criminal defamation and libel cases against political and environmental activists, human rights defenders, journalists, and politicians.

On August 28, poultry firm Thammakaset dropped its civil-defamation case against human rights activist Sutharee “Kratik” Wannasiri, but the company continued pursuing criminal-defamation charges against her that carry a sentence of up to two years' imprisonment or a fine of up to THB 200,000 (\$6,670). Thammakaset had demanded THB five million (\$167,000) in compensation for comments Sutharee made on Twitter in 2017, arguing her social-media posts damaged the company's reputation and seeking an apology. Thammakaset dropped the case after Sutharee made a statement in court saying she “felt sorry” if

some of the content in the posts was “inaccurate.” Criminal-defamation charges still pending are scheduled for a hearing in February 2020.

National Security: Various NCPO orders issued under the interim constitution, later extended by the 2017 constitution, continue to provide authorities the right to restrict distribution of material deemed to threaten national security even with the new government in place.

### **Internet Freedom**

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

Under the law, the government can impose a maximum five-year prison sentence and a THB 100,000 (\$3,330) fine for posting false content on the internet found to undermine public security, cause public panic, or harm others, based on vague definitions. The law also obliges internet service providers to preserve all user records for 90 days in case authorities wish to access them. Any service provider that gives consent to or intentionally supports the publishing of illegal content is also liable to punishment. By law authorities must obtain a court order to ban a website, although officials did not always respect this requirement. Media activists criticized the law, stating it defined offenses too broadly and some penalties were too harsh.

In February parliament approved the Cybersecurity Act; it came into force in May. Civil society groups expressed privacy and surveillance concerns about the act, citing its vague language and lack of safeguards. In September human rights groups and information-technology industry advocates called on lawmakers to make numerous amendments to the act to limit the virtually unchecked power they said it conferred on the government to monitor online media.

On November 1, the government’s new “anti-fake news center” began targeting disinformation and misinformation, particularly on social media. The center issued arrest warrants for content deemed to negatively impact society. After identifying an instance of “fake news,” the center, which operates under the Ministry of Digital Economy and Society, urges related ministries and government offices to retract and correct the information. The center tackles four main categories of false information: disasters; economic, banking and equity issues; health issues and illegal health products and services; and news and information with national-

security, social and moral risks. Civil society groups have expressed concern that the center might be used as a tool to stifle legitimate political discourse.

The government actively monitored social media and private communications.

As reported by Freedom House, the National Reform Steering Assembly (NRSA) endorsed surveillance policies, including a centralized social media watch center to determine whether social media content is “inappropriate”; the purchase of enhanced surveillance technology; and restricting anonymity on the internet by mandating the collection of biometric data when registering new SIM cards.

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

Civil society reported the government used prosecution or the threat of prosecution under computer-crimes legislation as a tool to suppress speech online. On October 1, however, the Office of the Attorney General decided not to proceed with charges earlier filed against FFP leader Thanathorn Juangroongruangkit and two party executives for breaching the law by “importing false information into a computer system” when they accused the pro-junta Phalang Pracharath Party of “poaching” members of parliament during a live speech on Facebook in June 2018.

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

### **Academic Freedom and Cultural Events**

Prior to its dissolution in July, the NCPO intervened to disrupt academic discussions on college campuses, intimidated scholars, and arrested student leaders critical of the coup.

During the year university authorities reported the regular presence of military personnel on campus, monitoring lectures and attending student events. There were numerous accounts of authorities arresting students for exercising freedom of speech and expression. Universities reported self-censorship continued after the installation of the new government.

In September, Rajabhat Maha Sarakham University and Khon Kaen University separately reversed earlier agreements to allow FFP leader Thanathorn Juangroongruangkit to speak at their campuses on the topic of constitutional reform, citing a mandate for non-partisanship. Both universities were reportedly pressured by government officials to cancel the events. In August, however, FFP leaders were able to hold similar events at Chiang Mai University and Prince of Songkhla University.

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

The government restricted freedoms of peaceful assembly and association.

#### **Freedom of Peaceful Assembly**

The 2017 constitution grants the freedom to assemble peacefully, subject to restrictions enacted to “protect public interest, peace and order, or good morals, or to protect the rights and liberties of others.” In December 2018 the NCPO government repealed many of these restrictions, including the bans on political gatherings of five or more persons and political party campaigning, in advance of the March national election.

The government continued to prosecute prodemocracy and other human rights activists for peaceful protests prior to the repeal. On September 20, a criminal-court judge acquitted six prodemocracy activists of sedition charges that carried seven-year sentences for organizing a demonstration in February 2018 urging the junta government to hold the overdue national election. The activists behind the “People Who Want Elections” campaign--Sirawith “Ja New” Seritiwat, Arnon Nampha, Chonthicha “Kate” Jangrew, Sukrit Phiansuwan, Nuttaa “Bow” Mahattana, and Kan Phongpraphaphan--continue, however, to face charges in six other cases stemming from the series of pro-election demonstrations they organized in 2018.

In February, two student activists--Parit “Penguin” Chiwarak of Thammasat University and Tanawat Wongchai of Chulalongkorn University--were charged with violating the law for holding a peaceful protest at Government House urging Prime Minister Prayut to resign after he challenged the public to “oust me if you dare.” The two were charged with violating the law requiring protest organizers to notify authorities 24 hours in advance, and later released after each paid a fine of THB 2,000 (\$67).

### **Freedom of Association**

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

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

### **c. Freedom of Religion**

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

### **d. Freedom of Movement**

The 2017 constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation; the government enforced some exceptions which it claimed were for “maintaining the security of the state, public order, public welfare, town and country planning, or youth welfare.”

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

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

Despite the NCPO government's repeal of most overseas travel bans in December 2018 and the dissolution of that government in July, travel restrictions remained in effect for some individuals as a condition of bail agreements dating back to the NCPO government. Critics maintained these restrictions were politically motivated; the exact number of these cases was unknown.

### **e. Internally Displaced Persons**

Not applicable.

### **f. Protection of Refugees**

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

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

Abuse of Migrants, Refugees, and Stateless Persons: As of November, 271 Rohingya individuals remained in detention, 108 in IDCs and 163 in shelters. From 2013-2015, including during the mass movement in the Bay of Bengal and Andaman Sea in 2015, 64 individuals arrived in the country irregularly. The other 207 individuals arrived in the country irregularly since 2016.

Authorities continued to treat all refugees and asylum seekers who lived in urban areas and who do not have valid visas as illegal migrants. Persons categorized as illegal migrants are legally subject to arrest and detention. Authorities permitted bail only for certain categories of detained refugees and asylum seekers, such as

mothers, children, and persons with medical conditions. Authorities applied the criteria for allowing bail inconsistently.

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

As part of an overall policy to reduce the number of illegal immigrants and visa overstayers in the country, immigration police in Bangkok sometimes arrested and detained asylum seekers and refugees, including women and children. As of August there were approximately 320 refugees and asylum seekers residing in IDCs, and 49 Uighurs have been detained in the country since 2015.

Refoulement: Persons from Burma, if arrested without refugee status or legal permission to be in the country, were often escorted back to the Burmese border. Authorities sometimes provided preferential treatment to certain Burmese ethnic minorities, such as ethnic Shan individuals, allowing them greater leeway to remain in Thailand without formal authorization. Outside IDCs, government officials did not distinguish between asylum-seeking Burmese and other undocumented Burmese, regarding all as illegal migrants. If caught outside of camps without permission the authorities generally allowed registered and verified Burmese refugees to return to their camp.

Authorities generally did not deport persons of concern holding valid UNHCR asylum-seeker or refugee status. One Cambodian UNHCR-recognized person of concern, however, was forcibly returned to Cambodia in February. Human rights NGOs alleged that in January, Thai authorities collaborated with Vietnamese security officials to return forcibly to Vietnam blogger Truong Duy Nhat, who had publicly expressed a desire to register with UNHCR.

Access to Asylum: The law does not provide for the granting of asylum or refugee status, and the government did not establish a system for providing protection to refugees. On December 25, the government published a new regulation (referred to as the “National Screening Mechanism” by UNHCR and NGOs) that provides individuals whom the government determines to be protected persons with temporary protection from deportation, access to health care, and access (for children) to education. The regulation does not provide for work permits to protected persons. The regulation will go into effect 180 days from the publication date.

UNHCR's ability to provide protection to some groups of refugees outside the official camps remained limited. Its access to asylum seekers in the IDCs to conduct status interviews and monitor new arrivals varied throughout the year. Authorities generally allowed resettlement countries to conduct processing activities in the IDCs, and humanitarian organizations were able to provide health care, nutritional support, and other humanitarian assistance. Access varied, reportedly depending on the preferences of each IDC chief. Authorities at IDC Suan Phlu in Bangkok, for example, restricted access by UNHCR, IOM, and other NGOs during the second half of the year, claiming a need to expand health facilities.

The government allowed UNHCR to monitor the protection status of, and pursue solutions for, approximately 95,000 Burmese refugees and asylum seekers living in nine camps along the border with Burma. NGOs funded by the international community provided basic humanitarian assistance in the camps, including health care, food, education, shelter, water, sanitation, vocational training, and other services.

The government facilitated third-country resettlement to five countries for more than 2,200 Burmese refugees from the camps as of August. Refugees residing in the nine camps along the border who are not registered with the government were ineligible for third-country resettlement unless they were included in a 2015 verification process or had serious medical or protection concerns. Separately, the government coordinated with Burmese authorities to document and return to Burma registered camp residents who elected to participate in a voluntary repatriation program. As of August, 1,039 registered refugees had voluntarily returned to Burma in four tranches under the program since 2016.

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

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

Employment: The law prohibits refugees from working in the country. The government allowed undocumented migrant workers from neighboring Burma, Cambodia, and Laos to work legally in certain economic sectors if they registered with authorities and followed a prescribed process to document their status (see section 7.d.). The law allows victims of trafficking and witnesses who cooperate with pending court cases to work legally during their trial and up to two years (with possible extensions) after the end of their trial involvement. Work permits must be linked to a specific employer. For certain victims of trafficking, including Rohingya, identifying suitable employment opportunities for the issuance of work permits remained a challenge. Registration, medical check-up, and health-insurance fees remained a deterrent for prospective employers of victims of trafficking.

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

Since Burmese refugee children living in the camps generally did not have access to the government education system, NGOs continued to support camp-based community organizations to provide educational opportunities, and some were able to partially coordinate their curriculum with the Ministry of Education. In Bangkok some refugee communities formed their own unofficial schools to provide education for their children. Others sought to learn Thai with support from UNHCR, because the law provides that government schools must admit children of any legal status who can speak, read, and write Thai with some degree of proficiency.

Temporary Protection: Authorities generally did not deport persons of concern holding valid UNHCR asylum-seeker or refugee status. The government continued to protect from deportation the majority of Rohingya migrants detained by authorities, including those who arrived in the country irregularly during the mass movement in the Bay of Bengal and Andaman Sea in 2015. During the year, authorities also placed more than 200 Rohingya detained while transiting Thailand into Ministry of Social Development and Human Security-run shelters and protected them from deportation. UNHCR had access to these provincial shelters

while authorities conducted formal screenings of the migrants' eligibility for benefits as victims of trafficking. These Rohingya migrants, however, were in most cases confined to shelters and did not have freedom of movement or access to work permits.

### **g. Stateless Persons**

The government continued to identify stateless persons, provide documentation to preclude statelessness, and open paths to citizenship for long-time residents and students. An estimated 470,000 persons, mainly residing in the northern region, were likely stateless or at risk of statelessness, including ethnic minorities registered with civil authorities and previously undocumented minorities. The authorities excluded Muslims from Burma, including individuals whose families had lived in Mae Sot near the Burmese border for multiple generations, from the statelessness recognition process.

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

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

By law stateless members of hill tribes may not vote or own land, and their travel is restricted. Stateless persons also may not participate in certain occupations reserved for citizens, including farming, although authorities permitted noncitizen

members of hill tribes to undertake subsistence agriculture. Stateless persons had difficulty accessing credit and government services, such as health care. Although education was technically accessible for all undocumented and stateless children, it was usually of poor quality. School administrators placed the term “non-Thai citizen” on these students’ high school certificates, which severely limited their economic opportunities. Stateless persons and those considered illegal migrants were not permitted to enroll in tertiary education.

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

### **Section 3. Freedom to Participate in the Political Process**

The 2017 constitution largely provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. On March 24, the country held national elections after five years of rule following a 2014 coup by the military-led National Council for Peace and Order (NCPO). The campaign season was mostly peaceful with many political parties competing for seats and conducting political rallies for the first time in five years. A restrictive legal framework and selective enforcement of campaign regulations by the Election Commission, however, impacted the final outcome in favor of the PPRP-aligned parties.

#### **Elections and Political Participation**

Recent Elections: The country held national elections on March 24 following five years of military rule. In June parliament voted to return Prayut Chan-o-cha to the premiership. In July, Prayut’s cabinet was sworn in, officially disbanding the junta NCPO.

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

“failed to establish the healthy political climate that lies at the heart of free and fair electoral process.”

Political Parties and Political Participation: Despite the removal of restrictions on political activities in December 2018, many political parties complained that laws on campaign activities were broad and vague, particularly in regard to campaigning on social media, leading to self-censorship. There was frequent criticism that the party backed by the outgoing junta enjoyed advantages in campaigning that were illegal for opposition parties, including use of government resources for campaign purposes. The constitutional court’s decision to dissolve the anti-junta Thai Raksa Chart (TRC) Party after it nominated Princess Ubon Rattana as its prime-ministerial candidate further benefited the pro-junta parties by forcing 282 party-list candidates out of the running, as well as barring TRC party executives from politics for 10 years.

Participation of Women and Minorities: The precoup constitution encouraged political parties to consider a “close proximity of equal numbers” of both genders; the 2017 constitution does not contain such a provision. No laws limit participation of women and members of minorities in the political process; however, their participation was limited. Participation by women in parliament and the cabinet is low but rising. There are 81 female members of parliament in the elected Lower House out of 500 members, and three women in the new 36-member cabinet--all in Deputy Minister positions. By comparison, there were 13 women in the NCPO-appointed 249-member National Legislative Assembly, and one female minister in the 36-person interim cabinet. Lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals are represented in parliament for the first time, with four newly elected transgender members. A member of the Hmong ethnic group was also elected to parliament for the first time.

#### **Section 4. Corruption and Lack of Transparency in Government**

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

Corruption: In July activist groups filed a complaint with the State Audit Commission to request an investigation into possible procurement fraud and misuse of state funds after the Royal Thai Police paid an estimated THB 300 million (\$10 million) above market price to purchase a government jet for Deputy Prime Minister Prawit Wongsuwan’s travel. In December 2018 the NACC, citing

insufficient evidence, dismissed charges against Prawit for failing to disclose assets, including watches and rings worth an estimated THB 45 million (\$1.5 million). In June former prime minister Thaksin Shinawatra, living in the United Kingdom, was convicted in absentia of corruption and sentenced to two years in prison for his involvement in a 2003 lottery scheme.

In July, Mitsubishi Hitachi Power Systems reached a plea agreement with Japanese prosecutors over charges that one of its employees paid a bribe to a Thai civil servant to allow for the offload of plant equipment at a Thai port facility.

In September, NACC Secretary General Mana Nimitmongkol announced allegations that some government officials had paid THB 9.75 million (\$325,000) to THB 29.4 million (\$980,000) to secure high-ranking jobs in the newly elected government, on the understanding they would approve certain projects once appointed. As of November no charges or investigations against any specific officials were revealed.

Petty corruption and bribe taking were widespread among police, who were required to purchase their own uniforms and weapons. In September a police colonel from Uthai Thani province was arrested after the bus he was riding on was stopped at a police checkpoint and officers found 200,000 methamphetamine pills in his luggage. He was suspended from duty and faces disciplinary action. The national police chief announced an investigation to find other participants in the smuggling ring. By year's end, the investigation remained ongoing.

Financial Disclosure: Financial disclosure laws and regulations require elected and appointed public officials to disclose assets and income publicly according to standardized forms. The law penalizes officials who fail to submit declarations, submit inaccurate declarations, or conceal assets. Penalties include a five-year political activity ban, asset seizure, and discharge from position, as well as a maximum imprisonment of six months, a maximum fine of THB 10,000 (\$333), or both.

In August the NACC indicted its own deputy secretary general, Prayat Puangjumba, for concealing his assets on his mandatory disclosure. Prayat was found to have concealed foreign assets--a London townhouse that NACC said was worth \$6.9 million and \$400,000 in other assets held abroad--by listing them in his wife's name. He later claimed that his wife was holding the assets for a third party. The case was ongoing as of December.

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

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

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

The United Nations or Other International Bodies: According to the United Nations, there were no developments regarding official visits previously requested by the UN working group on disappearances; by the UN special rapporteurs on freedom of opinion and expression, and on freedom of peaceful assembly and of association; or by the UN special rapporteurs on the situations of human rights defenders, migrants, internally displaced persons, torture, indigenous peoples, and sexual identity and gender orientation. As of September, 21 official visit requests from UN special procedures were awaiting government approval.

Government Human Rights Bodies: The independent National Human Rights Commission of Thailand (NHRCT) has a mission to protect human rights and to produce an annual country report. The commission received 727 complaints from January through December. Of these 446, 52 were accepted for further investigation and 22 related to alleged abuses by police. Human rights groups continued to criticize the commission for not filing lawsuits against human rights violators on its own behalf or on behalf of complainants. Internationally recognized human rights activists Angkhana Neelapaijit and Tuenjai Deetes resigned from the NHRCT on July 31, reportedly due to dissatisfaction with the commission's internal workings that prevented commissioners from receiving complaints directly from the public and curtailed their engagement with civil society. Following two earlier resignations, their departure reduced the commission staff from its usual seven members to three. In November the presidents of the Supreme Court of Justice and of the supreme administrative court exercised their authority to temporarily appoint four commissioners, bringing the body back to its full complement of seven members. The new appointees, like the

three existing commissioners, serve in an acting capacity until the government completes the process of selecting permanent members that was supposed to occur in 2017 following the promulgation of the new constitution.

The Office of the Ombudsman is an independent agency empowered to consider and investigate complaints filed by any citizen. Following an investigation, the office may refer a case to a court for further review or provide recommendations for further action to the appropriate agency. The office examines all petitions, but it may not compel agencies to comply with its recommendations. From October 2018 through September, the office received 2,609 new petitions, of which 637 related to allegations of police abuses.

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

### **Women**

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

NGOs asserted rape was a serious problem and welcomed an amendment to the Penal Code enacted in May that struck down an earlier provision allowing sexual-assault offenders younger than age 18 to avoid prosecution by marrying their victim. The amendment replaces the marital option with a new procedure in which youth offenders can avoid prosecution only after successfully completing a rehabilitation program administered by the youth and family court. NGOs expressed concern, however, that the amendment narrowed the definition of rape to acts in which male sex organs were used to physically violate victims, thereby leaving victims assaulted by perpetrators using other body parts or inanimate objects without legal remedies.

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

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

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

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

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

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

Sexual Harassment: Sexual harassment is illegal in both the public and private sectors. The law specifies maximum fines of THB 20,000 (\$666) for those convicted of sexual harassment, while abuse categorized as an indecent act may result in a maximum 15 years' imprisonment and a maximum fine of THB 30,000 (\$1,000). The law governing the civil service also prohibits sexual harassment and stipulates five levels of punishment: probation, docked wages, salary reduction, suspension, and termination. NGOs claimed the legal definition of harassment was vague and prosecution of harassment claims difficult, leading to ineffective enforcement of the law.

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

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

The Ministry of Social Development and Human Security took steps to implement legislation mandating gender equality by allocating funding to increase awareness about the law and promote gender education and equality, and by hearing from complainants who experienced gender discrimination. Since 2015 the Ministry of Social Development and Human Security has received 41 complaints and issued judgement in 24 cases. The majority of cases related to transgender persons facing discrimination (see subsection on Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity, below). Human rights advocates expressed concern about lengthy delays in reviewing individual discrimination complaints and a lack of awareness among the public and within the ministry’s provincial offices.

Women generally enjoy the same legal status and rights as men, but sometimes experienced discrimination particularly in employment. The law imposes a maximum jail term of six months or a maximum fine of THB 20,000 (\$666) or both, for anyone convicted of gender discrimination. The law mandates nondiscrimination based on gender and sexual identity in policy, rule, regulation, notification, project, or procedures by government, private organizations, and any individual, but it also stipulates two exceptions criticized by civil society groups: religious principles and national security.

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

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

Since September 2018, women have been barred from applying to the police academy. Activists criticized this as contrary to the aims of legislation promoting gender equality, and formally petitioned the Office of the Ombudsman to urge the decision be revisited. Separately, the RTP listed “being a male” as a requirement in an employment announcement for new police investigators; the NHRCT and the Association of Female Police Investigators objected publicly to this announcement. In media reports the RTP cited the need for this requirement given that police investigations require hard work and the perception that female officers take frequent sick leave or abruptly resign.

## **Children**

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

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

Child Abuse: The law provides for the protection of children from abuse, and laws on rape and abandonment carry harsher penalties if the victim is a child. The penalties for raping a child younger than age 15 range from four to 20 years’ imprisonment and fines between THB 80,000 (\$2,670) and 400,000 (\$13,300). Those convicted of abandoning a child younger than age nine are subject to a jail term of three years, a fine of up to THB 60,000 (\$2,000), or both. The law provides for protection of witnesses, victims, and offenders younger than 18 years in abuse and pedophilia cases. According to advocacy groups, police showed reluctance to investigate abuse cases, which in turn impacted prosecutorial outcomes.

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

Girls Not Brides, an international NGO, reported that 23 percent of girls in the country are married before their 18th birthday and 4 percent are married before age 15, according to statistics from 2015-2016, the most recent available.

In the Muslim-majority southernmost provinces, Islamic law used for family matters and inheritance allows the marriage of young girls after their first menstrual cycle with parental approval. Child rights advocates and journalists reported it was common for Malaysian men to cross into southern Thailand to engage in underage marriages. In December 2018, the Islamic Committee of Thailand raised the minimum age for Muslims to marry from 15 to 17 years old. Under the new regulation, however, a Muslim younger than the age of 17 can still marry with a written court order or written parental consent, which will be considered by a special subcommittee of three members, of which at least one member must be a woman with knowledge of Islamic laws.

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

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

The government made efforts throughout the year to combat the sexual exploitation of children, including opening two new child advocacy centers in

Ubon Ratchathani and Kanchanaburi provinces, adding to existing centers in Chiang Mai, Pattaya, and Phuket that allow for developmentally appropriate interviews of child victims and witnesses. The centers allowed both forensic interviewing and early social-service intervention in cases of child abuse, trafficking, and exploitation. The multiagency Thailand Internet Crimes against Children Task Force continued to accelerate its operations, leveraging updated regulations and investigative methods to track internet-facilitated child exploitation.

Displaced Children: Authorities generally referred street children to government shelters located in each province, but foreign undocumented migrants avoided the shelters due to fear of deportation. As of September 2018 the government reported 4,323 street children sought shelter nationwide. In July 2019, the NGO Foundation for the Better Life of Children reported approximately 50,000 children were living on the streets, 20,000 of them foreign born. The government generally sent citizen street children to school, occupational training centers, or back to their families with social-worker supervision. The government repatriated some street children who came from other countries.

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

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

### **Anti-Semitism**

The resident Jewish community is very small, and there were no reports of anti-Semitic acts. During the year Nazi symbols and figures were sometimes displayed on merchandise and used in advertising. Pitchayapha Natha from the teen-pop group BNK48 was criticized after wearing a T-shirt bearing a Nazi swastika. The incident happened a few days before International Holocaust Remembrance Day, and Pitchayapha later apologized for the incident.

### **Trafficking in Persons**

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

### **Persons with Disabilities**

The 2017 constitution prohibits discrimination based on disability and physical or health conditions. The law provides tax benefits to employers employing a certain number of disabled persons. The tax revenue code provided special income-tax deductions to promote employment of persons with disabilities.

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

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

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

Disabled persons' organizations (DPOs) reported difficulty in accessing information about a range of public services, as well as political platforms in advance of elections.

Some disability rights activists alleged that government officials, including from the National Office for Empowerment of Persons with Disabilities at the Ministry of Social Development and Human Security, and private companies often contract with DPOs to recruit employees with disabilities, an arrangement that can allow

dishonest officials and DPO staff to keep a portion of the wages intended for those workers.

### **National/Racial/Ethnic Minorities**

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

### **Indigenous People**

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

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

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

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

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

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

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

Legislation mandating gender equality prohibits discrimination “due to the fact that the person is male or female or of a different appearance from his or her own sex by birth” and protects transgender students from discrimination. The country’s fourth national human rights plan, covering the period 2019-2023, is currently under revision by the Office of the National Economic and Social Development Board; the current 2014-2018 plan included steps for protecting the rights of “persons with different sexual orientation/gender identities.”

NGOs and the United Nations reported transgender persons faced discrimination in various sectors, including in the military conscription process, while in detention, and because of strict policies in place at most schools and universities which require students to wear uniforms that align with their biological gender. If university or school uniform codes are not followed, students may be denied graduation documents, have their grades deducted, or both.

In May the Ministry of Education introduced a new curriculum incorporating discussion of sexual orientation and gender diversity for grades one-12; this followed two years of advocacy by the LGBTI community.

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

### **HIV and AIDS Social Stigma**

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

## **Section 7. Worker Rights**

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

The constitution provides that a person shall enjoy the liberty to unite and form an association, cooperative, union, organization, community, or any other group. Labor laws guarantee the rights of workers in private-sector and state-owned enterprises (SOE) to organize trade unions and engage in collective bargaining. Civil servants have the liberty to assemble as a group, provided that such assembly does not affect the efficiency of national administration and continuity of public services and does not have a political objective.

Among wage and salary workers, 3.5 percent are unionized and only 34 out of 77 provinces have labor unions.

The law allows private-sector workers to form and join trade unions of their choosing without prior authorization, to bargain collectively, and to conduct legal strikes, although these rights come with restrictions. For example, workers have the rights to strike legally if they have notified the authorities 24 hours in advance, if a demonstration is not on public roads, and if it does not violate any laws.

When bargaining collectively, workers can submit a set of demands through the union if at least one-fifth of the workforce are members of that union; or at workplaces without a union, if they have signatures from at least 15 percent of the workforce. Under the law, only workers with the same employer or in the same industry may form a union. Contract workers, even if working in the same factory and doing the same job as full-time workers, cannot join the union because they are classified as belonging to the service industry while full-time workers come under the “manufacturing industry.” Nevertheless, the law makes contract workers eligible for the same benefits as those enjoyed by union members. The inability for contract workers and full-time workers to join the same union could diminish the benefits of bargaining collectively as a larger group. In addition, short-term contract workers are less likely to join unions for fear of losing their jobs. Labor advocates claim that many companies hire contract workers to undermine unionization efforts. A survey of the auto-parts and electronics industries found that more than 45 percent of the workforce consists of contract workers, and about half of them have short-term contracts.

The law allows one union per SOE. Banks, trains, airlines, airports, marine ports, and postal services are among those industries owned by SOEs. If an SOE union’s membership falls below 25 percent of the eligible workforce, regulations require dissolution of the union.

The law restricts formal links between unions of SOEs and their private-sector counterparts because they are governed by two separate laws.

The law allows employees at workplaces without a union to submit collective demands if at least 15 percent of employees are listed as supporting that demand. Employees in private enterprises with more than 50 workers may establish “employee committees” to represent workers’ financial interests and to negotiate with employers; employees may also form “welfare committees” to represent workers’ non-financial interests. Employee and welfare committees may offer employers suggestions but are barred from submitting labor demands or going on strike. The law prohibits employers from taking adverse employment actions against workers for their participation in these committees and from obstructing the work of the committees. Union leaders often join employee and welfare committees to avail themselves of this legal protection. Within 11,600 enterprises which have more than 50 workers in the country, there are 1,689 labor unions, 14,888 welfare committees, and 739 employee committees. NGOs report that welfare committees are uncommon in the border regions where the majority of workers are migrants.

The government may block private-sector strikes with national security implications or with negative repercussions on the population at large, but it did not invoke this provision during the year.

Strikes and lockouts are prohibited at SOEs and penalties for violations include imprisonment, fines, or both.

In March 2018 the Supreme Court ordered seven union leaders of the State Railway of Thailand (SRT) to pay a fine of THB 15 million (\$500,000) plus accrued interest for leading an illegal strike after a train derailment in 2009 despite the finding of the International Labor Organization (ILO) that union leaders’ actions were in line with international standards on the role of unions in occupational safety and health (OSH). To execute the court order, the SRT in November 2018 started to garnish the wages and seize the assets of union leaders. In addition, several SRT union leaders were charged with corruption and face imprisonment of up to 10 years and fines. In October the NACC filed criminal corruption charges against the seven union leaders. If convicted, the leaders could potentially face up to five years in prison.

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

organized and led by Thai citizens. Migrant-worker participation in unions is low due to language barriers, weak understanding of legal rights, frequent changes in employment status, membership fees, restrictive union regulations, and segregation of citizen workers from migrant workers by industry and by zones (particularly in border and coastal areas). In practice, unregistered associations, community-based organizations, and religious groups often represent the interests of migrant workers. In workplaces where the majority of workers are migrants, migrant workers are sometimes elected to the welfare committees and employee committees. Migrant workers are allowed to make collective demands if they obtain the names and signatures of at least 15 percent of employees. NGOs reported few cases, however, where migrant workers' collective demands were successful in effecting change, particularly along the border areas.

The law does not protect union members against antiunion actions by employers until their union is registered. To register a union, at least 10 workers must submit their names to the Department of Labor Protection and Welfare (DLPW). The verification process of vetting the names and employment status with the employer exposes the workers to potential retaliation before registration is complete. Moreover, the law requires that union officials be full-time employees of the company or SOE and prohibits permanent union staff.

The law protects employees and union members from criminal or civil liability for participating in negotiations with employers, initiating a strike, organizing a rally, or explaining labor disputes to the public. The law does not protect employees and union members from criminal charges for reputational damage, however, and NGOs report that reputational damage charges are sometimes used to intimidate union members and employees. The law also does not prohibit lawsuits intended to censor, intimidate, or silence critics through costly legal defense. In March the government amended the Criminal Procedure Code to protect defendants in frivolous libel cases from prosecution. Under this amended law, a court may dismiss a defamation lawsuit if it is considered dishonest. Human rights defenders hope this amendment will help minimize strategic litigation against workers and provide protection for honest whistleblowers. In June human rights lawyers assisted five migrant workers in filing a retaliatory lawsuit claiming compensation for lost wages, reputational damage, and legal fees after the courts dismissed the employer's lawsuit against the migrant workers on charges of illegal entry, illegal stay, and theft.

The law prohibits termination of employment of legal strikers but permits employers to hire workers or use subcontract workers to replace strikers. The legal

requirement to call a general meeting of trade union members and obtain strike approval by at least 50 percent of union members constrained strike action, given that many factories use shift workers, making it difficult to make a quorum.

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

In some cases, judges awarded compensation in lieu of reinstatement when employers or employees claimed they could not work together peacefully; however, authorities rarely applied penalties for conviction of labor violations, which include imprisonment, a fine, or both. Penalties were insufficient to deter violations. Labor inspection increasingly focused on high-risk workplaces and the use of intelligence from civil society partners. Labor inspections, however, remained infrequent and the number of labor inspectors and resources were inadequate given the size of the workforce. Trade-union leaders suggested that inspectors should move beyond perfunctory document reviews toward more proactive inspections. Rights advocates reported that provincial-level labor inspectors often attempted to mediate cases, even when labor rights violations requiring penalties had been found.

There were reports employers used various techniques to weaken labor-union association and collective-bargaining efforts. These included replacing striking workers with subcontractors, which the law permits as long as strikers continue to receive wages; delaying negotiations by failing to show up at Labor Relations Committee meetings or sending non-decision makers to negotiate; threatening union leaders and striking workers; pressuring union leaders and striking workers to resign; dismissing union leaders, ostensibly for business reasons, violation of

company rules, or negative attitudes toward the company; prohibiting workers from demonstrating in work zones; inciting violence, then using a court order to clamp down on protests; transferring union leaders to other branches, thus making them ineligible to participate in employee or welfare committees; transferring union leaders and striking workers to different, less desirable positions or stripping them of management authority; and supporting the registration of competing unions to circumvent established, uncooperative unions.

Employers sometimes filed lawsuits against union leaders and strikers for trespass, defamation, and vandalism. For instance, in 2015 the central labor court ordered four union leaders of Thai Airways to pay claims of damages in the amount of THB 326 million (\$10,900,000) for causing reputational damage; the case is now pending a Supreme Court decision. The ILO expressed concern that the court decision ran counter to the principles of freedom of association, and that the excessive damages awarded were likely to have an intimidating effect on the Thai Airways Union and inhibit their legitimate union activities. Human rights defenders said lawsuits like these and threats to terminate the employment of union leaders had a chilling effect on freedoms of expression and association (also see section 7.b.).

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

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

The law prohibits forced or compulsory labor, except in the case of national emergency, war, martial law, or imminent public calamity. The prescribed penalties for human trafficking were sufficient to deter violations. The government amended the Anti-Trafficking in Persons Act for the third time in five years. The new amendment defined forced labor as a stand-alone offense, and guaranteed access to services and protections for forced-labor victims similar to services and protections for human-trafficking victims. It also applied the same penalties when forced labor victims were seriously injured or killed. To implement the amendment, government agencies and non-government groups worked on revisions of subordinate regulations, victim-identification guidelines, and standard operating procedures. The Ministry of Social Development and Human Security, the Ministry of Labor, and the Office of Attorney General organized training workshops for law enforcement and multidisciplinary teams to understand the changes to the law.

There were many reports that forced labor continued in fishing, agriculture, domestic work, and begging. The government did not effectively enforce the law. Penalties were not sufficient to deter violations.

NGOs acknowledged a decline in the most severe forms of labor exploitation in the fishing sector. Some NGOs, however, point to inconsistencies in enforcing labor laws, particularly around irregular or delayed payment of wages, illegal wage deductions, illegal recruitment fees, withholding of documents, and not providing written contracts in a language that workers understand. In March the government for the first time began to award accident compensation for all migrant fishery workers regardless of registration status.

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

The government and NGOs reported a significant increase in the number of trafficking victims identified among smuggled migrants, particularly from Burma. Most of those cases involved transnational trafficking syndicates both in Thailand and in the country of origin. Many victims were subjected to deception, detention, starvation, human branding, and abuse during their journey. Traffickers sometimes destroyed the passports and identity documents of victims. Some victims were sold to different smugglers and subjected to debt bondage.

Private companies continued to pursue civil and criminal lawsuits against workers, NGOs, and journalists (also see section 7.a.). Since 2016, Thammakaset, a poultry farm owner in Lopburi Province, has filed 13 criminal and civil cases against 14 former employees, labor rights activists, and journalists on various charges such as criminal defamation, theft of timecards, and computer crime, most recently in May. Authorities and courts dismissed most of these complaints and ordered Thammakaset to pay THB 1.7 million (\$56,600) in compensation for back wages, overtime, and holiday pay to 14 former employees for labor-law violations. As of September some of these cases were still pending a court decision.

The ILO noted that the law allowed for forced prison labor in several circumstances, including as punishment for participating in strikes or for holding or expressing certain political views.

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

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

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

Penalties for violations of the law may include imprisonment or fines and have been largely effective as a deterrent. Parents of victims whom the court finds were “driven by unbearable poverty” can be exempt from penalties.

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

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

NGOs, however, reported that some children from Thailand, Burma, Cambodia, Laos, and ethnic minority communities were working in informal sectors and small businesses, including farming, home-based businesses, restaurants, street vending, auto services, food processing, construction, domestic work, and begging. Some children were forced to work in prostitution, pornography, begging, and the production and trafficking of drugs (see section 6, Children). The Thailand Internet Crimes against Children task force investigated 19 cases of child-sex trafficking and 60 cases of possession of child-pornographic materials.

The government did not effectively enforce the law. The DLPW is the primary agency charged with enforcing child-labor laws and policies. In 2018 the government increased the number of labor inspectors and interpreters. During the year, 94 percent of labor inspections were targeted at fishing ports and high-risk workplaces including garment factories, shrimp and seafood processing, poultry and pig farms, auto repair shops, construction sites, and in service-sector businesses like restaurants, karaoke bars, hotels, and gas stations. The DLPW identified 99 cases involving 206 alleged violations of child-labor laws. In the majority of cases, employers were cited for failing to notify DLPW of employing children ages 15 to 18. Only 16 cases of underage child labor were found. Penalties were not sufficient to deter violations.

Observers noted several limiting factors in effective enforcement of child-labor laws, including insufficient labor inspectors, insufficient interpreters during labor inspections, ineffective inspection procedures (especially in hard-to-reach workplaces like private residences, small family-based business units, farms, and fishing boats), and a lack of official identity documents among young migrant workers from neighboring countries. A lack of public understanding of child-labor laws and standards was also an important factor.

In June the government published its first national working-children survey, using research methodology in line with international guidelines. This survey was the product of cooperation among the Ministry of Labor, the National Statistical Office (NSO), and the ILO. The survey revealed that of 10.47 million children ages 5 to 17, 3.9 percent were working children, including 1.7 percent who were child

laborers (exploited working children)--1.3 percent in hazardous work, and an additional 0.4 percent in non-hazardous work. The majority of child laborers were doing hazardous work in household or family businesses (55 percent), in the areas of agriculture (56 percent), service trades (23 percent), and manufacturing (20 percent). Boys were in child labor more than girls and more than half of child laborers were not in school. Of the top three types of hazardous work which children performed in the country, 22 percent involved lifting heavy loads, 8 percent working in extreme conditions or at night, and 7 percent being exposed to dangerous chemicals and toxins.

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

#### **d. Discrimination with Respect to Employment and Occupation**

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

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

In September 2018 the police cadet academy announced it would no longer admit female cadets. This decision was widely criticized as discriminatory and detrimental to the ability of the police force to identify some labor violations against women. Discrimination against persons with disabilities occurred in employment, access, and training. Advocacy groups for the rights of persons with

disabilities filed a complaint on embezzlement and illegal deduction of wages from workers with disabilities in April. The case is under investigation by the Public Sector Anti-Corruption Commission.

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

### **e. Acceptable Conditions of Work**

The minimum wage was three times higher than the government-calculated poverty line.

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

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

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

A large income gap remained between formal and informal employment, with workers in nonagricultural sectors earning three times that of those in the

agricultural sector, on average. According to government statistics, 55 percent of the labor force worked in the informal economy, with limited protection under labor laws and the social security system.

The ILO and many NGOs reported that daily minimum wages, overtime, and holiday-pay regulations were not well enforced in small enterprises, in certain areas (especially rural or border areas), or in certain sectors (especially agriculture, construction, and sea fishing). Labor unions estimated 5-10 percent of workers received less than the minimum wage; however, the share of workers who received less than minimum wage was likely higher among unregistered migrant workers and in the border region. Unregistered migrant workers rarely sought redress under the law due to their lack of legal status and the fear of losing their livelihood. In September police raided and interviewed hundreds of workers in medium-size garment factories in Mae Sot along the Burma border after the media reported that workers were paid less than the daily minimum wage. Labor inspectors under the Department of Labor Protection and Welfare then demanded that employers in those factories pay back wages to workers as required by the law.

The DLPW enforces laws related to labor relations and occupational safety and health. The law subjects employers to fines and imprisonment for minimum-wage noncompliance, but the government did not effectively enforce the law and penalties were insufficient to deter violations. There were many reports during the year of minimum-wage noncompliance which went to mediation, where workers settle for owed wages lower than the daily minimum wage. The DLPW issued orders to provincial offices in 2018 prohibiting labor inspectors from settling cases where workers received wages and benefits less than that required under the law.

Convictions for violations of occupational safety and health (OSH) regulations include imprisonment and fines; however, the number of OSH experts and inspections was insufficient, with most inspections only taking place in response to complaints. The number of labor inspectors was insufficient for the size of the workforce as well. Union leaders estimated only 20 percent of workplaces, mostly large factories owned by international companies, complied with government OSH standards. Workplace safety instructions as well as training on workplace safety were mostly in Thai, likely contributing to higher incidence of accidents among migrant workers.

Medium-sized and large factories often applied government health and safety standards, but overall enforcement of safety standards was lax, particularly in the informal economy and among smaller businesses. NGOs and union leaders noted

that ineffective enforcement was due to insufficient qualified inspectors, an overreliance on document-based inspection (instead of workplace inspection), a lack of protection against retaliation for workers complaints, a lack of interpreters, and a failure to impose effective penalties on noncompliant employers. The Ministry of Labor hired and trained more inspectors and foreign-language interpreters in 2018. The interpreters were assigned primarily to fishing-port inspection centers, multidisciplinary human-trafficking teams, and provincial labor offices with a high density of migrant workers.

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

NGOs reported that many construction workers, especially subcontracted workers and migrant workers, were not in the social-security system or covered under the workers' compensation program, despite legal requirements. While the social-security program is mandatory for employed persons, it excludes workers in the informal sectors. Workers employed in the informal sector, those in temporary or seasonal employment, and the self-employed, may contribute voluntarily to the workers' compensation program and receive government matching funds.

In March the Ministry of Labor issued regulations providing workers compensation to all workers except vendors and domestic workers. Labor-union leaders reported, however, that compensation for work-related illnesses was rarely granted because the connection between the health condition and the workplace was often difficult to prove.

In November a new labor-protection law for workers in the fishing industry came into effect. It required workers to have access to health-care and social-security benefits, and for vessels with deck size over 300 tonnage gross or which go out more than three days at a time to provide adequate living conditions for workers. Social-security benefits and other parts of the law, however, were not enforced pending approval of subordinate laws by the Council of State. The existing government requirements are for registered migrant fishery workers to buy health insurance and for vessel owners to contribute to the workers' compensation fund. In August, NGOs reported the first case where a fishery migrant worker holding a border-pass became eligible for accident compensation. The lack of sufficient

occupational safety and health training in the migrant workers' language, of inspections by OSH experts, of first aid, and of reliable systems to ensure timely delivery of injured workers to hospitals after serious accidents, increased the vulnerability of fishery workers. During the year, NGOs reported several cases where the navy rescued fishery workers who had been in accidents at sea.

NGOs reported poor working conditions and lack of labor protections for migrant workers, including those near border-crossing points. In July 2018 the Royal Ordinance Concerning the Management of Foreign Workers' Employment went into effect. The decree provides for civil penalties for employing or sheltering unregistered migrant workers, while strengthening worker protections by prohibiting Thai employment brokers and employers from charging migrant workers additional fees for recruitment. The decree also bans subcontracting and prohibits employers from holding migrant workers' documents. It outlaws those convicted of violating labor and anti-trafficking-in-persons laws from operating employment agencies. In October the Chiang Mai provincial court sentenced an employer who retained the personal documents of migrant employees to one month in prison and a fine of THB 10,000 (\$333), but the penalties were later reduced to 15 days' imprisonment and a fine of THB 5,000 (\$167).

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

Department of Employment regulations limit the maximum charges for recruitment fees, but effective enforcement of the rules was hindered by workers' unwillingness to provide information and the lack of documentary evidence regarding underground recruitment, documentation fees, and migration costs. Exploitative employment-service agencies persisted in charging citizens working overseas illegal recruitment fees as high as THB 500,000 (\$16,700), that frequently equaled two years of earnings. NGOs reported that workers would often borrow this money at exorbitant interest rates from informal moneylenders.

In 2018, the latest year for which data were available, there were 86,297 reported incidents of accidents or work-related diseases. Of these, 2 percent resulted in organ loss, disability, or death. The Social Security Office reported most serious workplace accidents occurred in manufacturing, wholesale retail trade, construction, transportation, hotels, and restaurants. Observers said workplace accidents in the informal and agricultural sectors and among migrant workers were

underreported. Employers rarely diagnosed or compensated occupational diseases, and few doctors or clinics specialized in them.