

THAILAND 2015 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Thailand is a constitutional monarchy. The king serves as head of state and has traditionally exerted political influence. In May 2014, in a bloodless coup, military and police leaders, taking the name of the National Council for Peace and Order (NCPO) and led by General Prayut Chan-o-cha, overthrew the interim government led by the Puea Thai political party, which had governed since 2011 following National Assembly lower house elections that were generally considered free and fair. The military-led NCPO maintained control over the security forces and all government institutions.

The interim constitution remained in place during the year, as did numerous decrees severely limiting civil liberties, including restrictions on freedoms of speech, assembly, and the press. On April 1, the military rescinded martial law and replaced it with NCPO Order No. 3/2015, issued under article 44 of the NCPO-imposed interim constitution, which grants the military government similarly sweeping power to curb “acts deemed harmful to national peace and stability.” Additionally, Article 48 of the NCPO-imposed interim constitution grants of immunity to coup leaders and their subordinates for any pre- or postcoup actions ordered by the NCPO, regardless of the legality of the action.

In addition to limitations on civil liberties implemented by the NCPO, the most persistent human rights problems were abuses by government security forces and local defense volunteers in the continuing Malay-Muslim insurgency in the southernmost provinces of Yala, Narathiwat, Pattani, and one district of Songkhla; and occasional excessive use of force by security forces (police and military), including harassing or abusing criminal suspects, detainees, and prisoners. After the May 2014 coup, citizens no longer had the ability to choose their government through the right to vote in free and fair elections.

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

Authorities occasionally dismissed, arrested, prosecuted, and convicted security force members who committed abuses. Official impunity, however, continued to be a serious problem, especially in provinces where the Emergency Decree on Public Administration in the State of Emergency (2005), hereinafter “the emergency decree,” and the 2008 Internal Security Act remained in effect.

Insurgents in the southernmost provinces committed human rights abuses, including attacks on civilian targets.

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

a. Arbitrary or Unlawful Deprivation of Life

Reports continued, although reduced, that security forces at times used excessive and lethal force against criminal suspects and committed or were involved in extrajudicial, arbitrary, and unlawful killings. According to the Ministry of Interior’s Investigation and Legal Affairs Bureau, from October 2014 to September security forces--including police, military, and other agencies--killed 17 suspects during the arrest process, a significant decrease from the previous year.

There were no confirmed reports the government or its agents committed politically motivated killings during the year.

Several high-profile cases from 2014 remain unresolved. For example, in January 2014 unknown assailants shot and killed Suthin Thararin, a protest leader of the anti-Puea Thai government People’s Democratic Reform Committee, as he led demonstrators who blocked and closed a voting station in Bangkok during national legislative elections. The investigation remains pending.

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

b. Disappearance

There were no reports of politically motivated disappearances. Prominent disappearance cases from prior years remain unsolved.

For example, in April 2014 a prominent ethnic Karen activist, Porlajee Rakchongcharoen (known as “Billy”), disappeared in the southwest region. Billy

had led a legal fight against government authorities, including the superintendent of Kaengkrachan National Park in Petchaburi Province, Chaiwat Limlikitsorn, whom community members alleged had ordered the destruction in 2011 of more than 100 houses and rice stocks belonging to more than 20 Karen households for their alleged encroachment into the park. At the time of his disappearance, Billy was reportedly traveling to meet with ethnic Karen villagers and activists to prepare for a court hearing. Police neither identified suspects nor made arrests, although authorities replaced Chaiwat Limlikitsorn, the park superintendent at the time of the disappearance.

In December the Supreme Court affirmed the acquittal based on lack of evidence of five police officers accused of involvement in the presumed disappearance of Muslim human rights lawyer Somchai Neelapaijit in 2004. The High Court also affirmed a lower court decision that Somchai's family lacked standing to file legal action on his behalf in the absence of definitive proof he was deceased or otherwise unable to act for himself.

As of September the government had not taken action on the 2011 request for a country visit by the United Nations Working Group on Enforced or Involuntary Disappearances.

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

The interim constitution, enacted following the May 2014 coup, protects "all human dignity, rights, [and] liberties," but it does not specifically prohibit torture. Section 17 of the emergency decree, and article 48 of the interim constitution effectively provide immunity from prosecution to security officers for actions committed during the performance of their duties. As of September the cabinet renewed the emergency decree 41 times for consecutive three-month periods since 2005 in several southern provinces.

Representatives of nongovernmental organizations (NGOs) and legal entities reported that police and military officers occasionally tortured and beat suspects to obtain confessions, and newspapers reported numerous cases of citizens accusing police and other security officers of brutality. There were criminal actions pursued against Royal Thai Police (RTP) officers. Through August the RTP Disciplinary Division reported that authorities subjected 2,243 police officers to disciplinary actions, a slight increase from 2014. The investigations resulted in dismissal of 200 officers and other disciplinary action against 2,043 officers.

On March 20, the Office of the United Nations High Commissioner for Human Rights (OHCHR) reported that authorities allegedly tortured four individuals detained by the military in relation to bombings at Bangkok's Siam Paragon Mall and Criminal Court building while in military custody. The military detained the four under martial law from March 9 to March 15, before it transferred them to police custody. The four suspects alleged military officers hit, kicked, shocked with electricity, and threatened them in an attempt to extract information and confessions. On March 25, representatives of the independent National Human Rights Commission of Thailand (NHRCT) attempted to visit the four in police custody to investigate their claims, but Department of Corrections officers denied access to the suspects. As of September authorities filed no charges in the case, nor had the suspects filed a formal complaint against police or military officers.

In December, Amnesty International called for an independent inquiry into allegations police used torture to extract false confessions from two Burmese migrants subsequently convicted of murdering two British tourists in 2014.

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, and asylum seekers--remained poor, and most were overcrowded. The Ministry of Justice's Department of Corrections is responsible for monitoring prison and detention facility conditions.

The military government held some civilian suspects at military detention facilities. In November OHCHR called for the immediate closure of the military detention facility at Bangkok's 11th Military Circle military base following the deaths in custody of two high-profile suspects within a 30-day period, one from an alleged suicide and one from an alleged serious medical condition.

Physical Conditions: As of September 10, authorities held approximately 309,500 persons in prisons and detention facilities with a maximum design capacity of 217,000.

In some prisons sleeping accommodations were insufficient, the lack of medical care was a serious problem, and communicable diseases were widespread. Authorities at times transferred seriously ill prisoners and detainees to provincial or state hospitals.

Unsatisfactory prison conditions contributed to prisoners rioting in at least one prison. On June 8, 200 inmates rioted in Songkhla Provincial Prison to protest the prison's overcrowded conditions. The riot resulted in one death and 10 injuries.

Pretrial detainees comprised approximately 21 percent of the prison population. Prison officers did not segregate these detainees from the general prison population. The government often detained individuals held under the emergency decree in the southernmost provinces in military camps or police stations rather than in prisons.

NGOs reported that authorities occasionally held men, women, and children together in police station cells, particularly in small or remote police stations, pending indictment.

In IDCs, however, authorities held detained women and men together and placed juveniles older than 14 years with adults. In 2014 Human Rights Watch released a report on detention of children in IDCs that claimed the government arbitrarily detained thousands of undocumented migrants, asylum seekers, and refugee children--including infants and toddlers--in squalid immigration facilities and police jail cells. Authorities may hold detainees and their children in IDCs for years unless they pay a fine and the cost of their way home, since by law, "...the alien will have to pay the expense of deportation... [and] [t]he expense of detention shall be charged to the alien's account." The report urged the government to enact legislation and policies to end detention of children and adopt alternatives, such as supervised release and noncustodial, community-based housing while resolving their immigration status. Other NGOs reported complaints, especially by Muslim detainees, of inadequate and culturally inappropriate food. There also were persistent reports of forced labor, extortion by guards, and poor facility ventilation.

Prison authorities sometimes used solitary confinement of not more than one month, as permitted by law, to punish male prisoners who consistently violated prison regulations or were a danger to others. The Department of Corrections maintained that the average confinement was approximately seven days. Authorities also used heavy leg irons on approximately 1,000 prisoners deemed escape risks or potentially dangerous to other prisoners.

According to the Ministry of Interior's Investigation and Legal Affairs Bureau, 835 persons died in official custody from October 2014 to September, including nine

while in police custody and 826 in the custody of the Department of Corrections. Authorities attributed most of those deaths to natural causes.

The law classifies drug users as patients rather than criminals, and the government may detain individuals who use drugs in compulsory rehabilitation centers for either 120 or 180 days to convert drug addicts into “decent citizens.” These centers, a joint project of the Ministries of Justice, Interior, and Public Health as well as the armed forces and the RTP, were located in approximately 55 military camps and 29 civilian centers. The centers processed an estimated 21,000 individuals as of September. Military personnel with no medical background operated most centers.

Department of Probation authorities contended the government periodically evaluated the effectiveness of the drug cessation operations and medical personnel or a medical team visited many military camps at least once a week. Prior to detention local authorities made no individual clinical assessments of the severity of drug dependence and afforded no due process. After release authorities typically did not offer patients follow-up treatment. Media reports catalogued abuses of addict detainees, including physical abuse. Health services such as medically assisted detoxification; HIV prevention, treatment, care, and support; and evidence-based drug dependence treatment were unavailable.

Authorities closed a center in Phetchaburi Province in 2014, and the army replaced it with a new center, after a military trainer allegedly forced an addict detainee to withdraw 600,000 baht (\$16,630) from a bank before fatally shooting him in 2013. As of September the accused was on trial in a military court. There were no reports during the year of violent incidents involving military personnel at these rehabilitation centers.

Civil society groups operating harm-reduction programs faced barriers to delivering their services to drug users, and there were reports police officers arrested and harassed outreach workers acting within this government-approved project.

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

official complaint. Authorities rarely investigated complaints and did not make public the results of such investigations.

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

Independent Monitoring: The government permitted visits to prisons, including limited access to IDCs, by independent human rights observers, and allowed representatives of human rights organization to meet prisoners without third parties present and make repeated visits, including to all police facilities in the southernmost provinces. An international human rights organization reported that authorities allowed access during the year to all prisons in the country, with the exception of certain military detention facilities, including Bangkok's 11th Military Circle. It reported cooperating with military and police agencies regarding international policing standards and the exercise of police powers.

Representatives of the Office of the United Nations High Commissioner for Refugees (UNHCR) had access to some detainees in IDCs on a case-by-case basis. UNHCR officials were able to interview detainees in the Suan Phlu IDC, and resettlement country representatives had access to process recognized refugees for third-country resettlement. The International Organization for Migration (IOM) and the International Committee of the Red Cross also had access to detainees in various IDCs elsewhere in the country; however, in some cases authorities limited IOM access to specific groups of detainees.

d. Arbitrary Arrest or Detention

Under the interim constitution, the military may detain persons without charge or trial for up to seven days. According to OHCHR the military government summoned, arrested, and detained at least 256 persons through September and at least 1,222 since the May 2014 coup. Prior to release, military authorities often required detainees to sign documents affirming they were treated well, would refrain from political activity, and would seek authorization prior to travel outside the local area. According to human rights groups, authorities often denied access by family members and attorneys to detainees. Military authorities threatened those who failed to respond to summonses with prison and seizure of assets.

The emergency decree, which gives the government authority to detain persons without charge for a maximum of 30 days in unofficial places of detention, was in effect in the southernmost provinces during the year (see section 1.d.).

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

Role of the Police and Security Apparatus

The law gives military forces authority over civilian institutions, including police, regarding the maintenance of public order.

The Border Patrol Police have special authority and responsibility in border areas to combat insurgent movements.

There were reports police abused prisoners and detainees, generally with impunity. Article 48 of the interim constitution and section 17 of the emergency decree effectively provide immunity from prosecution to security officers for actions committed during the performance of their duties.

Complaints of police abuse may be filed directly with the superior of the accused police officer, the Office of the Inspector General, or the police commissioner general. The NHRCT, Lawyers' Council of Thailand (LCT), the National Anti-Corruption Commission (NACC), the Supreme Court of Justice, the Ministry of Justice, and the Office of the Prime Minister also accepted complaints of police abuse and corruption, as did the Office of the Ombudsman. The Office of the Prime Minister reported receiving 1,424 petitions alleging police misconduct from October 2014 to September. The complaint center of the Department of Rights and Liberties Protection of the Ministry of Justice reported receiving 32 complaints of police abuse from January to April.

Standard procedures require that when police receive a complaint, an internal investigation committee takes up the matter and may suspend the officer involved in the complaint for the duration of the investigation. Various administrative penalties exist, and authorities may refer serious cases to a criminal court.

Few complaints resulted in punishment of alleged offenders and there were numerous examples of investigations lasting years without resolution regarding alleged security forces abuses. For example, in September the NACC issued a

decision in a case under investigation for seven years, recommending army and criminal prosecutors take legal action against a military officer regarding the alleged killing of a civilian in the southernmost provinces in 2008.

Local police departments are responsible to investigate each case of security force killings and evaluate whether the killings occurred in the line of duty or were otherwise justifiable.

Procedures for investigating suspicious deaths, including deaths occurring in police custody, require a prosecutor, forensic pathologist, and local administrator participate in the investigation and that, in most cases, family members have legal representation at the inquests. Authorities often failed to follow these procedures. Families rarely took advantage of a provision of law that allows them to sue police for criminal action during arrests.

The Ministry of Defense requires service members receive human rights training. Routine training occurred at various levels, including for officers, noncommissioned officers, enlisted personnel, and recruits. Additionally, military service members deploying in support of counterinsurgency operations in the southernmost provinces received specific human rights training, including training for detailed, situation-specific contingencies.

Arrest Procedures and Treatment of Detainees

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

The law provides for access to counsel for criminal detainees, but lawyers and human rights groups claimed police often conducted interrogations without providing access to an attorney. In the southernmost provinces, lawyers reported that under the emergency decree, authorities denied them adequate access to detained clients, and some individuals reported authorities denied them permission to visit detained family members.

Authorities sometimes pressured foreign detainees, especially migrant workers and those in the country illegally, to sign confessions without the benefit of a competent interpreter/translator.

Through July the Ministry of Justice and the Court of Justice assigned volunteer attorneys at public expense in 14,159 legal cases for indigent detainees. Lawyers noted fees offered for such service were often low.

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

Arbitrary Arrest: Under the interim constitution, the military has authority to detain persons without charge for a maximum of seven days without judicial review, and, under the emergency decree, authorities may detain a person for a maximum of 30 days without charge (see section 1.g.). Through September military officers invoked martial law and NCPO Order No. 3/2015 authority to detain at least 256 government officials, politicians, academics, journalists, and other individuals without charge. The military held most individuals briefly, some for up to seven days.

Pretrial Detention: Under normal conditions the law allows police to detain criminal suspects for 48 hours after arrest for investigation. Lawyers reported that police rarely brought cases to court within the 48-hour period. Laws and regulations place offenses for which the maximum penalty for conviction is less than three years under the jurisdiction of the district courts, which have different procedures and require police to submit cases to public prosecutors within 72 hours of arrest. According to the LCT, pretrial detention of criminal suspects for as long as 60 days was common.

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 seven-day period. After formal charge and throughout trial, depending on prosecution and defense readiness, court caseload, and the nature of the evidence, detention may last for one to two years before a verdict, and up to six years until Supreme Court appellate review. The time a defendant spent in detention prior to sentencing occasionally equaled or exceeded the sentence for the alleged crime.

Protracted Detention of Rejected Asylum Seekers or Stateless Persons: Authorities detained asylum seekers and refugees without legal status. NGOs alleged the detentions were protracted and detention conditions failed to meet satisfactory standards.

Amnesty: The Department of Corrections' Pardon Section reported a March 30 Royal Pardon Decree, issued in commemoration of Princess Sirindhorn's 60th birthday, granted amnesty to 38,000 convicted persons and reduced the sentences of another 140,000 prisoners.

e. Denial of Fair Public Trial

The interim constitution provides for an independent judiciary, although the NCPO issued orders that prohibited members of the judiciary from making any negative public comments against the NCPO. Additionally, the interim constitution provides the NCPO with the power to intervene "regardless of its effects on the legislative, executive, or judiciary" to defend the country against national security threats.

Human rights groups remained concerned about the NCPO's influence on independent judicial processes, particularly the practice of prosecuting civilians in military courts. According to these groups, the lack of progress in several high-profile cases involving alleged police and military abuse diminished public trust in the justice system and discouraged some victims of human rights abuses (or their families) from seeking justice.

Trial Procedures

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

In ordinary criminal courts, defendants enjoy a broad range of legal rights, including access to a lawyer of their choosing, prompt and detailed information of the charges (including no-cost interpretation if needed), and adequate time and facilities to prepare a defense. They also have the rights not to be compelled to testify or confess guilt, to confront witnesses, and to present witnesses. Authorities

did not automatically provide indigent defendants with counsel at public expense, and there were allegations authorities did not afford defendants all the above rights, especially in small or remote provinces.

In a May 2014 order, the NCPO redirected prosecutions for offenses against the monarchy, insurrection, sedition, secession, and violation of its orders from civilian criminal court jurisdiction to military courts. According to government and NGO sources, from May 2014 to September, military courts initiated in some form at least 1,400 cases against civilians involving at least 1,600 individuals, most commonly for violations of article 112 (lese majeste, defaming or insulting the king, queen, heir-apparent, or regent); failure to comply with an NCPO order; and violations of the law controlling firearms, ammunition, and explosives.

Military courts do not provide the same legal protections for civilian defendants as do civilian criminal courts. Military courts do not afford civilian defendants rights outlined by the interim constitution to a fair and public hearing by a competent, impartial, and independent tribunal. In May an amendment to the 1955 Military Court Act went into effect to provide for court-appointed lawyers for civilians facing trial in military courts. Prior to May 15, civilians had to seek private counsel from among the limited number of lawyers who were able and willing to take their cases in military court. Civilians facing trial for offenses allegedly committed from May 2014 to April 1--the period of martial law--have no right of appeal.

In civilian court cases, the government provided legal aid on an intermittent, voluntary basis, but the aid reportedly was of low quality. The LCT budget remained the same as in 2014, approximately 50 million baht (\$1.39 million). Some NGOs reported that legal aid lawyers pressured their clients to pay additional fees directly to them, but the LCT's lawyer etiquette division explained clients must pay certain expenses, such as travel, incurred by their attorney. The law requires the court to appoint an attorney in cases where the defendant disputes the charges, is indigent, or is a minor, as well as in cases where the possible punishment is more than five years' imprisonment or death. Most free legal aid came from private groups, including the LCT and the Thai Women Lawyers Association.

There is no discovery process; consequently, lawyers and defendants do not have access to evidence prior to trial. The law provides for access to courts or administrative bodies to appeal or seek redress, and the government generally respected this right.

Several NGOs expressed concern about the lack of adequate protection for witnesses, particularly in cases involving alleged police wrongdoing. The Office of Witness Protection of the Ministry of Justice had limited resources and primarily played a coordinating role. In most cases police provided witness protection, but six other state agencies also participated in the program: the Ministry of Defense; the Office of the Narcotic Control Board; and the departments of special investigations, provincial administration, juvenile observation and protection, and corrections.

Police forced pretrial criminal suspects to re-enact their alleged crimes in the presence of the media, victims and their families, and the public. The media widely published and broadcast images from these re-enactments on an almost daily basis. Police often ordered suspects to perform certain actions consistent with the crime's circumstances. Police conducted thousands of re-enactments during the year. Although police regulations require suspects to "confess" before re-enactments, police often obtained these "confessions" by coercion, including physical assault. Individuals present at re-enactments physically assaulted suspects on at least six separate occasions during the first nine months of the year. Human rights organizations criticized forced re-enactments because they violated the presumption of innocence and encouraged violence against suspects.

Political Prisoners and Detainees

During the year the NCPO routinely detained individuals for expressing political views (see section 1.d.). Human rights groups also estimated 44 persons remained imprisoned under lese majeste laws that outlaw criticism of the monarchy (see section 2.a.). Human rights groups claimed the prosecutions and convictions of several lese majeste offenders were politically motivated.

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 Interference with Privacy, Family, Home, or Correspondence

Prior to the May 2014 coup, the constitution prohibited such actions with some exceptions, and the government generally respected these prohibitions. Following the coup the NCPO repealed the constitution and implemented martial law, which it later rescinded and replaced with NCPO Order No. 3/2015, issued under article 44 of the NCPO-imposed interim constitution. These provisions, along with the emergency decree, give government security forces authority to conduct warrantless searches that they used routinely in the southernmost provinces and border areas. There were complaints during the year from persons who claimed security forces abused this authority, although the seriousness of allegations continued to decline compared with prior years.

There were reports military officers harassed family members of individuals suspected of opposing the NCPO, including parents of students involved in anti-NCPO protests.

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

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

Internal conflict continued in the ethnic Malay Muslim-majority, southernmost provinces throughout the year. Because of frequent bombings and other attacks by suspected insurgents as well as government security operations, tension between the local ethnic Malay Muslim and ethnic Thai Buddhist communities remained high, alongside the local population's persistent distrust of security officers.

The emergency decree in effect in this southern area gives military, police, and civilian authorities significant powers to restrict some basic rights and delegates certain internal security powers to the armed forces. The decree also provides security forces broad immunity from prosecution. Moreover, martial law--imposed in 2006--remained in effect and significantly empowered security forces in the southernmost provinces (see section 1.d.).

Killings: Human rights groups in recent years accused government forces and alleged progovernment death squads of extrajudicial killings of individuals suspected of involvement with insurgents. According to nongovernmental Deep South Watch, there were no reports government forces conducted extrajudicial killings in the southernmost provinces as of September.

According to Deep South Watch, violence resulted in 203 individuals killed and 448 injured in 468 incidents as of September, less than in 2014. It also reported that, as of September 30, violence caused 6,486 deaths and injured 11,793 persons in 15,109 incidents in the region since 2004, but the organization does not differentiate between violence caused by insurgents, security forces, or criminal elements. As in previous years, insurgents frequently targeted government representatives, including district and municipal officials, military personnel, and police, with bombings and shootings. Suspected insurgents killed two teachers, a decrease from 2014. Insurgents also killed and injured both Buddhist and Muslim civilians from many other occupations.

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

Abductions: The Justice for Peace Foundation reported no forced disappearance in the southernmost provinces as of September but noted difficulties in collecting information amid widespread NCPO summonses and detentions. There were no confirmed reports individuals in the southernmost provinces disappeared after security officers questioned them.

Physical Abuse, Punishment, and Torture: The government arrested suspected insurgents, some of them juveniles, and in some cases held them for a month or more under emergency decree and martial law provisions. Human rights organizations maintained the arrests were arbitrary, excessive, and needlessly lengthy, and criticized detention facility overcrowding. There were reports of torture and physical abuse by police. The Cross Cultural Foundation and network members reported receiving records of at least 15 cases of police torture and abuse through September.

Martial law allows detention for a maximum of seven days without charge and without court or government agency approval in the southernmost provinces. The emergency decree in effect in the same areas allows authorities to arrest and detain suspects for a maximum of 30 days without charge. After this period expires, authorities may begin holding suspects under normal criminal law (see section 1.d.). Unlike under martial law, detentions under normal criminal law require court consent, although human rights NGOs complained courts did not always exercise their right of review. In some cases authorities held suspects first under martial law for seven days and then detained them for an additional 30 days under the decree. The Southern Border Provinces Operation Center reported that from

October 2014 to September, authorities arrested 167 persons via warrants issued under the emergency decree. The government did not use military courts to try civilian defendants in the southernmost provinces.

Child Soldiers: Regulations prohibit formal recruitment of children younger than 18 years to serve as Territorial Defense Volunteers, and volunteers generally joined at age 21 or older. Child Soldiers International reported there were no instances of youth younger than 18 years conscripted or recruited into government armed forces. As recently as 2013, there were reports insurgent groups recruited children younger than 18 years to commit acts of arson or serve as scouts.

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

Other Conflict-related Abuses: Violence, including violence directed against civilians, decreased substantially compared with 2014. Data on insurgent attacks on schools in the southernmost provinces were not available as of September. From 2004 through year's end, insurgents burned more than 340 schools. The military government frequently armed both ethnic Thai Buddhist and ethnic Malay Muslim civilians, fortified schools and temples, and provided military escorts to monks and teachers. Some local NGOs reported that military personnel had barracks at local schools, although their numbers decreased substantially in the past year. According to the Ministry of Education, as of September insurgents killed one student. Since 2004 insurgent violence has killed 227 teachers, students, and education staff, and injured 370. Attacks frequently targeted security escorts for Buddhist teachers. Insurgent violence also included attacks on medical facilities. The Ministry of Public Health reported that, as of September 30, insurgents attacked 28 public health facilities, killed 32 public health officials, and injured 37. They also killed 68 public health volunteers and injured 29.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The NCPO placed significant restrictions on freedom of speech and press. The NCPO issued broad orders prohibiting criticism of its actions, closed numerous media outlets, blocked access to internet sites, and summoned members of the media to report to authorities for questioning and "attitude adjustment." In addition to official restrictions on speech and censorship, the NCPO's actions resulted in significant self-censorship by the public and the media. The NCPO

prohibited political figures, analysts, and others from providing interviews or comments to the media and banned dissemination of information that could threaten the NCPO or “create conflict” within the country. These prohibitions remained in effect at year’s end.

Freedom of Speech and Expression: Article 112 of the criminal code, the so-called lese majeste law, makes it a crime--punishable by a maximum of 15 years’ imprisonment for each offense--to criticize, insult, or threaten the king, queen, royal heir apparent, or regent. The law also allows citizens to file lese majeste complaints against each other, which they did on several occasions. The government may and regularly does conduct trials in secret and prohibits public disclosure of the content of the alleged offenses. The government also frequently tries lese majeste cases in military courts that provide fewer rights and protections for civilian defendants. International and domestic human rights organizations and academics expressed concern about the lese majeste law’s chilling effect on freedom of expression.

Official statistics varied by agency, but the number of new lese majeste cases increased dramatically following the May 2014 coup. According to local nongovernmental Internet Dialogue on Law Reform (iLaw), the number of new lese majeste cases filed since the coup was 54 as of September. In some of these cases, the accused committed the alleged offense prior to the 2014 coup, but authorities did not file charges until after the coup. According to iLaw the government detained 44 persons under lese majeste laws as of September (not including a number of persons convicted for corruption-related offenses under article 112 for misuse of royal title to further business interests).

On August 7, the Bangkok Military Court sentenced Pongsak Sriboonpeng, accused of making six Facebook postings deemed offensive to the monarchy, to 60 years in prison, reduced to 30 years because of his guilty plea. On the same day, a military court in Chiang Mai sentenced Sasiwimon Patomwongfa-ngarm, a 29-year-old mother of two and hotel worker, to 28 years in prison, reduced from 56 years in consideration of her guilty plea, for posting seven separate comments on Facebook critical of the monarchy.

In October authorities arrested three persons, including Major Prakrom Warunprapa of the RTP and a well-known royal astrologer, Suriyan “Mor Yong” Sujaritpolwong, on lese majeste charges for allegedly invoking the monarchy to get personal gain related to “Bike for Mom” and “Bike for Dad” events celebrating the king and queen. Two days after his arrest, Major Prakrom reportedly

committed suicide while in military custody. Weeks later, Suriyan also died in custody, reportedly of septicemia.

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

The law provides for the regulation of radio and television frequencies and three categories of broadcast licenses (public service, community service, and commercial). The National Broadcasting and Telecommunications Commission (NBTC) allocates broadcast frequencies and regulates broadcast media. Radio stations must renew their licenses every seven years. The law requires stations to broadcast 30-minute, government-produced newscasts twice daily and to register with the NBTC. Several thousand small community radio stations nationwide also operate under a separate licensing system that requires annual renewal of licenses. The NBTC approved licenses for 24 new digital television channels.

Violence and Harassment: Senior government officials routinely made statements critical of media coverage of policy matters. For example, on March 1, during a weekly national broadcast, the prime minister threatened to summon "for discussion" any news anchor or "talking head" who presented opposing views about the NCPO; and on March 2, the prime minister suggested he would execute journalists who do not "report the truth" (although his spokesman later claimed he was joking). In March the prime minister also publicly reprimanded an investigative reporter for reporting on human trafficking and the discovery of mass graves, warning the reporter should not report sensitive issues that could damage the kingdom's reputation.

On September 13, the NCPO summoned and detained Pravit Rojanaphruk, a senior reporter of *The Nation*, at an undisclosed location for two days for posting alleged "provocative and divisive" messages on social media in violation of an agreement he made with the NCPO. (The NCPO previously detained Pravit in May 2014 and reportedly required him to sign a document promising to refrain from openly criticizing the regime.) On September 15, the NCPO released Pravit after he

signed a document agreeing to not be involved with or support anti-NCPO groups. After his release Pravit resigned his position at *The Nation*, where he worked for 23 years, reportedly under pressure from the newspaper's management.

On June 4, security officers prevented an event at the Foreign Correspondents Club of Thailand (FCCT) at which the Thai Lawyers for Human Rights intended to release its report on the status of human rights in the country during the 12 months following the May 2014 coup. Later that month the NCPO also stopped the FCCT from holding a debate on the country's lese majeste law.

On June 25, the Thai Journalists Association issued a statement rejecting the prime minister's accusation the media took "orders" to attack the government for money as groundless and unfair.

Censorship or Content Restrictions: The NCPO restricted content deemed critical of or threatening to it, and the media widely practiced self-censorship. NCPO orders remained in effect that prohibited any criticism of military authorities and directed print media, television, radio, cable, and other online media operators not to publish or broadcast any information critical of the military's actions or criticism likely to cause public misunderstanding made with malice and false information aimed to discredit the NCPO. Authorities monitored media content from all media sources, including international press. International media operated relatively freely.

Article 44 of the interim constitution grants authority to the military to ban the dissemination of media reports deemed harmful to national security.

On April 30, the NBTC revoked the license of red-shirt affiliated satellite Peace TV, alleging Peace TV repeatedly breached licensing terms and the NCPO's orders restricting the broadcast of political content. The NBTC previously suspended Peace TV and TV 24 (also red-shirt affiliated) for seven days in early April for allegedly breaching an agreement with the regulators as well as NCPO orders restricting content. On July 17, the Administrative Court issued a temporary injunction allowing Peace TV to resume broadcasting until the court ruled on the license revocation.

The emergency decree, which remained in effect in the conflict-affected southernmost provinces, empowers the government "to prohibit publication and distribution of news and information that may cause the people to panic or with an

intention to distort information.” It also authorizes the government to censor news considered a threat to national security.

Libel/Slander Laws: Defamation is a criminal offense, punishable by a maximum fine of 200,000 baht (\$5,540) and two years’ imprisonment. Military and business figures filed criminal defamation and libel cases against political activists, journalists, and politicians. On September 1, the Criminal Court found Alan Morrison and Chutima Sidasathien, from the English-language news website *Phuketwan*, not guilty of criminal defamation and closed the case. In April 2014 authorities charged the two reporters with defamation and other offenses for publishing excerpts of a Pulitzer Prize-awarded Reuters report that alleged navy complicity in the trafficking of ethnic Rohingya.

In another high-profile case, the Criminal Court, on September 18, dismissed criminal defamation charges against British national Andy Hall filed by Natural Fruit, a fruit processing company, for his report critical of Natural Fruit’s labor practices. As of October, Hall still faced two additional criminal cases related to his reporting on Natural Fruit.

National Security: Section 44 of the interim constitution provides authorities authority to restrict distribution of material deemed to threaten national security. Media associations expressed alarm regarding the sweeping powers they complained lacked clear criteria for determining what constitutes a threat to national security.

Internet Freedom

The NCPO imposed significant restrictions on internet freedom, restricting and disrupting access to the internet, and censoring online content.

The law establishes procedures for the search and seizure of computers and computer data in certain criminal investigations and gives the information ministry authority to request and enforce the suspension of information disseminated via computer. The government may impose a maximum five-year prison sentence and a 100,000 baht (\$2,770) fine for posting false content on the internet that undermines public security, causes public panic, or harms others. Authorities may impose a maximum 20-year sentence and 300,000 baht (\$8,310) fine if an offense results in the death of an individual. The law also obliges internet service providers to preserve all user records for 90 days in case 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. Most prosecutions were for content-related offenses. By law authorities must obtain a court order to ban a website, although they did not always apply this requirement. Media activists criticized the law, stating it defined offenses too broadly and some penalties were too harsh.

There was internet censorship, and use of the law continued to stifle certain areas of freedom of expression. The government closely monitored and blocked thousands of websites that criticized the monarchy. Many political webboards and discussion forums chose to self-censor and monitor discussions closely to avoid being blocked, and newspapers disabled or restricted access to their public comment sections to minimize exposure to possible lese majeste charges. The government imposed some restrictions on access to the internet and monitored internet chat rooms and social media without appropriate legal authority. In September the government's Internal Security Operations Command announced the government blocked 143 websites it deemed contained lese majeste content. Individuals and groups generally engaged in the peaceful expression of views via the internet, including by e-mail, although there were several limitations on content, such as lese majeste, pornography, gambling, and criticism of the NCPO. Internet access was widely available in urban areas and used by citizens, including through a government program to provide limited free Wi-Fi access at 300,000 hotspots in cities and schools.

In December the Supreme Court upheld the 2012 conviction of Chiranuch Premchaiporn, director of online news site *Prachatai*, for violating the Computer Crime Act by failing to delete user comments containing lese majeste content from the site's since-closed message board in a timely fashion. According to human rights groups, the conviction marked the first time authorities held an internet intermediary criminally liable for third-party content posted on a web platform.

The RTP Electronic Crime Suppression Division reported receiving 2,083 complaints from January to September that resulted in 65 criminal actions. In contrast it reported 1,047 computer-related complaints from January to August 2014 that resulted in 73 criminal actions. Most cases involved alleged defamation, lese majeste, and illegal activity such as gambling and pornography.

In October authorities acknowledged development of a government-administered and controlled single internet gateway system for the country. As of November the Ministry of Information and Communication continued to explore the feasibility of

such a system. Human rights groups voiced concerns that a single internet gateway would threaten freedom of expression.

Academic Freedom and Cultural Events

The NCPO intervened to disrupt academic discussions on college campuses, intimidated scholars, and arrested student leaders critical of the coup.

In March, Thammasat University dismissed exiled professor and noted historian Somsak Jiamthirasakul, a vocal critic of the coup who faced charges for violating lese majeste laws in 2011. Professor Somsak submitted a resignation letter in December 2014, which the university rejected. More than 200 international scholars from 19 countries signed an open letter protesting his dismissal.

Through September authorities prohibited more than 30 academic discussions on campuses throughout the country under martial law and article 44. Additionally, university authorities reported the regular presence of military personnel on campus, monitoring lectures and attending student events. Military officers detained professors and students in September for organizing a seminar on the decline of dictatorships in foreign countries. Military officers also refused to allow students at Thammasat University to organize a ceremony commemorating the 38th anniversary of the 1977 student uprising.

There were numerous accounts of authorities arresting students for exercising their academic freedom and freedom of speech. On June 26, authorities arrested 14 students from universities in Bangkok and Khon Kaen for protesting the coup. Authorities detained the 14 students under article 44 and article 116 of the criminal code that prohibits incitement and agitation. Many citizens rallied to support the students, creating a wall of post-it notes on the walls of a public transit station. Authorities released the students on July 8, although charges remained pending.

The military government revised secondary and primary school textbooks and increased instruction on patriotic themes. The military government ordered changes to a history textbook used in secondary schools to delete any references to exiled former prime minister Thaksin Shinawatra. The military government also instituted a civic education curriculum emphasizing General Prayut's 12 core values of "Thainess." When a high school student from Bangkok protested the imposition of civic values, a school administrator denounced the student as "mentally ill," while the minister of education suggested ignoring the student.

The performing arts community exercised self-censorship in the wake of the conviction in February of two actors on lese majeste charges for the performance of the play *Wolf Bride* at Thammasat University.

In January the B-Floor Theater staged a production of *Bang La Merd* (“Land of Violation”) that addressed the issue of free speech. On the second day of performances, military officers went to the theater and said they had received reports the show’s content violated the dignity of the monarchy, opposed the government, and threatened national security. Although they allowed the show to continue, military officers reportedly attended and recorded each subsequent performance.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

Coup leaders prohibited political gatherings of five or more persons and penalized persons supporting any political gatherings. On May 1, the National Legislative Assembly (NLA) passed the Public Assembly Act that codified restrictions on freedom of assembly and requires, among other provisions, that protesters obtain permission from police for rallies at least 24 hours in advance. Moreover, it bans all demonstrations within 500 feet of the prime minister’s headquarters, parliament, royal palaces, and courthouses. Human rights groups argued the law violates the country’s obligations under the International Covenant on Civil and Political Rights. Additionally, the emergency decree, in effect in the southernmost provinces, provided authority to limit freedom of assembly.

Police arrested citizens assembled in violation of government orders. On May 22, police arrested 11 student activists from the Young People for Social Democracy Movement who gathered in Bangkok to mark the one-year anniversary of the coup for violating the NCPO’s order prohibiting political gatherings of more than five persons. While the NCPO enforced bans against political gatherings that criticized the coup or the NCPO, authorities allowed some procoup and promilitary demonstrations.

Surat Thani, Phuket, and Phang Nga provinces have their own regulations that prohibit migrant workers--specifically individuals from Cambodia, Burma, and Laos--from gathering in groups, while Samut Sakhon Province prohibits migrant gatherings of more than five persons. Authorities did not enforce these provisions

strictly, particularly on private property. Employers and NGOs may request permission from authorities for migrant workers to hold cultural gatherings.

Freedom of Association

The interim constitution does not explicitly provide for freedom of association. Although there were no legal limitations to free association, the NCPO prohibited political gatherings of more than five persons.

On August 5, the country's Supreme Administrative Court ruled practitioners of Falun Gong could register a nonprofit organization in their own name, ending a nearly decade-long process for official recognition in the country.

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

c. Freedom of Religion

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

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

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

Following the May 2014 coup, the NCPO issued orders prohibiting travel outside the country for approximately 170 persons.

The government usually cooperated with UNHCR, IOM, International Committee of the Red Cross, and humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, asylum seekers, stateless persons, and other persons of concern, although with some restrictions. Cooperation with UNHCR to protect certain groups remained uneven, which limited UNHCR's ability to provide protection to all nationalities.

Authorities continued to treat refugees and asylum seekers from Burma who lived outside of designated border camps, including Rohingya boat arrivals, as illegal migrants. Individuals categorized as illegal migrants are legally subject to arrest and detention. The government worked in cooperation with donors and international organization partners to provide protection and assistance to Rohingya while in IDCs and shelters. The lack of Rohingya-speaking interpreters within IDCs and shelters remained a concern. Although reinstated in 2013, authorities implemented inconsistently the process of permitting bail for detained refugees and asylum seekers originally initiated in 2011. Additionally, after authorities released 25 asylum seekers and refugees in 2014, they subsequently summoned these individuals to return early to the Suan Phlu IDC.

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

Refugees residing in the nine refugee camps on the border with Burma had no freedom of movement, and authorities confined them to the camps. In previous years authorities did not enforce this policy, and many refugees often left the camps for short periods to find work in the local economy. The camp commanders began enforcing restrictions on camp residents, making freedom of movement outside the camps even harder. A refugee apprehended outside the official camps is subjected to harassment, fines, detention, deregistration, and deportation.

Refugees and asylum seekers were not eligible to participate in the official nationality verification process, which allows migrant workers with verified nationality and passports to travel throughout the country. Authorities restricted those holding only work permits from traveling outside the province where they work unless they first obtained official permission.

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

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

Protection of Refugees

The government's treatment of refugees and asylum seekers remained inconsistent. Nevertheless, authorities hosted significant numbers of refugees and asylum seekers, provided some protection against their expulsion or return, and allowed persons fleeing fighting or other incidents of violence in neighboring countries to cross the border and remain until conflict ceased. Additionally, authorities permitted non-Burmese refugees recognized by UNHCR and registered Burmese refugees residing in official refugee camps to resettle in foreign countries.

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

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

The government allowed UNHCR to monitor the protection status of the more than 110,000 Burmese refugees and asylum seekers living in nine camps along the border with Burma but prohibited UNHCR from any assistance role in the camps. NGOs funded by the international community provided basic humanitarian assistance in the camps, including health care, food, education, shelter, water, sanitation, vocational training, and other services. Government authorities issued identification cards to registered refugees living in the camps.

The government facilitated resettlement for 5,759 Burmese refugees from camps as of October. Refugees residing in the nine camps along the border who had not registered with the government were ineligible for third-country resettlement.

An estimated 60,000 Burmese had not registered since the cessation of the Provincial Admissions Boards in 2005. In 2012 the government resumed limited admissions screening to consider only refugee cases under the family reunification criteria (parent/child or spousal relationships), through “Fast Track Provincial Admission Boards,” or FTPAB. As of September authorities processed 957 cases with 2,696 individuals (including 1,503 FTPAB-registered persons). Between January and May, UNHCR updated its records of the registered and unregistered camp refugees and distributed biometric cards to refugees as part of a jointly conducted verification exercise with the government. According to UNHCR the result was the most comprehensive protection and statistical review of this refugee population in 10 years.

Refoulement: The government provided some protection against the expulsion or return of refugees to countries where they would face threats to their lives or freedom because of their race, religion, nationality, membership in a particular social group, or political opinion, and during the year thousands of asylum seekers entered the country and its refugee camps. Outside the camps government officials did not distinguish between asylum-seeking Burmese and other undocumented Burmese, regarding all as illegal migrants. Authorities generally took those arrested to the border and deported them. Authorities generally did not deport persons of concern holding valid UNHCR asylum-seeker or refugee certificates; however, in November authorities forcibly repatriated two Chinese activists to whom UNHCR had granted a refugee determination.

On July 9, the government forcibly deported a vulnerable migrant group of 109 Uighurs to China, against the protestations of UNHCR and members of the international community. As of October approximately 60 Uighurs remained in detention.

Immigration police in Bangkok arrested and detained asylum seekers and refugees, including women and children. During the year the detained population fluctuated between 150 and 400 persons, depending on immigration raids and the release of detainees on bail. Government officials estimated the IDC repatriated 200 to 300 nonasylum seeker detainees per week. Authorities usually detained Burmese, Cambodian, and Laotian individuals for five days on average before repatriating

them. Authorities often held for a year or longer detainees who lacked assistance from their respective embassies, sought third-country resettlement, refused to return to their nations of origin, or lacked funds to pay for their trip home.

Refugee Abuse: Media reports, Human Rights Watch, and other sources alleged government officials took bribes from human smugglers and traffickers who detained Rohingya on islands and other locations in the south and colluded with human traffickers.

During the year authorities confined approximately 870 individuals--both Rohingya and Bangladeshi--in IDCs and shelters. In August approximately 500 remained in detention, of whom the majority were Rohingya.

International humanitarian organizations noted concerns about congested conditions, lack of exercise opportunities, and limited freedom of movement in the IDCs. Some IDCs with Rohingya detainees lacked efficient medical referral mechanisms and failed to make sufficient medical referrals or allow exercise due to fear detainees would escape.

Authorities allowed women and children, including unaccompanied minors, to stay in shelters operated by the Ministry of Social Development and Human Security. Individuals in these shelters often reported a lack of adequate human resources to meet the needs of running the facilities and providing adequate psychosocial services to the shelters' residents. Although advised residents not to leave for their own protection, some residents chose to leave the facilities. If police caught them, they returned them to the shelter or an IDC. Additionally, NGOs and the media reported that brokers from human smuggling networks gained access to the private facilities by posing as concerned humanitarians or interpreters and later facilitated the movement of individuals out of the shelters without proper authorization. Following the reported rape in 2013 of a four-year-old girl in one of the shelters by another child, authorities reportedly detained male juveniles among the adult population in the overcrowded IDCs.

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

Access to Basic Services: The international community provided basic services for refugees living inside the nine camps on the border with Burma. A complicated medical referral system hampered the ability of refugees to seek some necessary medical services. For the urban refugee and asylum seeker population living in Bangkok, access to basic services was minimal, and the only UNHCR-supported health clinic that provided medical care closed in 2014 due to lack of funding, instead focusing on coordinating referrals of the most urgent medical cases to local hospitals. To fill this gap, two NGOs provided health-care services for the urban refugee and asylum seeker population since 2014.

Since Burmese refugee children living in the camps generally did not have access to the Thai education system, NGOs provided schooling with some coordination with the Ministry of Education regarding curriculum. In Bangkok some refugee communities formed their own schools to provide education for their children. Others sought to learn Thai with support from UNHCR, as the law provides that schools must admit children of any legal status who can speak, read, and write Thai with some degree of proficiency.

Temporary Protection: During the year there were reports of small groups of individuals allegedly fleeing fighting in Burma's Shan State and crossing into the country. The government demonstrated continued tolerance, but it did not accord them refugee status. The government also extended temporary shelter and protection to 150 migrants of Rohingya and Bangladesh origin during the maritime migration crisis in the Bay of Bengal and Andaman Sea in May.

Stateless Persons

The government continued to identify stateless individuals, provide documentation to preclude statelessness, and open paths to citizenship for long-time residents. According to UNHCR an estimated 506,200 persons, mainly residing in the northern region, were likely stateless, or at risk of statelessness, and several NGOs stated most of them might be eligible for citizenship. Many were members of hill tribes (see section 6). Others were migrants from Burma who did not have evidence of Burmese citizenship, ethnic minorities registered with civil authorities, previously undocumented minorities, and displaced persons residing in border camps.

Birth within the country does not automatically confer citizenship. The law bases citizenship on birth to one or both citizen parents, marriage to a citizen man, or naturalization. Individuals may also acquire citizenship by means of special

government-designated criteria implemented by the Ministry of Interior with approval from the cabinet or in accordance with nationality law (see section 6). Amendments to the law during the year allowed ethnic Thai stateless persons, who meet the added definition of “displaced Thai,” and their children to apply for the status of “Thai nationality by birth,” but there were reports of slow, inconsistent implementation due to labyrinthine laws and regulations and the existence of substantial gray areas.

The law stipulates every child born in the country receive an official birth certificate, regardless of the parents’ legal status. Many parents did not obtain birth certificates for their children due to the complexity of the process, the need to travel from remote areas to district offices, and a lack of recognition of the importance of the document. According to NGOs some positive action from government authorities towards issuance of a certificate to every newborn continued.

By law noncitizen stateless members of hill tribes may not vote or own land, and their travel is restricted. Stateless persons also may not participate in certain occupations reserved for citizens, including farming, although authorities permitted noncitizen members of hill tribes to undertake subsistence agriculture. Stateless persons had difficulty accessing credit and government services, such as health care. Although education was technically accessible for all undocumented and stateless children, it was usually of poor quality. School administrators placed the term “non-Thai citizen” on these individuals’ high school certificates, which severely limited their economic opportunities. Administrators denied these individual’s university student loan applications, yet provided such loans to citizen students. Public universities charged stateless and undocumented students higher tuition rates than for citizens. In 2014 Chiang Mai University ended its policy of treating stateless students as international students, under which they charged citizens 8,000 baht (\$220) per semester but charged noncitizens (including stateless persons) 28,000 baht (\$780) per semester.

Many stateless members of hill tribes lived in poverty. Without legal status stateless persons were vulnerable to various forms of abuse (see section 6).

Section 3. Freedom to Participate in the Political Process

The interim constitution, promulgated in July 2014, set the framework for the adoption of a new constitution but did not provide citizens the ability to choose their government peacefully; instead, it established a process in which unelected

individuals would serve as interim legislators, and a separate, appointed body would draft a new constitution. At year's end the process for the adoption of a new constitution was pending.

Elections and Political Participation

The interim constitution does not provide citizens the ability to choose their government in free and fair periodic elections based on universal and equal suffrage.

Recent Elections: There have been no elections since the May 2014 coup. NCPO Announcements No. 85/2557 and No. 86/2557, issued in July 2014, and NCPO Chairman Order No. 1/2557, issued in December 2014, ordered the suspension of all types of elections nationwide, at both the national and local levels.

Political Parties and Political Participation: The interim constitution prohibits anyone who was a member of a political party in the past three years from serving in the NLA.

Participation of Women and Minorities: The precoup constitution encouraged political parties to consider a “close proximity of equal numbers” of both genders. The interim constitution contains no such provision. There were 13 women in the NCPO-appointed 218-member NLA and three female ministers in the 34-person interim cabinet (Ministry of Tourism and Sport, Ministry of Industry, and Ministry of Commerce). The previous elected government had 81 women in the 500-seat lower house.

Few members of ethnic or religious minorities held positions of authority in national politics. The 250-member NLA included four Muslim and two Christian members. The 250-member National Reform Committee included four Muslims, and the 200-member National Reform Steering Committee had three Muslim members. No Muslims or Christians held cabinet posts. All governors in the southernmost provinces were Buddhist, but chief executives in the provincial administrative organizations were Muslim.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for conviction of official corruption. Government implementation of the law increased under the NCPO, although

officials sometimes engaged in corrupt practices with impunity. There were numerous reports of government corruption during the year.

Corruption: Corruption remained widespread among police. There were numerous incidents of police charged with abduction, sexual harassment, theft, and malfeasance, plus reports police tortured, beat, and otherwise abused detainees and prisoners, generally with impunity. Authorities arrested police officers and convicted them of corruption, drug trafficking, and smuggling; police reportedly also committed intellectual property rights violations.

In February the attorney general filed criminal charges against former prime minister Yingluck Shinawatra related to alleged malfeasance in her handling of the government's rice-pledging program. The trial began on May 19 and continued as of October.

Following the May discovery of abandoned camps in the southern region suspected to hold mass graves of Rohingya migrants, authorities issued arrest warrants for 120 suspects alleged to be complicit in human smuggling operations, including several police and military officers.

At year's end the government continued to enforce the 2009 arrest warrant against former prime minister Thaksin. The Supreme Court of Justice for Persons Holding Political Positions' case against him regarding a 2006 government bank loan to Burma remained suspended. He continued to reside outside the country. The NACC and Office of the Auditor General continued to investigate allegations of corruption committed by members of the Thaksin government from 2001 to 2006, and their findings triggered several cases at the Criminal Division of the Supreme Court of Justice for Persons Holding Political Positions.

As of December the military government continued investigation into allegations of corruption regarding the Royal Thai Army's construction of Rajabhakti Park that honors the country's past kings.

Financial Disclosure: Financial disclosure laws and regulations require elected and appointed public officials to disclose assets and income, according to standardized forms. The law penalizes officials who fail to submit declarations, submit inaccurate declarations, or conceal assets. Penalties include a five-year political ban, asset seizure, and discharge from position, as well as a maximum imprisonment of six months, a maximum fine of 10,000 baht (\$280), or both.

The NACC financial disclosure rules do not apply to NCPO members. Likewise, authorities exempted members of the National Reform Council--a 250-member council established by the NCPO following the coup and disbanded in October--from financial disclosure rules. As of October disclosure requirements for the new NCPO-appointed 200-member National Reform Steering Committee remained uncertain.

Public Access to Information: The law provides public access to government information, and the government effectively implemented the law. The law provided some exceptions for nondisclosure including damage to the monarchy, national security threats, and impediments to effective law enforcement. Regulations require a government agency to respond to a petition within 15 days; however, the regulations do not require it to submit a decision within a certain time. There is no processing fee. If a government agency ignores the petition for disclosure or the requester appeals a request denial, a judge with the Office of the Official Information Commission (OOIC) must decide the case within 60 days. If the OOIC orders the disclosure, the agency must disclose the information within seven days. The law subjects a noncompliant agency head to civil disciplinary actions or criminal penalties. OOIC received 373 appeals from January to September, a sharp increase from the 89 appeals received during the same period in 2014. Of the 373 cases received, 221 were completed and 152 remained pending at year's end. The OOIC organized public campaigns and training, as well as e-learning programs for officials responsible for reviewing requests.

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

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

For example, on June 26, police issued a letter to the FCCT and Human Rights Watch requesting the organizations cancel the launch of a report on Vietnam, claiming the event could affect national security and adversely affect Thai-Vietnamese relations.

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 adequate funding.

The United Nations or Other International Bodies: During the year the government postponed the scheduled visit by the UN special rapporteur on torture and other inhuman treatment. According to UN reports, there were no developments regarding official visits previously requested by the UN working group on disappearances; by the UN special rapporteur on the freedoms of expression, assembly, and association; or by the UN special rapporteur on the situations of human rights defenders, migrants, and internally displaced persons.

Government Human Rights Bodies: The independent NHRCT exists with the mission to protect human rights and to produce an annual country report. The commission received 472 petitions in the first eight months of the year, compared with 408 in 2014. Among the complaints 38 related to alleged abuses by police. Statistics regarding completed investigations were unavailable. The government responded to NHRCT recommendations with an explanation or action approximately 25 percent of the time and adopted approximately one in five recommendations. Civil society leaders rated the NHRCT poorly and debated publicly whether its weakness was institutional or simply a result of capacity limitations. They also criticized the commission for not filing lawsuits against human rights violators on its own behalf or on behalf of complainants.

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 examined all petitions, but it may not compel agencies to comply with its recommendations. Through September the office received 2,306 new petitions of which 454 related to allegations of police abuses.

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

The interim constitution promulgated by the NCPO in July 2014 purports to protect “all human dignity, rights, liberties, and equality of the people.”

Women

Rape and Domestic Violence: Rape is illegal, although the government did not always enforce the law effectively. The law permits authorities to prosecute

spousal rape, and prosecutions occurred. Police arrested suspects in 60 percent of cases from January to mid-September.

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, depending on such factors as age of the victim, severity of the assault, use of a weapon, multiple assailants, and physical and mental condition of the victim afterward. The amount of the fine depends on the severity of injury to the victim and generally varies from 8,000 to 40,000 baht (\$220 to \$1,110). The law also provides that any individual convicted twice for the same type of criminal rape within three years may receive increased penalties for recidivism. According to court records, authorities filed 5,310 cases involving sexual assault in 2014, compared with 4,591 cases in 2013.

NGOs believed rape to be a serious problem. Academics and women's rights activists maintained that the measure within the law that allows for offenders younger than 18 years to avoid prosecution by choosing to marry their victim constituted a violation of women's rights. They also maintained that victims underreported rapes and domestic assaults, in part due to a lack of understanding by police, prosecutors, and judges of gender and women's rights matters that impeded effective implementation of the law regarding violence against women.

Additionally, the government underfunded agencies tasked with addressing the problem, and victims often perceived police incapable of bringing perpetrators to justice. Police sought to change this perception by encouraging women to report sexual crimes. NGOs lobbied for more female investigators in police stations to deal with violence against women cases, and police made some efforts to increase women's enrollment into the Police Cadet Academy. During the year female officers constituted approximately 8 percent of police personnel countrywide, the same as reported in 2014. There were an estimated 300 female police investigators nationwide, with 130 based in Bangkok.

Domestic violence against women was a significant problem. The Ministry of Public Health reported that from October 2014 to September, 13,265 women older than 18 years reported abuse and sought assistance from the ministry's one-stop crisis centers (OSCCs), which provide information and services to victims. Of these victims 67 percent reported physical abuse, and 22 percent reported sexual abuse. The law imposes a maximum fine of 6,000 baht (\$170) or a maximum of six months' imprisonment for violators and provides authorities, with court approval, the power to prohibit offenders from remaining in their homes or contacting family members during trial. The law also establishes measures

designed to facilitate both the reporting of domestic violence complaints and reconciliation between the victim and the perpetrator. Additionally, the law restricts media reporting on domestic violence cases in the judicial system. NGOs voiced concern the law--with a family unity approach--may put undue pressure on the victim to compromise without addressing safety issues and has led to a low conviction rate.

Authorities prosecuted some domestic violence crimes, particularly cases where the perpetrator seriously injured the victim, under provisions for assault or violence against a person, where they could seek harsher penalties. Domestic violence frequently went unreported, however, and police often were reluctant to pursue reports of domestic violence. NGO-supported programs included emergency hotlines, temporary shelters, and counseling services to increase awareness of domestic violence, HIV/AIDS, and other matters involving women. Government shelters, one in each province, operated under budget challenges. From October 2014 to September, the Ministry of Social Development and Human Security reported slightly more than 5,900 persons sought temporary residence in one of the state-run shelters, some seeking shelter on more than one occasion. The government's crisis centers, located in all state-run hospitals, cared for abused women and children, although several centers faced budget constraints. Government hospitals referred abused women to private organizations when in-hospital services were not available.

The Ministry of Social Development and Human Security, which collects data on victims who seek legal assistance under the Domestic Violence Prevention Act, reported 294 cases of domestic violence nationwide as of September, compared with 233 cases reported during the first eight months of 2014. In 69 cases the victim pursued criminal charges, while in 117 cases the victim chose not to do so. Sentencing in those cases that resulted in conviction included imprisonment of the abuser (three months maximum); attendance at mental "rehabilitation;" or payment of fines, probation, or both.

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

Female Genital Mutilation/Cutting (FGM/C): No specific law prohibits this practice. NGOs reported that FGM/C occurred in the Muslim-majority south,

although statistics were unavailable. There were no reports of international or governmental efforts to prevent or address the practice.

Sexual Harassment: Sexual harassment is illegal in both the public and private sectors. The law specifies maximum fines of 20,000 baht (\$550) for individuals convicted of sexual harassment. The punishment depends on the degree of harassment. Abuse categorized as an indecent act may result in maximum 15 years' imprisonment and a maximum fine of 30,000 baht (\$830). The penalty depends upon the degree of severity and the age of the victim. The law governing the civil service also prohibits sexual harassment and stipulates five levels of punishment: probation, docked wages, salary decrease, 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. Data on the numbers of abusers prosecuted, convicted, and punished were unavailable.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of children; manage their reproductive health; and have access to the information and means to do so, free from discrimination, coercion, or violence. The publicly funded medical system provided access to contraceptive services and information, prenatal care, skilled attendance during childbirth, and essential obstetric and postpartum care.

According to the UN Population Fund's *2014 State of World Population Report*, approximately 80 percent of women and girls from 15 to 49 years used modern contraception methods. Skilled health-care personnel attended approximately 99 percent of births. Officials estimated that more than 90 percent of mothers and babies could access prenatal and postnatal care. According to the UN Children's Fund *2012 UNICEF Report Card on Adolescents*, however, the birth rate in the country per 1,000 girls from 15 to 19 years was 43, placing it second highest among countries in East Asia and the Pacific.

Discrimination: Women generally enjoy the same legal status and rights as men. Nonetheless, women sometimes experienced discrimination. In mid-year the government passed the Gender Equality Act, imposing a maximum jail term of six months or a maximum fine of 20,000 baht (\$550), or both, for anyone committing gender discrimination. The law mandates nondiscrimination based on gender and sexual identity of policy, rule, regulation, notification, project, or procedures by government and private organizations or any individual. Women faced discrimination in employment (see section 7.d.). The law prohibits discriminatory

hiring practices common in the workplace, although the law remained untested as of September. Some NGOs voiced concern regarding the new law because of a section that stipulates two exceptions--religious principles and national security.

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

Military academies (except for the nursing academy) refused admittance to female students, although a significant number of instructors were women. According to the Ministry of Defense's Personnel Directorate, 96 women held the rank of general or equivalent across all military branches and within the Ministry of Defense as of August, an increase from 85 in 2014. Women also accounted for approximately 35,000 of the country's 300,000 military personnel. The Police Cadet Academy for commissioned officers accepts female cadets and reserved 70 of 280 places in the cadet class for women. The first female cadet class graduated from the four-year program in 2013, and three groups of 70 women have graduated from the program and now serve throughout the country. According to the Office of the Civil Service Commission, women held 17 percent of executive-level civil service positions, a significant decrease from 2014.

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

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

Children

Birth Registration: Birth within the country does not automatically confer citizenship, but regulations entitle all children born in the country to birth

registration, which qualifies them for certain government benefits regardless of citizenship (see section 2.d.). According to NGOs members of hill tribes and other stateless individuals sometimes did not register births with authorities, especially births occurring in remote areas, because administrative complexities, misinformed and unscrupulous local officials, language barriers, and restricted mobility made it difficult to do so.

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

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

Child Abuse: The law provides for the protection of children from abuse, and laws on rape and abandonment carry harsher penalties if the victim is a child. The law imposes a jail term of seven to 20 years' imprisonment and a maximum fine of 40,000 baht (\$1,110) for sexual intercourse with a victim younger than 13 years. If the victim is between ages 13 and 15 years, the penalty for conviction is four to 20 years' imprisonment and the same range of fines.

Police showed reluctance to investigate abuse cases, and rules of evidence made prosecution of child abuse difficult. The law provides protection to witnesses, victims, and offenders younger than 18 years in abuse and pedophilia cases. With a judge's consent, children may testify on videotape in private surroundings in the presence of a psychologist, psychiatrist, or social worker. Many judges, however, declined to use videotaped testimony, citing technical problems and the inability to question accusers and defendants directly in court. Some children's advocates claimed sexually abused girls received better physical and psychological care than male victims did. Authorities charged persons accused of pedophilia under

appropriate age-of-consent laws and, in cases of the commercial sexual exploitation of children, prostitution laws.

Early and Forced Marriage: The minimum legal age for marriage for both sexes is 17 years; however, anyone younger than 20 years requires parental consent. A court may grant permission to marry for those ages 15 to 16 years. Awareness programs by Islamic committees and government agencies sought to prevent child marriage under Islamic tradition.

NGOs suggested reports of early forced marriage in the country were not yet at the level of serious concern when compared to the problems of rape, domestic violence, and premature pregnancy among teens. Nonetheless, NGOs noted early forced marriage between student teens who become pregnant, a practice to “save face” and protect the baby’s legal status, appeared to be increasing as the country’s teenage pregnancy rate also increased. According to a World Health Organization report, the country has the second highest number of teenage births among Association of Southeast Asian Nations countries. The Ministry of Public Health launched an awareness campaign designed to lower teen pregnancy.

Sexual Exploitation of Children: Conviction under the law includes heavy penalties on persons who procure, lure, compel, or threaten children younger than 18 years for the purpose of prostitution. The law also requires that a customer who purchases sexual intercourse with a child younger than 15 years shall be subjected to two to six years in prison and a maximum fine of 120,000 baht (\$3,330). If the child is between ages 15 to 18 years, the prison term is one to three years and a maximum fine of 60,000 baht (\$1,660). Authorities may also punish parents who allow a child to enter into prostitution and revoke their parental rights. The law prohibits the production, distribution, import, or export of child pornography. The penalty for conviction is a maximum imprisonment of three years or a maximum fine of 6,000 baht (\$170), or both. The law also imposes heavy penalties on persons convicted of sexually exploiting persons younger than 18 years, including for pimping, trafficking, and other sexual crimes against children.

Child prostitution remained a problem. According to government officials, academics, and NGO representatives, boys and girls, especially among migrant populations and ethnic minorities, were coerced or lured into prostitution. Children from poor families remained particularly vulnerable, and police arrested parents who forced their children into prostitution. Citizens and foreign sex tourists committed pedophilia crimes, including the commercial sexual exploitation of children.

In September the government amended the criminal code to define more clearly punishment for those who possess or distribute child pornography with a maximum of 10 years' imprisonment, and maximum fine of 200,000 baht (\$5,540).

Displaced Children: Authorities generally referred street children to government shelters located in each province, but many, especially foreign undocumented migrants, avoided the shelters due to fear of deportation. The government also arrested children, many of whom were trafficking victims, for begging on the streets. 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.

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

Institutionalized Children: There were limited reports of abuse in orphanages or other institutions. For example, the Chaiyaphum Provincial Court sentenced a teacher to two months in prison and a 2,000-baht fine (\$55) for beating a 12-year-old child with a mental disability at a school for children with disabilities in Chaiyaphum in August 2014.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's annual compliance report at travel.state.gov/content/childabduction/en/legal/compliance.html, and country-specific information at travel.state.gov/content/childabduction/en/country/thailand.html.

Anti-Semitism

The resident Jewish community is very small, and there were no reports of anti-Semitic acts. Nazi symbols and figures were sometimes displayed on merchandise and used in advertising.

Trafficking in Persons

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

Persons with Disabilities

Prior to the May 2014 coup, the constitution and law prohibited discrimination against persons with physical, sensory, intellectual, and mental disabilities in education, air travel and other transportation, access to health care, or the provision of other government services. Although coup leaders suspended the constitution, laws pertaining to persons with disabilities remained intact.

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 does not require government entities to install accessible street curbs when they repaired or constructed roads.

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

The government's Community-based Rehabilitation Program and the Community Learning Center for People with Disabilities project operated in all provinces. There were 162 learning centers nationwide, two in each of the 76 provinces and 10 in Bangkok, as well as 76 rehabilitation centers nationwide with one in each province and 50 in Bangkok. The annual government subsidy was approximately 25,000 baht (\$690) per learning center and 10,000 baht (\$280) per rehabilitation center.

The government maintained 46 separate schools for students with disabilities and 77 educational centers for persons with disabilities. The law requires all government schools nationwide to accept students with disabilities, and a majority of schools taught students with disabilities during the year. According to the Ministry of Education, an estimated 376,000 students with disabilities attended school nationwide. There were also nine government-operated and at least 23 NGO-operated training centers for persons with disabilities, including both full-time and part-time or seasonal centers. The government operated 11 government shelters and nine rehabilitation centers specifically for persons with disabilities,

including two day-care centers for autistic children. Additionally, private associations provided occasional training for persons with disabilities.

Some employers subjected persons with disabilities to wage discrimination (see section 7.d.).

National/Racial/Ethnic Minorities

Two groups--former Chinese civil war belligerents and their descendants living in the country since the end of the civil war and children of Vietnamese immigrants residing in 13 northeastern provinces--lived under laws and regulations restrictive of their movement, residence, education, and access to employment. A law confined the Chinese to living in the three northern provinces of Chiang Mai, Chiang Rai, and Mae Hong Son.

Indigenous People

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

The law provides citizenship eligibility to certain categories of hill tribes who were not previously eligible. The government supported efforts to register citizens and educate eligible hill tribe persons about their rights. Despite such efforts activists reported widespread corruption and inefficiency, especially among hill tribe village heads and district and subdistrict officials, that contributed to a persistent backlog of citizenship applications and to improperly denied applications. According to the Ministry of the Interior's Department of Provincial Administration, approximately 440,000 persons were waiting for authorities to process their citizenship applications.

Hill tribe members faced societal discrimination arising in part from the perception they were involved in drug trafficking, contributed to environmental degradation, and posed a threat to national security.

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

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

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

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

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

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

On March 8, the National Legislative Assembly (NLA) passed the Gender Equality Act that prohibits discrimination “due to the fact that the person is male or female or of a different appearance from his/her own sex by birth.” The law went into effect in September, and it remained unclear what effect this new law would have on gender identity discrimination. There was some commercial discrimination based on sexual orientation and gender identity. For example, some life insurance companies refused to issue policies to gay men, although some companies also expressed willingness to sell policies to LGBTI workers with provisions for full transfer of benefits to same-sex partners. NGOs reported more insurance companies began to accept same-sex partner beneficiaries, but it remained at the company’s discretion. NGOs alleged some nightclubs, bars, hotels, and factories denied entry or employment to LGBTI individuals, particularly transgender persons.

HIV and AIDS Social Stigma

Persons with HIV/AIDS faced psychological stigma associated with rejection by family, friends, colleagues, teachers, and the community, although intensive educational efforts by the government and NGOs may have reduced this stigma in some communities. There were reports some employers refused to hire persons who tested HIV positive following employer-mandated blood screening.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

Prior to the coup, the constitution provided for the right of freedom of association and the right to bargain collectively for some workers. The interim constitution lacked such provisions. Nevertheless, labor laws, including the Labor Relations Act, remained in effect. The laws allow private sector workers to form and join trade unions of their choosing without prior authorization, bargain collectively, and conduct legal strikes with a number of restrictions. Additionally, the law allows employees in private enterprises with more than 50 workers to establish “employee committees” to represent workers’ collective requests and to negotiate with employers and “welfare committees” to represent workers’ collective requests on welfare problems. The law prohibits antiunion discrimination. The law provides protection to employees and labor unions and their members against criminal or civil charges for carrying out activities (such as negotiation with employers to settle a unions’ demand for rights and benefits; or organization of a rally or strike activities) for the benefit of its members.

Separate laws allow government-owned enterprise workers to form unions. No laws allow civil servants, including teachers at public and private schools, university professors, soldiers, and police, to form or register a union. Civil servants may form and register associations, but these associations do not have the right to bargain collectively. Each state enterprise may only have one union. The law forbids strikes and lockouts in the public sector, government-owned enterprises, and “essential services,” which the law defined more broadly than they are under international standards and included sectors such as telecommunications and public transportation. Noncitizen migrant workers, whether registered or undocumented, do not have the right to form unions or serve as union officials. Registered migrants may be members of unions organized and led by citizens. In a small number of cases, documented migrants joined unions run by citizens; however, language barriers, lack of understanding of their rights under the law,

frequent changes in employment, restrictive labor union regulations, and the segregation of citizen workers from migrant workers by industry and by zones (particularly in border areas such as Mae Sot District) limited the effect of these unions on the migrant labor force.

Legal protection from antiunion actions by employers does not apply until a union is registered. To register a union, at least 10 workers must submit their names to the Ministry of Labor's Department of Labor Protection and Welfare (DLPW), which verifies the names and employment status with the employer, potentially exposing the workers to retaliation before registration is complete. Additionally, the law requires that union officials be full-time employees of the company or government-owned enterprise and prohibits permanent union staff. A union is entitled to no more than two advisors, who must register with the Ministry of Labor.

Although the law protects employees and union members against criminal or civil charges for participating in negotiations with employers, initiating a strike, organizing a rally, and explaining labor disputes to the public, the law does not protect employees and union members from criminal offenses for endangering the public, causing loss of life or bodily injury, property damage, and reputational damage.

In 2014 the Central Labor Court ordered four union leaders to pay 326 million baht (\$9.04 million) to Thai Airways International for organizing strikes in 2013 to increase wages. Employers may also charge union leaders with libel for statements made during collective bargaining and strike action if they make public remarks that "[harm] the employer's reputation." If a union's membership dips below 25 percent of the eligible workforce, it is liable to administrative dissolution under labor relations regulations. Employers may dismiss workers for any reason except union activities, provided the employer pays severance.

Workers have access to the courts to contest wrongful termination. A union leader who loses his or her job for any reason may not continue to represent union members. In 2014 Mitsubishi Motors Thailand filed a court order to dismiss its union president for allegedly having a hostile attitude, taking unauthorized leave, and unlawfully appointing a worker as a member of the employee committee. The court dismissed the first two charges against the union president but upheld a third claim that the union president appointed the employee committee member unlawfully.

The law requires employers to begin negotiating within three days from the time a union submits its demands. If the parties cannot reach agreement, the government considers it a labor dispute and begins conciliation. The law permits workers to strike if a deadlock develops between the employer and employees. Workers must submit a letter of notification at least 24 hours in advance of strike action. The government has authority to restrict private sector strikes that would affect national security or cause severe negative repercussions for the population at large, but it did not invoke this provision during the year. There were reports some employers chose to submit counter-demands instead of negotiating based on union demands, which further complicated the negotiation process.

The law prohibits termination of employment of legal strikers but permits employers to hire workers to replace strikers. The legal requirement to call a general meeting of trade union members and obtain strike approval by at least 50 percent of all union members constrained strike action in the private sector. The law provides for penalties, including a maximum one-year's imprisonment or a fine of 20,000 baht (\$550), or both, for strikers in government-owned enterprises.

Labor law enforcement was inconsistent, and in some instances ineffective, in protecting workers who participated in union activities. For example, even when labor courts ordered employee reinstatement when dismissal resulted from union activity, the process was lengthy and costly for the employee. Employers and employees settled most cases out of court with no effective punishment of the employer through severance payments to the employee. Although penalties for conviction of violations include a maximum of six months' imprisonment and 10,000 baht (\$280) fines, or both, authorities rarely applied them.

The tripartite Labor Relations Board adjudicated problems of collective labor relations, and its decisions were subject to labor court review. Workers may also seek redress through the NHRCT. The Ministry of Labor may refer private sector labor disputes that cannot be resolved through negotiation or voluntary arbitration and may affect the national economy or public order to the Labor Relations Board for settlement. The State Enterprise Relations Committee handled redress of grievances for state enterprise workers. During 2014, the latest year for which such data was available, the DLPW reported 149 informal conflicts between employers and employees involving 122,474 employees, an increase from 2013 (146 informal conflicts involving 68,715 employees). Of these disputes employers and employees resolved 125 conflicts without walkouts, referred eight to a labor court, and continued 10 under departmental processing. Most cases referred to a labor court fell under the categories of unfair dismissal, violations of labor

protection laws, breaches of working condition agreements, and wrongful acts by employers and employees.

Employers discriminated against workers who sought to organize unions. There were reports of employers dismissing workers engaged in union activities, both before and after union registration. In some cases labor courts ordered workers reinstated if they proved the grounds for their dismissal were unlawful. The system generally failed to impose penalties against employers and usually ended with employees receiving some compensation or severance payments. During the year the Labor Relations Committee ruled that eight dismissed workers from Stanley Works Limited (Thailand) receive compensation of 1.3 million baht (\$36,030) for unfair dismissal, because the law prohibits termination of union members for calling a rally, filing a complaint, submitting a demand, or being a member of a labor union. Nonetheless, the committee did not order reinstatement of workers, reportedly because it assessed the employers and terminated employees could no longer work together peacefully.

There were reports employers used various techniques to stop workers' strikes and weaken labor union collective bargaining efforts. Included were replacing striking workers with subcontractors; threatening union leaders and striking workers; pressuring union leaders and striking workers to resign; prohibiting workers from demonstrating in workplace compounds or in industrial estate zones; and inciting violence in order to get a court warrant to prohibit protests. Some employers also transferred union leaders and striking workers to different, less desirable positions or inactive management positions (with no management authority) to prevent them from leading union activities. There were reports some employers supported setting up competing unions to circumvent established unions that refused to accept the terms of agreement proposed by employers.

Legal definitions of who may join a union ("employees working for the same employer" or "employees in the same description of work") and requirements that the union represent at least one-fifth of the workforce hampered collective bargaining efforts. Because the law classifies contract workers as working in the "service industry," as opposed to the "manufacturing industry," they may not join an industrial union. This restriction on joining with full-time employees of industries often diminished the ability to bargain collectively as a larger group. The law restricts affiliations between government-owned enterprise unions and private sector unions since two separate laws govern them. Labor activists claimed the requirement to get agreement from at least 50 percent of union members created a significant barrier to conducting legal strikes.

In July 2014 authorities reinstated all 13 railways workers (except one who had reached retirement age), dismissed in response to a union-led work stoppage protesting unsafe locomotives after a 2009 crash in Prachuap Khiri Khan Province resulted in seven fatalities. Despite the reinstatement the State Railways of Thailand did not ask the court to drop the court order requiring dismissed workers to pay a 15 million baht (\$415,740) fine and did not pay salary compensation (for losses while absent from work) for seven of the 13 reinstated workers.

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.

In April the government reaffirmed its “zero tolerance” policy for human trafficking and re-emphasized combatting trafficking in persons (TIP) as a national priority. The government established a new prime minister-led national committee to combat human trafficking, forced labor, child labor, illegal migration, and illegal fishing to address problems in a more integrated manner. The government updated many laws to enhance its regulatory powers in sectors with significant labor concerns and increase punishment for violations related to human trafficking. For example, the labor protection ministerial regulation on sea fishing vessels issued in December 2014 requires a minimum of 10 hours of rest per 24 hours, written contracts, and regular salary payments for workdays and holidays. Additional legal reforms included marine department regulation on boat registration, a fisheries act, amendments to the anti-TIP act, and new criminal code to criminalize child pornography. Penalties for conviction under the amended anti-TIP laws range from four years to life imprisonment and a fine of 80,000 to 400,000 baht (\$2,220 to \$11,090). The amended anti-TIP law also provides protection to whistle blowers and gives authoritative power to halt operations temporarily or suspend licenses of businesses and vehicles involved in human trafficking. Nonetheless, the lack of clarity in law and practice on what constitutes forced labor or debt bondage undermined the government’s efforts to identify labor trafficking victims and prosecute forced labor.

The government reported investigating 280 trafficking cases, prosecuting 155 traffickers, and obtaining convictions against 151 traffickers during 2014. Of the 280 trafficking cases, 58 investigations (20 percent) involved suspected cases of forced labor. Twenty traffickers received prison sentences of more than seven years, and the majority of convicted offenders received prison sentences of at least

two years. There were reports some convicted forced labor offenders fled the country after judges granted bail under the appeal process.

Reports of abusive work environments, including forced labor, continued in many sectors, including Thai-flagged seagoing trawlers and labor-intensive industries such as food and seafood processing facilities, as well as in the informal sector and in domestic work, particularly in those sectors where foreign migrant labor was common. Up to 90 percent of workers in the seafood processing industry were migrant workers. An Associated Press investigative series into slavery in the country's seafood industry, allegedly led to the release of more than 2,000 trapped fishery workers during the year. The reports also led to a dozen arrests, millions of dollars' worth of seizures, closure of some shrimp-peeling sheds, and proposals for new national laws.

In 2014, the last year for which information was available, the Ministry of Social Development and Human Security reported assisting 303 victims at government shelters, of whom 236 were foreign nationals and 195 were victims of forced labor. Civil society observers criticized government handling of vulnerable migrant workers and undocumented migrants who may have been victims of human trafficking. Language barriers, lack of legal status, lack of education, lack of an understanding of local law, and ineffective complaint mechanisms for non-Thai speakers increased vulnerability to exploitation for the large numbers of migrants from Burma, Cambodia, and Laos concentrated in those sectors. A 2013 International Labor Organization (ILO) report highlighted abusive labor conditions in the fishing sector, including approximately 17 percent of persons "working against their will and unable to leave for a variety of reasons including financial penalty/withholding wages, threat of violence or to inform authorities."

Migrant workers often assumed debts to informal labor brokers or local moneylenders, some of whom charged interest rates as high as 20 percent; these practices led migrant workers, in some cases, into conditions of debt bondage. Some workers on fishing vessels were reportedly unable to return to shore, and their employers forced them to continue working in harsh conditions with low pay and very limited protection and benefits. In some cases employers, subcontractors, or brokers (both formal and informal) charged excessive fees to workers to acquire documentation, such as passports from origin countries, or transportation, exacerbating vulnerability to debt bondage. There were reports of employers who confiscated registration and travel documents of migrant workers, which restricted their internal movement and contributed to their vulnerability to forced labor with little recourse under the law. The law limited noncitizens in their choice of

occupation. To avoid deportation illegal migrants often paid additional fees or bribes to police and immigration officers.

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

c. Prohibition of Child Labor and Minimum Age for Employment

The law regulates the employment of children younger than 18 years and prohibits employment of children younger than 15 years. Employers may not require children younger than 18 years to work overtime or on a holiday and may not require work between 10 p.m. and 6 a.m. without prior Ministry of Labor approval. The law also prohibits employers from employing child workers from ages 15 to 17 years to use dangerous tools and machinery, lift heavy loads, and climb dangerous heights as specified in regulations. Children younger than 18 years must not be employed in hazardous work, which includes: any activity involving metalwork, hazardous chemicals, poisonous materials, radiation, and harmful temperatures or noise levels; exposure to toxic microorganisms; operation of heavy equipment; work underground or underwater; and work in prohibited workplaces, such as slaughter houses, gambling establishments, places where alcohol is sold, or in massage parlors. The law provides limited coverage to child workers in some informal sectors, such as fishing and agricultural farming, and allows for issuance of ministerial regulations to address sectors not therein covered.

In December 2014 the Ministry of Labor made changes to the legal framework to increase the minimum age for agricultural work from 13 to 15 years and for work on sea fishing vessels from 16 to 18 years. Nonetheless, the laws do not yet specify the maximum number of hours child workers ages 15 to 17 years may legally perform agricultural or domestic work.

The first phase of the National Plan of Action to Eliminate the Worst Forms of Child Labor ran from 2009-14. The government conducted an evaluation of the first five-year plan of action and used it as input for the second phase of the National Plan of Action (2015-20). During the year the national committee approved a draft of the second phase of the National Plan of Action, and it awaited cabinet approval at year's end.

The maximum penalty for conviction of violating child labor laws or regulations is one year in prison, and a maximum fine of 200,000 baht (\$5,540), or both. The Social Security Office under the Ministry of Labor reported 49,263 children ages

15 to 17 years formally working and registered in the social security system in 2014. The total number of child laborers, legal and illegal, continued to be much larger when statistics included child laborers in the informal sector, including illegal migrants. There was no comprehensive survey of child labor throughout the country.

The DLPW is the primary agency charged with enforcing child labor laws and policies. In 2014 DLPW labor inspectors found violations in eight workplaces involving 20 children. Violations included employing underage child labor, unpaid work, nighttime work, and failure to notify the DLPW for employing child workers ages 15 to 17 years. The penalty for conviction of employment of child labor in hazardous conditions or in prohibited workplaces under the Labor Protection Act is a maximum of one year's imprisonment or a maximum fine of 200,000 baht (\$5,540), or both. While authorities generally subjected child labor law violators to fines, the penalties for conviction are usually less than the maximum penalty prescribed by law. Observers noted several factors that limited effective enforcement of child labor laws, including: limited numbers of labor inspectors; lack of nationwide data or systems to evaluate child labor conditions; and ineffective inspection methods to cope with informal sector or hard-to-reach workplaces, such as private residences, small family-based business units, farms in remote areas, and fishing boats. Additionally, the lack of awareness on child labor laws and standards for hazardous work for children, including dangers from pesticides, heat, and machinery, played a vital role in allowing children to work, particularly in agricultural work or in a family-based business.

Children worked in agriculture, the garment industry, food and seafood processing, fishing-related industries, small home-based business, construction, and domestic work. Employers also paid some children to fight in Thai boxing matches with no protective equipment. There was reason to believe employers used child labor to produce and process some garments, pornography, shrimp, fish, and sugarcane. In urban areas most working children labored in the service sector, including in gasoline stations, small-scale industries, and restaurants. Some children were also sexually exploited as part of the commercial sex trade. In particular, employers subjected migrant children to forced labor in fishing, production of garments, food and seafood processing, domestic service, and panhandling. Many of these children, predominantly migrants from Burma, Cambodia, and Laos, were in the country illegally, which increased their vulnerability to exploitation. The government operated OSCCs to register undocumented migrant workers and their dependents. Through September authorities registered approximately 1.6 million migrants with the OSCC, of whom 900,000 were migrant dependents. Children of

migrant workers are eligible to apply for temporary stay and health insurance and have access to government schools. The minister of education, however, reported that only 79,710 migrant children were registered in government schools.

There were reports of children allegedly being bought, rented, or forcibly “borrowed” from their parent(s) or guardian(s) to beg alongside women in the street. Reports also indicated some parents, particularly migrant parents, deployed children to beg during school break, evenings after school, or weekends to contribute to household income.

Child labor was less evident but still present in larger, export-oriented factories and registered processing facilities, including multiple levels of the food and seafood processing sectors. There were reports some working children were undocumented and did not have employment contracts. NGOs reported some cases of child labor in garment factories along the Burma border in Mae Sot District. Despite legal prohibitions children younger than 18 years were exposed to hazardous conditions such as work with fire, heat, or strong sunlight; damp, malodorous, and dirty workplaces; long working hours (more than eight hours per day); dusty workplaces; hazardous tools; environments with extreme temperatures; and overnight shifts.

There continued to be reports insurgent groups recruited children to commit acts of arson or serve as scouts and informants or to involve them in village defense militias.

Also see the Department of Labor’s *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment and Occupation

In past years labor laws did not prohibit discrimination regarding race, sex, gender, disability, language, political opinion, religion, age, social origin, national origin or citizenship, sexual orientation or gender identity, HIV-positive status or other communicable diseases, or social status. In September the 2014 Gender Equality Act came into effect, imposing a maximum jail term of six months or a maximum fine of 20,000 baht (\$550), or both, for anyone committing gender or gender identity discrimination, including in employment decisions. The law requires workplaces with more than 100 employees hire at least one worker with disabilities for every 100 workers. The government did not effectively enforce these laws in all cases.

Discrimination in respect to employment occurred against LGBTI persons, persons with disabilities, migrant workers, and women (see section 7.e.). Government regulations require employers to pay equal wages and benefits for equal work, regardless of gender. Nonetheless, women received lower pay for equal work in many sectors of the economy. Employers did not allow women to work in all industries available to men, and women tended to be concentrated in lower-paying jobs.

While it remained unclear what practical effect the 2014 Gender Equality Act might have, in recent years persons of diverse sexual orientations and gender identities in the country faced frequent discrimination in the workplace, partly due to common prejudices and a lack of protective laws and policies on discrimination. A 2014 ILO report found discrimination at all stages of the employment process, including education and training, access to jobs, advancement opportunities, social security, and partner benefits. Transgender workers reportedly faced even greater constraints, and their participation in the workforce often limited to a few professions such as beauticians and entertainers.

e. Acceptable Conditions of Work

The national daily minimum wage remained at 300 baht (\$8.30). The government last calculated the official poverty line in 2013 at 2,572 baht (\$71) per month.

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

The law requires safe and healthy workplaces, including for home-based businesses, and prohibit pregnant women and children younger than 15 years from working in hazardous conditions (as detailed in ministerial regulations). Workers do not have the right to remove themselves from situations that endangered health or safety without jeopardy to their employment. The law allows pregnant women to present a physician’s certificate to request a change of duties both prior to and

after delivery. The law also requires the employer to inform employees about hazardous working conditions prior to employment.

Legal protections do not apply equally to all sectors. For example, ministerial regulations provide household domestic workers some protections regarding holidays, sick leave, minimum age, and payment of wages, but they do not address minimum wage, regular working hours, or maternity leave. The minimum wage and social security system does not apply to workers in the informal sector and seasonal types of work, such as agriculture. Although the Home Based Worker Protection Act came into force in 2011, the DLPW has not yet issued regulations on wages, working conditions, and prohibited hazardous work for home-based workers.

The DLPW is responsible for verifying that employers adhere to minimum wage requirements in the formal sector, as well as inspecting working hours, rest time, holiday and sick leave, and overtime payment. The DLPW also enforces laws related to labor relations and occupational safety and health. The law subjects employers to maximum fines of 100,000 baht (\$2,770) and a maximum imprisonment for six months for minimum wage noncompliance, but enforcement was inconsistent. The maximum sentence for conviction of violations of occupational safety and health regulations is one year's imprisonment and fines of 400,000 baht (\$10,240). In 2014 there were approximately 350,900 workplaces employing 8.1 million workers. This estimate did not include informal workplaces such as family farms and home-based businesses. The DLPW has only 594 labor inspectors nationwide, insufficient to enforce labor laws.

DLPW labor inspectors inspected 40,274 workplaces employing 1.3 million workers during 2014 and found 499 workplaces that failed to comply with labor protection laws. Most violations involved failure to establish employee welfare committees and failure to provide traditional and annual holidays for workers. The DLPW also received 6,882 grievances from 16,272 workers in 2014. Most grievances involved wages and severance pay. Limited numbers of inspectors, the practice of interviewing employees at workplace locations, reliance on document-based inspection, and lack of interpreters to accompany inspection teams resulted in ineffective inspections.

On occupational health and safety, the DLPW in 2014 inspected 14,967 workplaces employing 800,000 workers and found that 807 workplaces (5 percent) failed to comply with health and safety regulations. Most of these involved failure to establish safety committees; problems with machines, cranes, and boilers; health

checkups; and inappropriate levels of heat, light, and noise. According to the DLPW, the highest incidences of violations regarding workers' safety were in manufacturing, wholesale and retail trade, construction, and hotel and restaurant industries. After the department issued orders to companies to make amends, companies resolved the majority of violations; however, there were at least 213 legal actions filed by labor inspectors after the employer failed to make amends or pay the required fine.

Redress for workers injured in industrial accidents generally was untimely and insufficient. Court decisions were rare, and few went against management or owners involved in workplace disasters, but isolated cases demonstrated the courts have legal authority to compensate injured workers. NGOs reported several cases of the government denying accident compensation to registered migrants because they had not passed nationality verification. In September the Supreme Administrative Court ruled to rescind a regulation issued by the Social Security Office that it deemed set out unlawful practices and discriminatory treatment against migrant workers and their access to the Workmen's Compensation Fund. The court ruled that registered migrants allowed to work temporarily in the country should be entitled to accident compensation.

Some formal sector workers nationwide received less than the minimum wage, particularly in rural provinces. A reported 57 percent of the labor force worked in the informal economy, including in agriculture, forestry, and fishing, with limited protection under labor laws and the social security system. There remained a large income gap between formal and informal employment, with workers in the informal economy receiving lower wages compared with those in the formal sectors. Most noncompliant employers were small enterprises with fewer than 50 workers. Labor protections also apply to undocumented workers, but many employers did not provide minimum wage to unskilled and semiskilled undocumented migrant workers. In 2014 the DLPW assisted 1,579 migrant workers from Burma (1,378), Laos (57), and Cambodia (144) to claim owed wages and benefits totaling 24.3 million baht (\$673,500). The government regularized migrant labor registration to help decrease the proportion of undocumented workers in its workforce and thereby reduce migrants' vulnerability to abuse.

Registered migrant workers and their dependents may work and live legally in the country and have access to health care under the health insurance scheme until March 2016. The government also reduced fees for short-term workers from 450 baht (\$12.50) to 225 baht (\$6.20) for a one to three month work permit and from 900 baht (\$24.90) to 450 baht (\$12.50) for a three to six month work permit.

Observers commented that the government could reduce the number of brokers and the amount of informal fees associated with the regularization process; however, concerns remained over the uncertainty of the nationality verification process, which requires cooperation between the government and neighboring countries, and the lack of a long-term migration policy. While there was no reliable count of illegal migrant workers in the country, government and NGO sources estimated the number of both regular and illegal migrant workers to be 2.5 to 3.7 million.

Despite efforts at regularization, migrant workers, in particular undocumented migrants, did not enjoy many labor protections accorded to citizen workers and remained vulnerable and without recourse under the law. NGOs reported poor working conditions for both documented and undocumented migrant workers. A substantial number of migrants worked in factories near border-crossing points, where there were frequent reports of labor law violations. The Ministry of Labor reported establishing a center with an interpreter in each of the following 11 provinces with significant migrant worker populations: Samut Sakhon, Kanchanaburi, Chonburi, Rayong, Chiang Mai, Khon Kaen, Trang, Phuket, Ranong, Songkhla, and Tak. Civil society groups working on migrant rights reported improvements in services due to these efforts.

Companies employing migrant workers reportedly made unlawful deductions from migrant worker wages to repay the costs of smuggling, registration, permits, and other expenses. Workers also reported several other violations by contractors, including failure to pay holiday overtime; provide equipment, uniforms, or adequate drinking water; or pay daily minimum wages for less than eight hours of work. Workers further reported deductions from wages for sick leave absences and bribes to officials to ignore undocumented workers.

The government also requires employers in the fishing industry to keep official records of their workers and worker payroll records, as well as to use standardized employment contracts that clearly outline the wage, working hours, benefits, and welfare while working on board a vessel. The 2014 ministerial regulation on sea fishing vessels requires the income of fishery workers (base salary plus share from profit) be equal to the national minimum wage. The law also requires rest periods and annual and holiday leave. It further requires employers to take workers to report to the Ministry of Labor at least once per year. Additionally, the regulation requires employers to pay at least 50 percent of the daily wage during periods workers are outside the country without work and unable to return to the country. The new law also mandates employers to cover transportation costs to return workers to a recruitment area if their boat was not operational, if workers are

unable to work, if the employer alters or terminates the employment contract before the end of the contract, or when the employment contract ends. Nonetheless, workers in the fishing industry lacked access to social security and accident compensation. In 2014 the government registered 58,508 undocumented migrant fishery workers.

The government required recruitment agencies that recruit migrant workers for employment in the country to register with the Department of Employment (DOE). As of September, 274 in-bound recruitment agencies had registered with DOE. There were still no specific regulations to regulate or monitor services and fees of in-bound recruitment agencies and service providers that assist migrant workers through the regularization process.

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

Exploitative local labor supply agencies persisted in charging citizens working overseas large, illegal recruitment fees that frequently equaled their first- and second-year earnings. Private employment service agencies must deposit a security of five million baht (\$138,580) with the government that it may use for compensation for exploited workers, if needed. NGOs noted local moneylenders, mostly informal, contributed to this practice by offering loans at exorbitant interest rates so workers could pay recruitment fees, some as high as 500,000 baht (\$13,860). DOE regulations limit the maximum charges for recruitment fees, but effective enforcement of the rules remained difficult and inadequate due to workers’ unwillingness to provide information and the lack of legal documentary evidence regarding underground recruitment fees. During the year the government found instances of malpractice such as fraudulent recruitment practices and excessive service fees. As a result of investigations, the government filed criminal charges against three agencies and suspended the license of another. Additionally, the Ministry of Labor also made efforts to combat illegal employment service agencies, conducting 88 investigations and identifying 107 illegal brokers. In total the Ministry of Labor took 134 legal actions against 156 illegal brokers. The

department also reported negotiating with the governments of Israel and South Korea to reduce the expenses and recruitment fees for citizen migrant workers.

During 2014 there were 100,234 reported incidents of diseases and injuries from workplace accidents, including 68,903 minor injuries (resulting in no more than three days' work missed) and 31,331 injuries resulting in more than three days' work missed (including permanent disabilities and deaths). Some children engaged in hazardous and unhealthy working conditions (see section 7.c.). Observers believed the rate of workplace accidents in the informal and agricultural sectors and among migrant workers was higher because of underreporting. Employers rarely diagnosed or compensated occupational diseases, and few doctors or clinics specialized in them. Migrant workers and their dependents in both formal and informal sectors were eligible to buy health insurance. Some migrant workers, however, did not purchase health insurance because they did not understand their rights due to language barriers, an insufficient number of health-care personnel, and other factors. Medium and large factories often applied government health and safety standards, but overall enforcement of safety standards was lax. In the informal sector, health and safety protections were substandard.