

# THAILAND 2021 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

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

The Royal Thai Police and the Royal Thai Armed Forces share responsibility for law enforcement and the maintenance of order within the country. 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. Civilian authorities generally maintained control over security forces. There were credible reports that members of the security forces committed a variety of abuses.

Significant human rights issues included credible reports of: torture and cases of cruel, inhuman, or degrading treatment or punishment by government officials; arbitrary arrest and detention by government authorities; political prisoners; political interference in the judiciary; arbitrary and unlawful interference with privacy; serious restrictions on free expression and media, including arrests and prosecutions of those criticizing the government, censorship, and criminal libel laws; serious restrictions on internet freedom; interference with the freedom of peaceful assembly and freedom of association; restrictions on freedom of movement; refoulement of refugees facing threats to their life or freedom; restrictions on political participation; serious acts of government corruption; harassment of domestic human rights organizations; trafficking in persons; and significant restrictions on workers' freedom of association.

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

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

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

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

Unlike previous years, there were no reports that the government or its agents committed arbitrary or unlawful killings.

Police reportedly abused numerous individuals in custody. On August 5, a video showed seven police officers from Mueang Nakhon Sawan apparently torturing and suffocating to death a hooded suspect later identified as 24-year-old Chiraphong Thanapat. The officers were reportedly interrogating the victim to extort a two-million-baht (\$61,000) bribe. The chairperson of the Nakhon Sawan office of the Lawyers Council of Thailand reported that police detained the victim for a preliminary interrogation immediately after his arrest, when he was not yet legally entitled to counsel. The provincial police chief ordered an investigation; all seven officers allegedly involved in the incident were in custody as of August (see section 4).

Earlier cases of arbitrary or unlawful killings remained unsolved. As of November, for example, the investigation continued into the 2020 incident where a police officer shot and killed Charoensak Rachpumad, a suspect in drug and weapons dealing, in Ron Phibun District, Nakhon Si Thammarat Province. Witnesses said Charoensak was raising his arms to surrender while surrounded by approximately 10 policemen. The policeman who killed him contended

Charoensak was charging at him with a knife.

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

## **b. Disappearance**

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

Most cases from prior years remained unresolved. In August the Department of Special Investigation requested the Office of the Attorney General to reverse the January 2020 decision to drop murder charges against four Kaeng Krachan National Park employees for the 2014 killing of Porlajee “Billy” Rakchongcharoen, a Karen-rights activist. The Office of the Attorney General subsequently ordered the Department of Special Investigation to conduct further investigations to prove the murder and kidnaping allegations; as of December the investigation continued.

## **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, an emergency decree in effect in the southernmost provinces since 2005 effectively provides immunity from prosecution to security officers for actions committed during the performance of their duties. As of August the cabinet had renewed this emergency decree every three months since 2005, and it applied at that point to all but seven districts in the three southernmost provinces: Si Sakhon, Su-ngai Kolok, and Sukhirin in Narathiwat Province; Betong and Kabang in Yala Province; and Mai Kaen and Mae Lan in Pattani Province.

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

Representatives of nongovernmental organizations (NGOs) and legal entities reported police and military officers sometimes tortured and beat suspects to obtain confessions, and newspapers reported numerous cases of citizens accusing police and other security officers of brutality. On January 13, a police officer in Koh Samui allegedly pulled a Burmese migrant worker out of a holding cell and sexually assaulted her in his office. After the victim's family filed a complaint, the police officer, Watcharin Sinsamoson, was arrested and charged with rape.

As of November the seven soldiers who confessed to beating two brothers in Nakhon Phanom during a 2020 interrogation related to drug-trafficking charges were not indicted. One brother was later transferred to a hospital where he died, while the other was found seriously injured in a separate location.

There were reports of hazing and physical abuse by members of military units. In January, five recruits reported they were beaten and tortured by their commander after he discovered marijuana in their possession. Two escaped the base and filed a complaint. The case was closed after the victims and their families settled the case out of court with compensation to the victims.

Impunity in the security forces was a problem, especially in the southern provinces where martial law remained in effect. The Ministry of Defense requires service members to receive human rights training. Routine training occurred at various levels, including for officers, noncommissioned officers, enlisted personnel, and recruits. The Royal Thai Police requires all cadets at its national academy to complete a course in human rights law.

## **Prison and Detention Center Conditions**

Conditions in prisons and various detention centers – including drug rehabilitation facilities and immigration detention centers (IDCs) where authorities detained undocumented migrants, refugees, asylum seekers, and foreign nationals who violated immigration laws – were poor, and most were overcrowded, leading to a surge in COVID-19 cases among detainees. Child refugees and asylum seekers were detained in the IDCs or temporarily in local police stations, despite the government's pledge to end or provide alternatives to detention. The Ministry of Justice's Department of Corrections is responsible for monitoring prison

conditions, while the Royal Thai Police Immigration Bureau monitors conditions in the IDCs.

The government continued to hold some civilian suspects at military detention facilities, despite instructions in 2019 mandating the transfer of all civilian cases from military to civilian courts. According to the Department of Corrections, as of November there were at least two civilians at the Thung Song Hong Subdistrict temporary detention facility north of Bangkok.

**Physical Conditions:** Prison and detention-facility populations were approximately 50 percent larger than designed capacity. As of November authorities held 285,182 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.

By May more than 2,000 prisoners in Bangkok tested positive for COVID-19, including several high-profile protest leaders who were denied bail pending trial. In April, Parit “Penguin” Chiwarak and Panusaya “Rung” Sittijirawattanakul were detained for 93 and 60 days respectively, during which they engaged in a hunger strike to protest the court’s persistent denial of bail. Parit was hospitalized with suspected gastrointestinal bleeding before his eventual release. In August, Parit was rearrested and subsequently tested positive for COVID-19. The Department of Corrections denied a request from Parit’s mother to transfer her son to a private hospital, stating he had recovered.

Conditions at the IDCs are not subject to many of the regulations that govern the regular prison system. NGOs, international organizations, and detainees at some IDCs reported overcrowding and unhealthy conditions such as poorly ventilated rooms, lack of outdoor time, lack of access to telephones or other means of communication, and inadequate medical care. In response to multiple COVID-19 outbreaks in IDCs, during the year the Immigration Bureau informally relaxed restrictions on bail, allowing dozens of migrant and refugee detainees from the

IDCs in Bangkok to pay bail and temporarily leave detention.

NGOs reported that authorities occasionally held men, women, and children together in police station cells, particularly in small or remote police stations, pending indictment or immigration processing. According to the UN High Commissioner for Refugees (UNHCR), as of August there were 21 persons holding valid UNHCR refugee or asylum-seeker status in detention. During the year there were multiple reports that IDC authorities placed juveniles older than 14 with adults.

By law authorities may hold aliens without legal authorization to stay in the country, including refugees and asylum seekers or those who otherwise have violated immigration law, in the IDCs for years unless they are bailed out or pay a fine and the cost of their transportation home. The Immigration Bureau mostly held migrant mothers and children in separate, more spacious detention facilities, but continued to restrict their freedom of movement. Immigration authorities regularly placed older male children together with adult males rather than in facilities designated for families. NGOs reported complaints, especially by Muslim detainees in the IDCs, of inadequate halal food.

**Administration:** Authorities permitted prisoners or their representatives to submit complaints to ombudspersons but not directly to judicial authorities. The law allows prison authorities to examine the contents of complaints and petitions before sending them to outside organizations. Ombudspersons in turn may consider and investigate complaints and petitions received from prisoners and provide recommendations to the Department of Corrections, but they are not empowered to act on a prisoner's behalf, nor may they involve themselves in a case unless a person files an official complaint. Complaint and oversight mechanisms were not available to detainees in IDCs.

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

Representatives of international organizations had limited access to detainees in the IDCs across the country for service delivery and resettlement processing, in part due to COVID-19-related restrictions. Access to individual IDCs varied from province to province.

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

The deep-south emergency decree that gives the government authority to detain persons without charge for a maximum of 30 days in unofficial places of detention remained in effect (see section 1.g.).

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

In March 2020 the prime minister announced a nationwide COVID-19-related emergency decree that was renewed every month as of November. Critics claimed the decree was used as a pretext to arrest antigovernment protesters.

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

The law requires police and military officers to obtain a warrant from a judge prior to making an arrest, and the courts tended to approve automatically all requests for warrants. Martial law remained in effect in the deep south, however, allowing for a maximum seven days' detention without a warrant. 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.

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

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

In March and April, several dozen activists were arrested and held in pretrial detention for up to two months for their participation in antigovernment protests, some under lese majeste (royal insult) charges. They were released on bail in May and June though some, including Parit “Penguin” Chiwarak, were arrested again in August (see also section 2.b., Freedom of Peaceful Assembly, August arrests of protest leaders).

According to Thai Lawyers for Human Rights, in December 2020 police searched the house of a prodemocracy activist known as Nat and confiscated his phone and yellow duck calendars, which authorities claimed contained images that were insulting to the monarchy. He was then taken to a police station in Bangkok and charged with lese majeste. Thai Lawyers for Human Rights said police arrested the activist without an arrest warrant or informing him of his rights. Nat was initially detained at Nong Khaem Police Station where the commissioner denied a bail bond offered by the suspect’s lawyer. On January 2, he was sent to Taling Chan Criminal Court for detention. The court released him after two Move Forward Party member of parliaments offered a bail bond.

**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, regarding the simultaneous use of laws applicable in national-security cases that may result in lengthy detentions for insurgency-related suspects in the far southern part of the country. Other laws allow civilian personnel from the Ministry of Justice’s Office of the Narcotics Control Board to detain without charge individuals suspected of committing drug-related crimes for up to three days before handing them over to police.

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



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

Pretrial detainees constituted 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.

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

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

### **Trial Procedures**

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

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

In ordinary criminal courts, defendants enjoy a broad range of legal rights, including access to a lawyer of their choosing, prompt and detailed information on

the charges against them, free assistance of an interpreter as necessary, the right to be present at trial, and the right to adequate time and facilities to prepare a defense. They also have the rights not to be compelled to testify or to confess guilt, to confront witnesses, to present witnesses, and to appeal. Authorities did not always provide indigent defendants with counsel at public expense, and there were allegations authorities did not afford defendants all the above rights, especially in small or remote provinces.

### **Political Prisoners and Detainees**

On November 10, the Constitutional Court ruled that three activists (Arnon Nampa, Panusaya “Rung” Sithijirawattanakul, and Panupong “Mike Rayong” Jadnok), who made speeches calling for political reforms, intended to overthrow the state and the monarchy in violation of the constitution. From January to October, the Department of Corrections reported at least 74 persons were awaiting trial or imprisoned under 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. In November NGOs reported that 161 persons – including eight minors – were charged under lese majeste laws, mostly for online political expression and participation in antigovernment protests between August 2020 and September.

### **Politically Motivated Reprisal against Individuals Located Outside the Country**

**Extraterritorial Killing, Kidnapping, Forced Returns, or Other Violence or Threats of Violence:** During the year there were no reports that Thai authorities took politically motivated reprisals against activists and critics outside the country. Allegations of disappearances from previous years remained unresolved, however, and NGOs alleged that at least eight exiled Thai dissidents had been victims of such disappearances since the 2014 coup.

There were no new developments in the disappearance of activist Wanchalearm Satsaksit, who was reportedly abducted by masked gunmen in Cambodia in 2020.

## **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**

Security forces continued to use the deep-south emergency decree to conduct regular, warrantless searches in the southernmost provinces. Other legislation allowing the search and seizure of computers and computer data, in cases where the defendant allegedly entered information into computer systems that is “likely to cause damage to the public,” is “false,” or is “distorted,” continued to be used extensively (see section 2.a.). The law gives the Ministry of Digital Economy and Society authority to request and enforce the removal of information disseminated via the internet.

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

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

There were numerous reports of security forces harassing citizens who publicly criticized the government, including by visiting or surveilling their residences or places of employment. In March, Tiwagorn Withiton was arrested on lese majeste and sedition charges as well as under computer crimes legislation for Facebook posts he made in February. In 2020 he was apprehended after posting a picture of himself online wearing a T-shirt critical of the monarchy.

The Cross-Cultural Foundation issued a report in 2020 on forced DNA collection from Muslim males by military personnel in the southernmost regions, a practice that critics said was discriminatory.

### **g. Conflict-related Abuses**

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

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

**Killings:** Unlike in previous years, there were no reports of government forces committing extrajudicial killings of persons suspected of involvement with the insurgency. According to the NGO Deep South Watch, as of July there were 72 raids by security forces, resulting in the deaths of eight suspected insurgents. Government officials insisted the suspects in each case resisted arrest, necessitating the use of deadly force, a claim disputed by the families of the suspects and human rights groups.

According to Deep South Watch, violence resulted in 93 deaths and 151 injuries in 388 incidents as of October, similar to the numbers from 2020. As in previous years, suspected insurgents frequently targeted government representatives,

including district and municipal officials, military personnel, and police, with bombings and shootings.

On May 4, a combined police and military unit raided a house in Krong Pinang District of Yala following a report that a group of insurgent suspects were hiding there. During the raid two suspects and one paramilitary ranger were killed. Another suspect turned himself in to the authorities. Authorities believed the group was involved in an April 24 incident in Sai Buri District of Pattani that killed three members of a Buddhist family as well as the May 3 train shooting in Narathiwat.

On May 21, a combined police and military unit raided a resort in Yaring District of Pattani following a report that a group of insurgent suspects were in hiding. A clash during the raid killed two suspects and wounded one police officer. Both suspects had arrest warrants for their alleged involvement in several violent incidents, and authorities seized two pistols and an M67 bomb.

On July 5, a combined unit of police and military officers raided a house in Pattani following a report that a group of insurgent suspects had been hiding there. Three security officers were wounded during the raid, while the suspects managed to escape. After a six-day manhunt, a second clash resulted in the death of two suspects. According to the military, the two killed in the clash were insurgent suspects with arrest warrants for involvement in several past incidents.

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

On May 4, Somsak Onchuenjit, a lawyer and land rights activist, was shot and killed by gunmen on a rubber-tree plantation in Amphoe Wang Wiset District of Trang Province. On May 18, police arrested three suspects, including the mayor of the Tambon Wanwiset municipality, Charinrat Krutthirat, who was subsequently released on bail. The case remained pending with the public prosecutor as of September.

**Physical Abuse, Punishment, and Torture:** The local NGO Muslim Attorney Center received a complaint alleging torture of an insurgent suspect by security

forces while in custody. The same NGO noted it was difficult to substantiate allegations due to the lack of cooperation from government officials in carrying out credible investigations and providing access to suspects in detention. According to the NGO Duai Jai, at least 86 persons were detained as of July. 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 courts did not always exercise their right of review.

The Southern Border Provinces Police Operation Center reported through August that authorities arrested 49 persons via warrants issued under the emergency decree, an increase compared with 2020. Of these, authorities released 18 and prosecuted 31. The government frequently armed both ethnic Thai-Buddhist and ethnic Malay-Muslim civilian defense volunteers, fortified schools and temples, and provided military escorts to monks and teachers.

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

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

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

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

media and the internet, and blocked websites.

**Freedom of Expression:** The lese majeste prohibition makes it a crime, punishable by minimum of three years' and 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.

As of August lese majeste charges were filed against 102 individuals. Those so charged often also faced other charges, including for sedition and violating the COVID-19 emergency decree.

On January 19, the Bangkok criminal court sentenced a former civil servant to 43 years in prison on 29 separate counts of lese majeste for posting audio clips made by an activist which contained comments critical of the monarchy.

On March 30, police charged opposition politician Thanathorn Juangroongruangkit with lese majeste after he livestreamed a Facebook event accusing the government of favoring a company owned by the palace-controlled Crown Property Bureau to produce the country's supply of COVID-19 vaccines. The criminal court rejected a request from the Ministry of Digital Economy and Society to remove the online footage of the event. In its ruling the court determined that the content was critical of the government's COVID-19 vaccine plan but not of the royal institution itself.

**Freedom of Expression for Members of the Press and Other Media, Including Online Media:** Independent media were active but faced significant impediments to operating freely.

The government owned all spectrum used in media broadcast and leased it to private media operators, allowing the government to exert indirect influence on the media landscape. Media firms sometimes practiced self-censorship. On August 13, the Ministry of Digital Economy and Society announced it would require service providers and social media platforms such as Clubhouse and Telegram to collect and keep user data for government to access if requested, including user identities, user activity, records of attempts to access systems, accessed files, and transaction records.

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

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

**Libel/Slander Laws:** In addition to the lese majeste laws, defamation is a criminal offense punishable by a fine and two years’ imprisonment. Military and business figures filed criminal defamation and libel cases against political and environmental activists, human rights defenders, journalists, and politicians.

In July the Government Pharmaceutical Organization filed a defamation suit against Boon Vanasinpro, the chairman of a private hospital, and Loy Chunpongthong for criticizing the government’s procurement of the Moderna vaccine. The company alleged Boon and Loy provided false information by claiming that the company, as coordinator for Moderna vaccines for private hospitals, was reaping profits.

In August the Southern Bangkok Criminal Court accepted a defamation case brought in late 2019 by poultry firm Thammakaset against human rights defender Angkhana Neelaphajitin. The complaint alleged that Angkhana defamed the company in two social media posts in 2018 and 2019 expressing support for other human rights defenders facing lawsuits brought by Thammakaset. In March NGOs reported that since 2016 Thammakaset filed civil and criminal defamation cases against 23 human rights defenders, journalists, and former employees (see section 7).



**National Security:** Various orders issued by the National Council for Peace and Order (NCPO) junta continued to provide authorities the right to restrict distribution of material deemed to threaten national security.

## **Internet Freedom**

The government continued to restrict internet access and penalize those who criticized the monarchy or shared information deemed false regarding the spread of COVID-19. The government also monitored social media and private communications for what it considered false content and “fake news.” There were reports that the government monitored private online communications without appropriate legal authority.

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

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

The government closely monitored and blocked websites and social media posts and accounts critical of the monarchy. Newspapers restricted access to their public-comment sections to minimize exposure to possible lese majeste or defamation charges. The National Broadcasting and Telecommunications Commission also lobbied foreign internet content creators and service providers to remove or censor locally lese majeste content.

In April, petition site Change.org became available again after a six-month ban for hosting a petition that called for Germany to declare the king “persona non grata.” The petition attracted 130,000 signatures before the site was blocked in 2020.

In July a graduate student was arrested for editing the Wikipedia entry for virologist Yong Poovorawan to include that Yong is a “Sinovac salesman for the Prayut Chan-o-cha administration.” The student faced charges of criminal defamation and computer crimes.

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

University authorities, civil society groups, and media reported the regular presence of security personnel on campus, attending student political events or rallies. There were reports of authorities arresting students for exercising freedom of speech and expression, although these arrests generally occurred off campus and few resulted in formal charges. Universities reported self-censorship; with an increasing number of virtual classes, more academics reported fear of security personnel monitoring their instruction, leading to greater self-censorship. On March 8, amid antigovernment protests and local demonstrations against the coup in Myanmar, the Asian Institute of Technology warned that foreign students involved in any protests would face revocation of their visas and immigration blacklisting. The government denied any involvement.

In August the NGO iLaw reported 79 cases of harassment of high school and university students, both by police and school administrators, in schools across the country.

On August 4, the vice president of student affairs sent a letter threatening disciplinary action against Chulalongkorn University student union president Netiwit Chotiphatphaisal after he invited activists Panusaya “Rung” Sithijirawattanakul and Parit “Penguin” Chiwarak, who were accused of lese majeste, to speak about freedom of expression on July 20. The student union’s new students’ handbook, which included material on freedom of speech and other social issues, was subsequently denounced by the university’s department of student affairs.

Large universities, including Kasetsart, Silpakorn, Srinakharinwirot, and

Chulalongkorn Universities, generally allowed use of campuses for protests as long as the students received permission beforehand. Many high schools and universities, however, explicitly forbade protests calling for reform of the monarchy.

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

The country experienced numerous large-scale antigovernment protests throughout the year. The government arrested and brought charges against hundreds of protesters under the COVID-19 emergency decree, sedition and lese majeste legislation, and other laws. Critics alleged that the arrests constituted restrictions on freedoms of peaceful assembly and association.

### **Freedom of Peaceful Assembly**

The 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.” The NGO Mob Data Thailand reported that 1,852 student-led demonstrations occurred across the country between July 2020 and September. In September, Thai Lawyers for Human Rights documented 1,161 individuals arrested and prosecuted for participation in antigovernment protests between July 2020 and August, including 143 persons under age 18. The most common charges were violating the COVID emergency decree (893 individuals), illegal assembly of more than 10 persons (320 persons), and lese majeste (124 individuals).

The government continued to prosecute prodemocracy and other human rights activists for leading peaceful protests.

Authorities held several high-profile protest leaders charged with lese majeste, sedition, and other crimes in pretrial detention. In May following a two-month hunger strike, student protest leader Parit “Penguin” Chiwarak was granted bail on his 10th appeal after agreeing to submit to electronic monitoring, to not participate in demonstrations that criticize the king or that could provoke violence, and to not leave the country. Amid calls to reduce the prison population due to the COVID outbreak, approximately 17 of the 26 protesters in pretrial detention were released during April and May, including six detained for lese majeste, after agreeing to

similar conditions.

Penguin, Arnon Nampa, and several others were reimprisoned in early August. They were charged with “leading an illegal assembly of more than 10 people” and violating the Emergency Decree and the Communicable Diseases Act. On September 15, four of the arrested protest leaders were granted bail subject to a court order requiring them to wear an electronic monitoring bracelet. Penguin was immediately detained again when the criminal court revoked his bail in a separate case. As of September Arnon remained in prison following the denial of several bail requests.

There were numerous violent encounters between antigovernment protesters and authorities. In February protesters removed barricades near the Royal Thai Army barracks in Bangkok – a compound which includes the residence of the prime minister – and threw firecrackers, bottles, and rocks at police, who responded with water cannons, tear gas, and rubber bullets; 80 persons were injured, including 33 police. An NGO reported that police arrested 18 protesters on a number of charges, including for violating the COVID-19 emergency decree and the law on communicable diseases.

A March demonstration near the Grand Palace in Bangkok resulted in 33 hospitalizations and 32 arrests, as police used water cannons, tear gas, and rubber bullets after protesters pulled down shipping containers erected as barricades. Journalist groups released a joint statement of concern after three reporters were hit by rubber bullets during the demonstration. In August youth in the Din Daeng area of Bangkok clashed with riot police on an almost nightly basis. After an August 10 protest, two police kiosks were burned down and nine officers were wounded, including one seriously after being shot with what police described as a “homemade gun.” Police reported 48 arrests, including 15 minors, and seized 122 motorcycles. A 15-year-old protester who was shot during an August 16 melee in the same area by an unknown assailant, died on October 28.

After an August 22 clash in Din Daeng, police arrested 42 individuals, including 19 minors, and confiscated pistols, bombs, other weapons, and 20 motorcycles. Human rights advocates criticized what they called police heavy-handedness and posted videos of police batting a protester on the head; dragging a protester while

kicking him in the head; and shooting rubber bullets at a motorcyclist at close range.

## **Freedom of Association**

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

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

In 2020 the Constitutional Court dissolved the opposition Future Forward Party, ruling that the party took an illegal loan from its leader, Thanathorn Juangroongruangkit, and banned the party’s executives, including Thanathorn, from participating in politics until 2030 (see section 3).

## **c. Freedom of Religion**

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

## **d. Freedom of Movement and the Right to Leave the Country**

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

**In-country Movement:** The government restricted the internal movement of members of hill tribes and members of other minority groups who were not citizens but held government-issued identity cards, including those registered as stateless persons. Authorities prohibited holders of such cards from traveling outside their home provinces without a travel pass approved by 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 minority group members, to seek permission from the permanent secretary of the Ministry of Interior for foreign travel.

## **e. Status and Treatment of Internally Displaced Persons**

Not applicable.

## **f. Protection of Refugees**

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

The government's treatment of refugees and asylum seekers remained inconsistent, and on multiple occasions the government did not allow persons fleeing fighting or other violence in Burma to remain in Thailand. Nevertheless, authorities hosted significant numbers of refugees and asylum seekers, and in many other cases provided protection against their expulsion or forced return. Authorities permitted urban refugees and asylum seekers recognized by UNHCR and registered Burmese refugees in the nine camps on the border with Burma to resettle to third countries.

**Access to Asylum:** The law does not provide for the granting of asylum or refugee status, and the government has no system for providing legal protection to refugees. The government continued to work towards implementation of a regulation (referred to as the National Screening Mechanism by UNHCR and NGOs) that provides individuals whom the government determines to be protected persons with temporary protection from deportation, in consultation with refugee advocates.

UNHCR's ability to provide protection to some groups of refugees outside the official camps was limited. Its access to asylum seekers in the IDCs to conduct status interviews and monitor new arrivals varied throughout the year, in part due to COVID-19-related restrictions on visiting the IDCs. Authorities, citing COVID-19, also restricted resettlement countries from conducting processing activities in

the IDCs and restricted humanitarian organizations' ability to provide health care, nutritional support, and other humanitarian assistance. Access to specific asylum-seeker populations varied, reportedly depending on the preferences of each IDC chief, as well as central government policies restricting UNHCR and NGO access to certain politically sensitive groups.

The government periodically allowed UNHCR to monitor the protection status of approximately 92,000 Burmese refugees and asylum seekers living in nine camps along the border with Burma, but it restricted UNHCR's access multiple times during the year due to COVID-19 outbreaks.

The government facilitated third-country refugee resettlement or private sponsorship to multiple countries for nearly 900 Burmese refugees from the camps as of September. Refugees residing in the nine camps along the border with Burma who were not registered with the government were ineligible for third-country resettlement. The government's effort to return to Burma registered camp residents who elected to participate in a voluntary repatriation program remained on pause during the year due to COVID-19 and the coup in Burma.

**Refoulement:** Persons from Burma, if arrested without refugee status or legal permission to be in the country, were often escorted back to the Burmese border. Authorities sometimes provided preferential treatment to members of certain Burmese ethnic minority groups such as Shan, allowing them greater leeway to remain in Thailand without formal authorization. Outside the nine camps along the border, government officials did not distinguish between asylum-seeking Burmese and other undocumented Burmese, regarding all as illegal migrants. In previous years authorities generally allowed registered and verified Burmese refugees caught outside the camps to return to their homes. Due to COVID-19, however, authorities did not always allow refugees to return to the camps during the year, with refugee advocates reporting multiple instances of authorities deporting such individuals to Burma, from where the refugees would cross back into Thailand.

There were cases during the year where authorities deported persons of concern holding valid UNHCR asylum-seeker or refugee status. In November the government refouled three Cambodian opposition activists who were UNHCR-registered refugees. In March and in May, the army returned to Burma

approximately 6,000 individuals fleeing clashes between the Burmese military and ethnic armed organizations, after permitting the individuals to shelter along the Salween River in Mae Hong Son Province for five to 10 days. The government refused to allow UNHCR or NGOs formal access to deliver humanitarian assistance to these individuals, or to determine whether their returns were voluntary.

**Abuse of Migrants and Refugees:** The government continued to permit registered Burmese refugees in nine camps along the border with Burma to remain in the country temporarily and continued to refer to these refugee camps as “temporary shelters” even though they have been operated for decades.

Authorities continued to treat all refugees and asylum seekers outside these camps without valid visas or other immigration permits as illegal migrants. Persons categorized as illegal migrants were legally subject to arrest, detention, and deportation. UNHCR reported, however, that authorities decreased the number of immigration-related arrests compared with the year prior, in part to prevent overcrowding in IDCs to prevent COVID-19 outbreaks. In cities authorities permitted bail only for certain categories of detained refugees and asylum seekers, such as mothers, children, and persons with medical conditions. Immigration authorities relaxed restrictions on bail during the year after multiple outbreaks of COVID-19 in the IDCs. Authorities applied the criteria for allowing bail inconsistently, however, and NGOs, refugees, and asylum seekers reported numerous instances of immigration authorities demanding bribes in connection with requests for bail.

Humanitarian organizations reported concerns that migrants, refugees, and asylum seekers faced overcrowded conditions, lack of exercise opportunities, limited freedom of movement, lack of access to telephones and other means of communication, lack of sufficient health care, and abusive treatment by authorities in the IDCs.

As part of an overall policy to reduce the number of illegal immigrants and visa overstayers in the country, immigration police in Bangkok sometimes arrested and detained asylum seekers and refugees, including women and children. As of August there were 198 refugees and asylum seekers in the IDCs (compared with 320 a year earlier), including 140 Rohingya. In addition there were 38 Rohingya



in government-run shelters. The government has detained more than 50 Uyghurs in the country since 2015.

**Freedom of Movement:** Refugees residing in the nine refugee camps on the border with Burma had no freedom of movement outside their camps.

Humanitarian organizations reported that authorities, citing the need to prevent COVID-19, more strictly controlled movement of refugees in and out of the camps throughout the year. A refugee apprehended outside the official camps is subject to possible harassment, fines, detention, deregistration, and deportation.

Authorities sometimes allowed camp residents limited travel outside of the camps for purposes such as medical care or travel to other camps for educational training.

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

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

**Employment:** The law prohibits refugees from working in the country. The government allowed undocumented migrant workers from Burma, Cambodia, and Laos to work legally in certain economic sectors if they registered with authorities and followed a prescribed process to document their status (see section 7.d.). The law allows victims of trafficking and witnesses who cooperate with pending court cases to work legally during their trial and up to two years (with possible extensions) after the end of their trial involvement. Work permits must be linked to a specific employer. For certain foreign victims of trafficking, including Rohingya, the government did not identify suitable employment opportunities for the issuance of work permits, citing a lack of local opportunities and immigration policy considerations. Registration, medical checkup, and health-insurance fees remained a deterrent for prospective employers of victims of trafficking.

**Access to Basic Services:** The international community provided basic services

for refugees living inside the nine camps on the border with Burma. For needs beyond primary care, a medical referral system allows refugees to seek other necessary medical services. For the urban refugee and asylum-seeker population living in and around Bangkok, access to government-funded basic health services was minimal. NGOs funded in part by the international community provided or facilitated primary and mental health-care services and legal assistance. A UNHCR-led health panel coordinated referrals of the most urgent medical cases to local hospitals. Despite the government's announcement in 2020 that it would provide free COVID-19 testing and treatment to all individuals, including migrants and refugees who met specific case criteria, vaccination and treatment at the provincial and district levels remained uneven, according to NGOs.

By law government schools must admit children of any legal status who can speak, read, and write Thai with some degree of proficiency, including refugee children. NGOs reported access to education for refugee children varied from school to school and often depended on the preferences of individual school administrators. Some refugee communities formed their own unofficial schools to provide education for their children. Others sought to learn Thai with support from UNHCR and other NGOs to prepare for admission to government schools. Since Burmese refugee children living in the camps generally did not have access to the government education system, NGOs continued to support camp-based community organizations in providing educational opportunities, and some were able to coordinate partially their curriculum with the Ministry of Education. NGOs paused or scaled back many educational activities for refugee children during the year due to COVID-19.

**Temporary Protection:** Authorities generally did not deport persons of concern holding valid UNHCR asylum-seeker or refugee status. The government continued to protect from deportation the majority of Rohingya refugees detained by authorities, including those who arrived in the country irregularly during the mass movement in the Bay of Bengal and Andaman Sea in 2015. The government continued to conduct preliminary screenings of Rohingya migrants apprehended transiting Thailand for victim-of-trafficking status, although this policy was applied unevenly. As of September authorities had not granted such status to any Rohingya. Authorities determined 74 individuals were illegal migrants but placed

30 mothers and children into shelters run by the Ministry of Social Development and Human Security as an alternative to detention in the IDCs. Other Rohingya determined to be illegal migrants were placed in the IDCs. UNHCR had access to the provincial shelters while authorities conducted formal screenings of the migrants' eligibility for benefits as victims of trafficking. These Rohingya migrants, however, were in most cases confined to shelters without freedom of movement or access to work permits.

## **g. Stateless Persons**

The government continued to identify stateless persons, provide documentation to preclude statelessness, and open paths to citizenship for certain longtime residents and students. As of June an estimated 553,969 persons, mainly residing in the northern region, were registered as stateless persons by the government, including members of ethnic minority groups registered with civil authorities and previously undocumented persons. From January to June, the government granted citizenship to 2,740 stateless persons and permanent residency to 260 others. Government officials acknowledged that these statistics fell short of their goal to reduce statelessness for 14,000 individuals from October 2020 to September and cited COVID-19 restrictions and ongoing, resource-intensive fraud investigations as the primary reason for slower processing. Authorities excluded Rohingya and Muslims from Burma, including individuals whose families had lived in Mae Sot near the Burmese border for multiple generations, from the statelessness recognition process. Without legal status, unregistered and undocumented stateless persons were particularly vulnerable to various forms of abuse including threat of deportation (see section 6, Children and Indigenous Peoples).

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. The law provides a pathway for youth without known parents to apply for a birth certificate and obtain a Thai national identification card. If the person proves continuous residence in the country for 10 or more years and meets other qualifications, the person is eligible

to apply for Thai nationality.

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

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

Humanitarian organizations reported that village heads and district officials routinely demanded bribes from stateless persons to process their applications for official registration as stateless persons or to obtain permanent residency or citizenship. Police also demanded bribes from stateless persons at inland checkpoints in exchange for allowing them to move from one province to another.

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

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. In 2019 the country held national elections after five years of rule by the military-led NCPO following a 2014 coup. The campaign 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 outcome in favor of the parties aligned with the Phalang Pracharath Party.

## **Elections and Political Participation**

**Recent Elections:** The country held national elections in March 2019, following five years of military rule. In July 2019 Prayut Chan-o-Cha's cabinet was sworn in, officially disbanding the junta NCPO. In December 2020 the government held local elections for the first time since the 2014 coup.

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

**Political Parties and Political Participation:** Critics complained that police and courts unfairly targeted opposition parties for legal action. In 2020 the Constitutional Court dissolved the opposition Future Forward Party (FFP), citing an illegal loan to the party from its leader, Thanathorn Juangroongruangkit, and banned all members of the party's 16-person executive committee from politics for 10 years. Prodemocracy activists alleged the decision was part of a politically motivated effort to weaken a key opposition party. In April, two members of the Thai Pakdee Party filed a lawsuit against Thanathorn and another former FFP leader, Pannikar Wanich, accusing them of mismanaging a COVID-19 assistance fund. Thanathorn and other former FFP leaders remained under indictment in more than 20 other cases, many of which carry potential prison sentences.

**Participation of Women and Members of Minority Groups:** No law limits

participation of women and members of historically marginalized or minority groups in the political process; however, their participation was limited. There were 76 female members of parliament in the elected lower house out of 487 members and 26 female senators out of 250 members. There were four women in the 35-member cabinet, all in deputy minister positions. There were four lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) individuals in parliament and one member of the Hmong ethnic group.

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

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

**Corruption:** In April the National Anti-Corruption Commission (NACC) announced it was investigating a discrepancy in the asset declaration of Deputy Transport Minister Weerasak Wangsuphakijkosol and his wife; a debt of 10 billion baht (\$333 million) Weerasak declared in 2019 was written off in just two years.

On August 5, a video showed a group of police officers under the command of police Colonel Thitisan Utthanapon, head of a police station in Nakhon Sawan, torturing a drug suspect to death, allegedly while trying to extract a bribe. A subsequent investigation found Thitisan had amassed several homes and a fleet of luxury cars worth 175 million baht (\$5.3 million). The Customs Department director general reported that Thitisan had collected at least 400 million baht (\$12 million) in commissions from the auctions of illegally imported luxury vehicles he had helped seize over several years. Corruption investigators stated there was evidence that Thitisan may have imported illegal vehicles himself to collect the commissions in a kickback scheme with corrupt customs officials (see section 1).

In September prosecutors indicted Wirach Ratanasate, a government whip and member of parliament from the ruling Phalang Pracharath Party, his wife, and 85 others for graft in connection with the construction of futsal fields in 2012. The 87 suspects faced varying charges including corruption, setting bidding conditions to prevent fair competition, and violating the law on tender bidding.

During a September no-confidence debate in parliament, opposition members accused the government of corruption and incompetence in procuring Sinovac COVID vaccines, alleging a two-billion-baht (\$61 million) discrepancy between the purchase price and the government payment.

The government continued to investigate and prosecute embezzlement crimes allegedly committed by senior Buddhist monks and government officials from the National Buddhism Bureau. In March the NACC announced the completion of 52 cases, with 46 cases under investigation involving the theft of 26.7 million baht (\$800,000). An additional 24 cases were forwarded to police for further investigation.

Petty corruption and bribetaking were widespread among police, who were required to purchase their own uniforms and weapons. In January the Royal Thai Police announced that 189 police officers were convicted of stealing money allocated to police for nationwide COVID-19 response operations. Many of them were processed for the disciplinary actions, while some were forwarded to the NACC for further prosecution.

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

A wide variety of domestic and international human rights organizations operated in the country. NGOs that dealt with sensitive political matters, such as political reform or opposition to government-sponsored development projects, faced periodic harassment.

In November the prime minister announced an investigation into Amnesty International for its support of antigovernment activists and its critical statement on the November 10 Constitutional Court ruling.

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

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

**Government Human Rights Bodies:** The independent National Human Rights Commission of Thailand has a mission to protect human rights and to produce an annual country report. On May 25, six (out of seven) National Human Rights Commissioners were formally approved following a four-year recruitment process; one appointment was still in process. The commission was chaired by former ambassador Pornprapai Kanjanarindr. The previous commission technically ended with the promulgation of the 2017 constitution, and critics asserted it was largely inactive following the resignations of three commissioners in 2019.

The commission received 593 complaints during the year ending September 30. Of these, 220 were accepted for further investigation and 157 related to alleged abuses by police. Human rights groups continued to criticize the commission for not filing lawsuits against human rights abusers on its own behalf or on behalf of complainants. The Office of the Ombudsman is an independent agency empowered to consider and investigate complaints filed by any citizen. Following an investigation, the office may refer a case to a court for further review or provide recommendations for further action to the appropriate agency. The office examines all petitions, but it may not compel agencies to comply with its recommendations. During the year ending September 30, the office received 2,992 new petitions, of which 694 related to allegations of police abuses.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** Rape of men and women is illegal, although the government did not always enforce the law effectively. The law narrowly defines rape as acts in which male sex organs were used to physically violate victims,



thereby leaving victims assaulted by perpetrators in other ways without legal remedies. The law permits authorities to prosecute spousal rape, and prosecutions occurred. The law specifies penalties for conviction of rape or forcible sexual assault ranging from four years' imprisonment to the death penalty as well as fines.

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

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

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

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

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

**Sexual Harassment:** Sexual harassment is illegal in both the public and private sectors. The law specifies a fine and a jail term of one month for sexual harassment, while abuse categorized as an indecent act may result in a fine and a

maximum 15 years' imprisonment. Sexual harassment in the workplace may be punished by modest fines. The law governing the civil service also prohibits sexual harassment and stipulates five levels of punishment: probation, docked wages, salary reduction, suspension, and termination. NGOs claimed the legal definition of harassment was vague and prosecution of harassment claims difficult, leading to ineffective enforcement of the law.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities. (See the Female Genital Mutilation/Cutting subsection for additional information.)

The government provided access to sexual and reproductive health services for survivors of sexual violence, including emergency contraception.

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

Human rights advocates expressed concern regarding lengthy delays in reviewing individual discrimination complaints and a lack of awareness among the public and within the ministry's provincial offices.

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

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

Women comprised approximately 12 percent of the country's military personnel.

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

Women are barred from applying to the police academy. The Royal Thai Police continued to list “being a male” as a requirement in an employment announcement for police investigators and other positions, although in 2020 police did permit 300 women (and 700 men) to take police investigator examinations.

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

The constitution includes provisions aimed at protecting the traditional culture and way of life for ethnic minorities, and stipulates all persons are equal before the law, including equal protection. During the year, however, there were reports of violence and discrimination against members of ethnic minority groups.

### **Indigenous Peoples**

Stateless members of hill tribes (approximately 50 percent) faced restrictions on their movement, were not permitted to own land, had difficulty accessing bank credit, and faced discrimination in employment. Although labor law gives them the right to equal treatment as employees, employers often violated those rights by paying them less than their citizen coworkers and less than minimum wage. The law further bars them from government welfare services but affords them limited access to government-subsidized medical treatment.

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

In February authorities arrested 22 ethnic-Karen villagers in Kaeng Krachan National Park in Phetchaburi Province after the villagers defied orders to vacate the land. Park officials decided to evict the villagers from the Jai Paendin area of the Kaeng Krachan National Park after discovering the number of illegal settlers in the park had increased and more forest land had been cleared for crop rotation.

The land evictions were met with protests by civil society groups, who claimed the Jai Paendin area was the villagers' ancestral land before it became a national park in 1981. On March 7, a court in Phetchaburi released the 22 villagers without bail on the condition that they do not return to the Jai Paendin area of the national park.

## **Children**

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

**Education:** The constitution provides for 12 years of free education. NGOs reported children of registered migrants, unregistered migrants, refugees, or asylum seekers had limited access to government schools.

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

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

In the Muslim-majority southernmost provinces, Islamic law used for family

matters and inheritance allows the marriage of young girls after their first menstrual cycle with parental approval. The minimum age for Muslims to marry is 17. A Muslim younger than 17 may marry with a written court order or written parental consent, which is considered by a special subcommittee of three members, of which at least one member must be a woman with knowledge of Islamic law.

**Sexual Exploitation of Children:** The minimum age for consensual sex is 15. The law provides heavy penalties for persons who procure, lure, compel, or threaten children younger than 18 for the purpose of commercial sexual exploitation, with higher penalties for persons who purchase sexual intercourse with a child younger than 15. Authorities may punish and revoke parental rights of parents who allow a child to enter into prostitution. The law prohibits the production, distribution, import, or export of child pornography. The law also imposes heavy penalties for 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 minority groups, and poor families remained particularly vulnerable, and police arrested parents who forced their children into prostitution. Citizens and foreign sex tourists committed pedophilia crimes, including the commercial sexual exploitation of children and production and distribution of child pornography.

The Thai Internet Crimes Against Children Task Force, a police unit with 17 officers, received more than 260,000 tips from NGOs based abroad on potential cases of child sexual exploitation, a significant increase compared with approximately 117,000 tips received in 2019. The task force investigated 94 cases of internet crimes against children in 2020 (77 in 2019), including 22 cases of internet-facilitated child sex trafficking (26 in 2019).

There were numerous reported cases of rape and sexual harassment of girls in school environments. In February a male teacher in Amphoe Phanom Dongrak, Surin, was arrested for the sexual assault of at least 13 female students. The abuse took place over the year, and some were as young as seven. In March a male teacher in a public school in Amphoe Krasang, Buriram, was arrested for the

sexual assault of multiple 14-year-old female students. The Ministry of Education operated a Protection and Assistance Center for the Sexually Abused Students to receive complaints and report sexual assault in schools. During the year the ministry produced the 14-page *Manual for Prevention of Sexual Abuses in School* to distribute to all schools.

**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 August the government estimated there were 20,000 street children who sought shelter nationwide, 5,000 of whom received assistance from the government or private organizations. In October the NGO Foundation for the Better Life of Children reported approximately 50,000 children were living on the streets, 30,000 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.

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

## **Anti-Semitism**

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

## **Trafficking in Persons**

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

## **Persons with Disabilities**

The constitution prohibits discrimination based on disability and physical or health conditions. The law provides tax benefits to employers employing a certain

number of persons with disabilities, such as special income-tax deductions to promote employment of such persons.

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

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

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

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

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

## **HIV and AIDS Social Stigma**

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

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

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

The LGBTQI+ community reported that police treated LGBTQI+ 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 and NGOs reported that LGBTQI+ persons experienced discrimination, particularly in rural areas. The UN Development Program also reported media represented LGBTQI+ persons in stereotypical and harmful ways resulting in discrimination.

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

NGOs and the United Nations reported transgender persons faced discrimination in various sectors, including in the military conscription process, while in detention, and in education because of strict policies in place at most schools and universities that require students to wear uniforms that align with their biological gender.

The Ministry of Education has a curriculum incorporating discussion of sexual



orientation and gender diversity for grades one to 12; this followed two years of advocacy by the LGBTQI+ community. NGOs continued to encourage the Ministry of Education to make the curriculum compulsory and continued to work with the ministry on curriculum development and to organize training courses to prepare teachers to teach it effectively.

## **Section 7. Worker Rights**

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

The constitution provides that a person shall enjoy the liberty to unite and form an association, cooperative, union, organization, community, or any other group. The law provides for the right of workers in certain private-sector and state-owned enterprises (SOEs) to form and join independent trade unions. The law does not allow migrant workers to organize trade unions. Civil servants may assemble as a group, provided that such assembly does not affect the efficiency of national administration and continuity of public services and does not have a political objective. The law provides for the right of certain workers to bargain collectively with restrictions. The right to conduct legal strikes was suspended due to COVID-19.

By law only workers with the same employer or in the same industry may form a union. Subcontract workers, even if doing the same job as permanent workers in the same factory, may not join the same union because they are classified as belonging to the service industry while fulltime workers come under the manufacturing industry. The inability of subcontract workers and fulltime workers to join the same union limited the unions' ability to bargain collectively as a larger group. In addition short-term contract workers were less likely to join unions, fearing antiunion retaliation in the form of nonrenewal of their contracts. Labor advocates claimed that many companies hired subcontract workers to undermine unionization efforts. A survey of the auto parts and electronics industries found that more than 45 percent of the workforce consisted of subcontract workers, approximately half on short-term contracts.

The law does not protect union members against antiunion discrimination by employers until their union is registered. To register a union, at least 10 workers

must submit their names to the Department of Labor Protection and Welfare. The verification process of vetting the names and employment status with the employer exposed the workers to potential retaliation before registration was complete. Moreover, the law requires that union officials be full-time employees of the company or SOE and prohibits permanent union staff. The law allows one union per SOE. SOEs operated in various sectors of the economy: banking, rail and air transportation, airports, marine ports, and postal services. If an SOE union's membership falls below 25 percent of the eligible workforce, regulations require dissolution of the union. The law restricts formal links between unions of SOEs and their private-sector counterparts because they are governed by two separate laws.

The law requires unions to have 20 percent membership to bargain collectively. The law allows employees at workplaces without a union to submit collective demands if at least 15 percent of employees are listed as supporting that demand. Employees in private enterprises with more than 50 workers may establish "employee committees" or "welfare committees." Employee and welfare committees may offer employers suggestions regarding employee benefits and nonfinancial issues and are barred from submitting labor demands or going on strike.

The law prohibits employers from taking adverse actions against workers on these committees and from obstructing committee work. Union leaders often join employee committees to avail themselves of this legal protection.

In May 2020 the minister of labor issued an order prohibiting employer lockouts and employee strikes while the emergency decree to contain the COVID-19 outbreak was in effect. The decree required any labor dispute to be arbitrated by a Labor Relations Committee to maintain public safety and ease industrial relations conflicts during the COVID-19-induced recession. NGOs criticized the order for violating the rights of workers to bargain collectively, while the government and certain union leaders viewed the decree as a means to promote negotiations to find ways to prevent business closures and mass layoffs.

Before its suspension the law provided workers with the right to strike if they notify authorities and employers 24 hours in advance and if the strike does not

include a demonstration on public roads. The government may block private-sector strikes with national security implications or with negative repercussions on the population at large. Strikes and lockouts are prohibited at SOEs, and penalties for violations include imprisonment, fines, or both.

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

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

Noncitizen migrant workers, whether registered or undocumented, do not have the right to form unions or serve as union officials. Migrants can join unions organized and led by Thai citizens. Migrant-worker participation in unions was low due to language barriers, weak understanding of legal rights, frequent changes in employment status, membership fees, restrictive union regulations, and segregation of citizen workers from migrant workers by industry and by zones (particularly in border and coastal areas) as well as due to migrants' fears of losing their jobs due to their support for a union. Unregistered associations, community-based organizations, and religious groups often represented the interests of migrant workers. In workplaces where most workers were migrants, migrant workers were sometimes elected to the welfare committees and employee committees. NGOs reported few cases, however, where migrant workers' collective demands were successful in effecting change, particularly along the border areas. For example migrant workers at a chicken-processing factory conducted a work stoppage in March after the factory terminated 32 Cambodian workers in response to their demands for better working conditions.

The law protects employees and union members from criminal or civil liability for participating in negotiations with employers, initiating a strike, organizing a rally, or explaining labor disputes to the public, except where such activities cause reputational harm.

The law does not protect employees and union members from criminal charges for reputational damage, and reputational damage charges have been used to intimidate union members and employees. The law does not prohibit lawsuits intended to censor, intimidate, or silence critics through costly legal defense and these tactics have been used by employers in multiple instances. The law provides some protection to defendants in frivolous libel cases from prosecution and by law a court can dismiss a defamation lawsuit if it is considered dishonest.

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

There were reports of workers dismissed for engaging in union activities, both before and after registration. Rights advocates reported that judges and provincial labor inspectors often attempted to mediate cases, even when labor rights violations requiring penalties had been found. In some cases labor courts ordered workers reinstated, although employers did not always comply with court orders. There were reports from unions and NGOs that employers attempted to negotiate terms of reinstatement after court orders were issued, offering severance packages for voluntary resignation, denying reinstated union leaders access to work, or demoting workers to jobs with lower wages and benefits. In some cases judges awarded compensation in place of reinstatement when employers or employees claimed they could not work together peacefully. Only 34 of 77 provinces had any labor unions.

Unions and NGOs reported that employers used various techniques to weaken labor-union association and collective-bargaining efforts. These included replacing striking workers with subcontractors, which the law permits as long as strikers continue to receive wages; delaying negotiations by failing to show up at

Labor Relations Committee meetings or sending nondecision 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 unions.

Employers sometimes filed lawsuits against union leaders and strikers for trespass, defamation, and vandalism. Private companies also continued to pursue civil and criminal lawsuits against NGOs and journalists as well as workers (see section 2.a., Libel/Slander Laws). As of August, since 2016 Thammakaset, a poultry farm owner in Lopburi Province, filed at least 39 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.

NGOs and labor advocates reported incidents in which their staff members 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 all forms of forced or compulsory labor, except in the case of national emergency, war, martial law, or imminent public calamity. Penalties were commensurate with those for other analogous serious crimes, such as kidnapping. The government did not effectively enforce the law.

In 2019 the government amended the Anti-Trafficking in Persons Act for the third time in five years. The new amendment added a separate provision specifically addressing “forced labor or services” and prescribed penalties of up to four years’ imprisonment. More severe penalties can be pursued under the previously existing human trafficking statute or if victims were seriously injured. The government did not complete implementing guidelines for the new forced labor provision, which

contributed to a lack of understanding of how to interpret and implement the law.

There were reports forced labor continued in commercial fishing and related industries, garment production, agriculture, manufacturing, domestic work, and street begging. Many workers paid high fees to brokers, recruitment agencies, other others before and after they arrive. Traffickers often used debt-based coercion, deceptive recruitment practices, retention of identity documents and bank cards, illegal wage deductions, physical violence, and other means to subject victims to forced labor. Workers in the seafood processing and fishing sectors increasingly faced forced overtime because of increasing demand for shelf-stable seafood during the pandemic; they also faced unsafe working conditions.

COVID-19 movement restrictions in 2020 and during the year limited the ability of law enforcement to conduct surveillance and compliance activities. Penalties were commensurate with those for other analogous serious crimes, such as kidnapping.

While NGOs acknowledged a decline in the most severe forms of labor exploitation in the fishing sector, reports of exploitation and indicators of forced labor persisted, and the number of crewmembers who went missing at sea continued to increase. Some NGOs noted inconsistencies in enforcing labor law continued, particularly for 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 (see section 7.e.).

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 sex and labor trafficking, and use in illicit activities, but it does not meet the international standard for prohibiting military recruitment of children by nonstate armed groups. The law regulates the employment of children younger than age 18 and prohibits employment of children younger than 15. Children younger than 18 are prohibited from work in any activity involving metalwork, hazardous chemicals, poisonous materials, radiation, extreme temperatures, high noise levels, toxic microorganisms, operation of heavy equipment, and work

underground or underwater.

The law also prohibits children younger than 18 from workplaces deemed hazardous, such as slaughterhouses, gambling establishments, places where alcohol is sold, massage parlors, entertainment venues, sea-fishing vessels, and seafood processing establishments. As such, children ages 15 to 17 may legally engage in hazardous “homework” (work assigned by the employer representing 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 for pay, are not protected under labor law, but they are protected under laws on child protection and trafficking in persons.

Penalties for violations of the law may include imprisonment or fines. These penalties were commensurate with those for other analogous serious crimes, such as kidnapping. Parents of victims whom the court finds were “driven by unbearable poverty” may be exempt from penalties. The government effectively enforced the law related to the worst forms of child labor but was less effective enforcing laws on the minimum age of work and hazardous work.

In 2020 the government reported a slight increase in the number of labor inspectors and interpreters directly employed by the Ministry of Labor. During the year labor inspections targeted fishing ports and high-risk workplaces, including garment factories, shrimp and seafood processing, poultry and pig farms, auto repair shops, construction sites, and service-sector businesses like restaurants, karaoke bars, hotels, and gas stations; inspections often were based on information received from civil society partners. Labor inspections, however, remained infrequent.

The participation of children in traditional Thai kickboxing “Muay Thai” continued to be an area of concern. Children participating in paid and unpaid Muay Thai (Thai boxing) competitions are not protected under labor law, and it was unclear whether child-protection legislation sufficiently protects child Muay Thai participants.

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

The Department of Labor Protection and Welfare implementing regulations came into force in 2020 related to safety and health in diving work, which set the minimum age for workers employed in diving work at 18 years old.

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

NGOs reported that some children from within the country, Burma, Cambodia, Laos, and ethnic minority communities were working in informal sectors and small businesses, including farming, home-based businesses, restaurants, street vending, auto services, food processing, construction, domestic work, and begging. Some children were forced to work in prostitution, pornography, begging, and the production and trafficking of drugs.

In March the Ministry of Labor signed a memorandum of understanding regarding the prevention and correction of child labor and forced labor with 13 organizations representing the seafood, garment, and sugarcane industries. The main objective of the memorandum was to promote public awareness and create a self-policing system for the industry associations to monitor and eliminate this problem.

The Department of Labor Protection and Welfare reported in 2020 there were 24 criminal litigations for child labor offenses with 50 offenders. Seven of these cases resulted in fines, and the remaining 17 cases were still under investigation or in trial. The most common child labor violations were failing to report the hiring of a laborer between ages 15 and 18, allowing child labor during prohibited hours, hiring children younger than age 15, and letting children work in prohibited



workplaces such as gambling halls.

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

Over the past two years, COVID-19 related movement restrictions also limited the ability of labor inspectors to conduct inspections. NGOs also reported insufficient protection for child-labor victims, including lack of legal assistance for claiming compensation and restitution, inadequate protection and counseling mechanisms, and a lack of safe repatriation (especially for migrant children). The NGOs alleged that while there were clear mechanisms for the protection and repatriation of child trafficking victims, there was no such mechanism for child-labor victims. A lack of public understanding of child-labor law and standards was also an important factor.

In 2019 the government published its first national working-children survey, using research methodology in line with international guidelines. This survey was the product of cooperation among the Ministry of Labor, the National Statistical Office, and the ILO. The survey revealed that 3.9 percent of 10.5 million children ages five to 17 were working children, including 1.7 percent who were child laborers (exploited working children) – 1.3 percent in hazardous work and an additional 0.4 percent in nonhazardous work. Most 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 worked 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 that children performed, 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 law does not specifically prohibit discrimination in the workplace based on race, religion, national origin, color, ethnicity, disability, age, sexual orientation, or HIV status. The law imposes penalties of imprisonment or fines for anyone committing gender or gender-identity discrimination, including in employment decisions. Penalties for gender discrimination were commensurate with those for laws related to civil rights, but the government did not effectively enforce its limited discrimination law. The law requires workplaces with more than 100 employees to hire at least one worker with disabilities for every 100 workers. Women are prohibited from working underground, in mining, or in underwater construction; on scaffolding higher than 33 feet; and in production or transportation of explosive or inflammatory material.

Discrimination with respect to employment occurred against LGBTQI+ persons, women, and migrant workers (see section 7.e.). Government regulations require employers to pay equal wages and benefits for equal work, regardless of gender. Union leaders stated the wage differences for men and women were generally minimal and were mostly due to different skills, duration of employment, and types of jobs, as well as legal requirements which prohibit the employment of women in hazardous work. There were reports many companies intentionally laid off pregnant women during the year.

The police cadet academy does not admit female cadets. This policy was widely criticized both as discriminatory and as damaging the ability of police to identify some labor violations against women.

Discrimination against persons with disabilities occurred in employment, access, and training. In 2020 advocacy groups for the rights of persons with disabilities filed a complaint of embezzlement and illegal deduction of wages from workers with disabilities. In December 2020 the Criminal Court for Corruption and Misconduct Cases found all defendants guilty and sentenced them to 50 years in prison.

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

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

**Wage and Hour Laws:** The minimum wage varies by province; it was above the government-calculated poverty line in all provinces. It does not apply to employees in the public sector, SOEs, domestic work, and seasonal agricultural sectors. 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.

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, can work a maximum of 42 hours per week and cannot work overtime. Petrochemical industry employees cannot work more than 12 hours per day but can work continuously for a maximum period of 28 days.

The law subjects employers to fines and imprisonment for minimum-wage noncompliance. Penalties were commensurate with or greater than those for similar crimes such as fraud. The government did not effectively enforce minimum wage, overtime, and holiday-pay laws in small enterprises, in certain geographic areas (especially rural or border areas), or in certain sectors (especially agriculture, construction, and sea fishing).

The Department of Labor Protection and Welfare enforces laws related to wages, hours of work, labor relations, and occupational safety and health. Inspectors have the authority to make unannounced inspections and issue orders to employers to comply with the law. If an employer fails to comply with the order within a specified period, inspectors have a duty to refer the case for criminal law enforcement. The number of labor inspectors was insufficient to enforce compliance.

The Department of Labor Protection and Welfare issued orders to provincial offices in 2018 prohibiting labor inspectors from settling cases in which workers received wages and benefits less than those required by law; however, there were many reports during the year of minimum-wage noncompliance that went to mediation, where workers settled for owed wages lower than the daily minimum wage, even with violations requiring penalties. NGOs reported contract workers in the public sector received wages below minimum wage.

Trade-union leaders suggested that inspectors should move beyond perfunctory document reviews toward more proactive inspections. Due to the economic impact of COVID-19, union leaders estimated almost one million workers were laid off, and many workers, particularly subcontract workers and migrant workers, were laid off without receiving severance payment or advance notice as required by law.

In March authorities ordered lingerie manufacturer Brilliant Alliance Thai Global, a supplier to Victoria Secret and Lane Bryant, to pay 242 million baht (\$7.81 million) in severance pay to 1,200 workers within 30 days or face a criminal lawsuit, for failure to pay severance and wages owed to workers when the factory shut down due to financial losses caused by the COVID-19 pandemic. As of December the company made no severance payment.

In 2019, labor unions estimated 5 to 10 percent of workers received less than the minimum wage and that 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.

Firms also used a “subcontract labor system” under which workers sign a contract with labor brokers. By law businesses must provide subcontract laborers “fair benefits and welfare without discrimination.” Employers, however, often paid subcontract laborers less and provided fewer or no benefits.

**Occupational Safety and Health:** The law requires safe and healthy workplaces, including for home-based businesses, and provides appropriate industry standard safety guidelines; however, the guidelines were voluntary and could not be enforced. The law prohibits pregnant women and children younger than 18 from

working in hazardous conditions. The law also requires employers inform employees regarding hazardous working conditions prior to employment. Workers do not have the right to remove themselves from situations that endanger health or safety without jeopardy to their employment.

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

In 2020 union leaders estimated 20 percent of workplaces, mostly large factories owned by international companies, complied with government OSH standards. Workplace safety instructions as well as training on workplace safety were mostly in Thai, likely contributing to the higher incidence of accidents among migrant workers. Medium 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.

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

In 2020 (the latest year for which data were available) there were 85,533 reported incidents of accidents or work-related diseases. Of these, 1.9 percent resulted in organ loss, disability, or death. The Social Security Office reported most serious workplace accidents occurred in manufacturing, wholesale retail trade, construction, and transportation. The Social Security Office reported that the number of persons with work-related diseases during the pandemic was controlled

through lockdown orders in 2020 and 2021 that encouraged teleworking, limited the number of individuals in offices, and limited interprovincial travel.

The Labor Protection in Fishing Work law for workers in the fisheries required workers to have access to health-care and social security benefits and for certain vessels to provide adequate living conditions for workers. As of September key implementing regulations related to work hours and age limits were still pending. 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. Fishery migrant workers holding a border pass were eligible for accident compensation. The lack of OSH inspections, first aid kits, and OSH training in the migrant workers' language, increased the vulnerability of fishery workers.

During the year NGOs reported several cases where the navy rescued fishery workers who had been in accidents at sea. In 2020 NGOs reported there were 106 cases of fishery workers falling overboard from fishing vessels with, and 63 remained "missing" – nearly double the number for 2019. These cases made up 51 percent of total accidents (204) among fishery workers for 2020. An NGO survey found that approximately nine out of 10 foreign migrants working on fishing boats in the country had not had their contract translated or explained in a language they could understand.

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

**Informal Sector:** According to government statistics, 54 percent of the labor force worked in the informal economy in 2020, with limited protection under labor law and the social security system. The country provided 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 the formal and informal labor sectors and their dependents were also eligible to buy health insurance from the Ministry of Public Health.

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

Workers for mobile delivery applications such as “Grab” and “Line” were not protected under labor laws as they were considered a “partner” as opposed to an employee. During the pandemic demand for delivery workers increased and remained one of the few jobs for low-wage workers.