



Thailand

Country Reports on Human Rights Practices - [2007](#)

Released by the Bureau of Democracy, Human Rights, and Labor
March 11, 2008

Thailand is a constitutional monarchy with a population of more than 65 million. The king is revered and exerts strong informal influence. The interim prime minister, appointed by military leaders of the September 2006 coup, who called themselves the Council for National Security (CNS), continued to govern together with a cabinet consisting mostly of technocrats. A royal command on January 1 convened a Constitutional Drafting Assembly, whose members were chosen by the CNS, to draft a new constitution. On August 19, a majority of voters approved the new constitution in a referendum that observers generally considered free and fair. On December 23, the interim government held multiparty elections for the lower house of Parliament in which the People's Power Party, led by Samak Sundaravej, won a plurality of seats. The election process was generally viewed as free and fair, but there were widespread allegations of vote buying. The interim civilian authorities appointed by the September 2006 coup leaders generally maintained effective control of the security forces, although the military continued to play a role in maintaining internal security.

The interim constitution in force until August 24 did not provide citizens the right to change their government; however, it established a process to draft a new constitution that restored this right. Security forces continued at times to use excessive force against criminal suspects and also committed or were connected to extrajudicial, arbitrary, and unlawful killings. There were reports that police tortured, beat, and otherwise abused detainees and prisoners, many of whom were held in overcrowded and unsanitary conditions. The interim government maintained some limits on freedom of speech, freedom of the press, and freedom of assembly that were imposed following the coup. The longstanding practice of bringing defamation suits encouraged self-censorship by the media and nongovernmental organizations (NGOs). Human rights workers, particularly those focusing on the violence in the south, reported harassment and intimidation. The country remained a source, transit, and destination for trafficking in persons for a variety of purposes, including indentured servitude, forced labor, and prostitution. Members of hill tribes without proper documentation continued to face restrictions on their movement, could not own land, and were not protected by labor laws.

Violence by ethnic Malay separatist insurgents in the southern part of the country against symbols and representatives of government authority as well as against civilians resulted in hundreds of killings in the provinces of Narathiwat, Yala, Pattani, and Songkhla. There were also reports of abuses by security forces. The government maintained the 2005 emergency decree for these provinces, giving police and civilian authorities significant powers to restrict certain basic rights, delegating certain internal security powers to the armed forces, and providing security forces broad immunity from prosecution. A separate martial law, which the military declared in September 2006 following the coup and which provided a broader range of powers to the military alone, also remained in effect throughout the country until January 26, when it was lifted in 41 provinces; however, martial law remained in force in 20 of the country's 76 provinces and portions of 15 other provinces.

RESPECT FOR HUMAN RIGHTS

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

Arbitrary or Unlawful Deprivation of Life

There were no confirmed reports that the government or its agents committed any politically motivated killings; however, security forces continued to use excessive, lethal force against criminal suspects and committed or were connected to numerous extrajudicial, arbitrary, and unlawful killings, including killings by security force personnel acting in a private capacity.

According to the Ministry of Interior's Investigation and Legal Affairs Bureau, during the year 751 persons died in prison or police custody, 52 due to the actions of police officers. Authorities attributed most of the deaths to natural causes.

On March 22, four unidentified men killed Nopphon Chaiwichit and injured his daughter in Nakhon Si Thammarat Province

after Nopphon accused Michai Nokkaew, a police officer in the province, of involvement in the disappearance of his wife's son-in-law and her daughter in 2003 and 2006, respectively. At year's end an investigation was ongoing, but no individuals had been arrested. According to the police, Michai remained on active duty in the police force.

Villagers in Phang Na Province alleged that on April 20, a police lieutenant colonel shot and killed Thinnawut Phumuda and Phatphong Sisamut after a disagreement at an entertainment complex. At year's end prosecutors had not filed charges.

On December 15, an Interior Ministry security official in Mae Hong Son Province reportedly shot and killed Aie Oo, a Karenni refugee, following heightened tensions between refugees and government officials at the Ban Nai Soi refugee camp. At year's end an investigation was ongoing, but no one had been arrested.

In January public prosecutors declared there was insufficient evidence to prosecute Napintorn Srisunpang, a former senator charged with planning the May 2006 shooting of former member of Parliament Kopkul Nopamornbodee. At year's end court proceedings against the five accused gunmen were ongoing.

There were no developments in the Justice Ministry's investigations regarding the extrajudicial killings of at least 1,300 persons in the three-month "War on Drugs" campaign in 2003 conducted during the Thaksin government (2001-06). In March the Royal Thai Police (RTP) established a committee to review the killings. In May the committee publicly stated that it had identified 1,541 cases to investigate. In August the Justice Ministry established an independent commission chaired by a former attorney general to investigate the killings.

There were no developments in the cases of the March 2006 killing of land rights activist Saharat Suramit, the August 2006 killing of Democrat Party activist Charan Iamphaibun, or the October 2006 killing of Narathiwat village headman and human rights activist Muhammad Danai Tanyeen.

No progress was reported in the investigations of the December 2006 bomb attacks in Bangkok and Nonthaburi, in which three persons were killed and 32 injured.

In February a provincial court acquitted the alleged planner of the 2005 killing of Worayut Wutthaphanit, a candidate for the Nong-ri Tambon Administration Organization chairmanship, while sentencing the gunmen, who had pleaded guilty, to life imprisonment. On March 20, two of the five persons accused of killing Thiwa Phakpuppha, a Thai Rak Thai Party activist in Ayutthaya Province, were convicted of murder and sentenced to life imprisonment; the other three were acquitted. The two convicted individuals appealed the verdict, and the case was pending at year's end. There were no developments with regard to other 2005 campaign period killings.

According to the Thailand Mine Action Center, there were no reported landmine casualties during the year.

Disappearance

There were no reports of politically motivated disappearances. In contrast with 2006, there were no confirmed reports that individuals disappeared after being questioned by security officials in the southern provinces.

On July 24, unknown individuals abducted Anukorn Waithanomsak, an assistant to a leader of the United Front of Democracy Against Dictatorship (UDD), a group that led rallies in opposition to the September 2006 coup and the new constitution. He was reportedly kidnapped at gunpoint, beaten, threatened, and restrained overnight in an abandoned building before freeing himself. The UDD alleged that members of the military were involved in the abduction.

The government continued to investigate cases in which the Thaksin government was suspected in the disappearance of alleged southern insurgents from previous years; however, at year's end no individuals were charged in connection with reported disappearances of suspected insurgents.

Human rights organizations and legal advocacy groups noted some progress in the investigation of the 2004 robbery and abduction of Muslim attorney and human rights activist Somchai Neelaphaijit, but they complained of the slow pace of the government investigation into his disappearance. In early January the National Counter-Corruption Commission (NCCC) established a subcommittee to investigate a 2004 police torture case that NGOs hoped would reveal additional evidence regarding the disappearance of Somchai, who had represented the alleged victims in the case. At year's end the appeal of police Major Ngern Thongsuk, convicted on January 12 of coercion for his role in forcing Somchai into a car, was pending in court. Human rights NGOs alleged that Ngern remained on duty, but the police stated that Ngern had been terminated. The Ministry of Justice's Department of Special Investigations continued to investigate Somchai's disappearance. The Supreme Administrative Court dismissed a March complaint against the RTP filed by Somchai's wife, accusing the police of failing to take disciplinary action against the officers accused of involvement in Somchai's disappearance.

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

The constitution specifically prohibits such practices. Nevertheless, NGOs and legal organizations continued to report that members of the police occasionally tortured and beat suspects to obtain confessions. There were newspaper reports of numerous cases in which citizens accused police of using brutality. Investigations were undertaken in many of the cases, including several in which the accused police officers were suspended pending the results of internal investigations.

The media reported that a noncommissioned military officer received medical attention for injuries that he sustained on January 23 while being interrogated by the police in Lop Buri Province. Police suspected the officer of involvement in the December 2006 Bangkok bombings.

There were no developments in an April 2006 suit filed by Sakhon Khamto against police who allegedly beat her to force a confession while in police custody.

The National Human Rights Commission (NHRC) closed an investigation into the complaint that in 2005 a police officer in Tak Province forced his way into a home, threatened and beat an older woman, and tried to rape an 18-year-old Burmese migrant worker. The NHRC stated that the victims could not identify their attacker from pictures of police working in the area.

Prison and Detention Center Conditions

Prison conditions were poor. Prisons and detention centers were overcrowded, with a population of approximately 167,000 inmates in facilities designed for 112,000 prisoners. Sleeping accommodations were insufficient, medical care was inadequate, and communicable diseases were widespread in some prisons. The corrections department employed 21 full-time doctors, 347 full-time nurses, and eight full-time dentists. There were also 23 part-time doctors to supplement the permanent medical staff in 19 prisons. Seriously ill prisoners at times were transferred to provincial or state hospitals.

Prison authorities sometimes used solitary confinement of not more than three months to punish male prisoners who consistently violated prison rules or regulations, although the Department of Corrections maintained that the average confinement did not exceed one month. They also used heavy leg irons to control prisoners who were deemed escape risks and for prisoners serving life sentences or facing the death penalty.

On April 23, approximately 500 juvenile detainees rioted, reportedly due to rivalries between two gangs at a Nakhon Sawan juvenile detention facility that held approximately 1,200 detainees but was designed to hold only 500. Officials stated that overcrowding could have been a factor in the rioting, which led to the death of one juvenile detainee. In addition, one juvenile detainee and at least five guards were injured, and the facility was partially damaged. An investigation into the incident resulted in the transfer of 200 detainees to other detention facilities, which prison officials declared was intended to separate the rival groups.

Approximately 25 percent of the prison population consisted of pretrial detainees, who were not segregated from the general prison population. Men, women, and children often were held together in police station cells pending indictment. Separate facilities for juvenile offenders were available in all provinces, but in some locations juveniles were detained with adults.

Conditions in immigration detention centers (IDCs) remained poor. Immigration detention facilities were administered by the Immigration Police Bureau, which reported to the Office of the Prime Minister, and were not subject to many of the regulations that governed the regular prison system. There were credible reports that guards physically abused detainees in some IDCs. Overcrowding and a lack of basic medical care continued to be serious problems.

International observers reported deteriorated conditions for detainees in Bangkok's Suan Phlu IDC. Observers alleged that detainees had been sexually and physically abused while in detention. There were reports that detainees, including children, were not permitted to exercise at some facilities. Provincial authorities also admitted that overcrowding existed at the Mae Sai IDC in Chiang Rai.

Access to prisons was not restricted, and the government permitted visits by independent human rights observers and the International Committee of the Red Cross (ICRC). ICRC representatives were allowed to meet prisoners without third parties present and could make repeated visits. However, at year's end the military had not replied to ICRC requests to visit military detention facilities in the four southernmost provinces, where detainees had allegedly been mistreated. In addition, on April 20, the government announced that the Office of the UN High Commissioner for Refugees (UNHCR) would no longer be given access to detainees at the Suan Phlu IDC or the Suvarnabhumi Airport Detention Center in Bangkok.

d. Arbitrary Arrest or Detention

The constitution specifically prohibits arbitrary arrest and detention; however, government forces occasionally arrested and detained persons arbitrarily. In September 2006 the coup leaders decreed martial law, which gave the military authority to

detain persons without charge for a maximum of seven days. Martial law was in effect throughout the country until January 26, when it was lifted in 41 provinces, but it remained in force in all of 20 and portions of 15 of the country's 76 provinces.

The 2005 emergency decree covering the southern provinces grants authorities the power to detain suspects for up to 30 days without charge and make searches and arrests without warrants.

Role of the Police and Security Apparatus

The RTP is under the direct supervision of the prime minister and a 20-member police commission. The RTP consisted of approximately 215,000 officers in 10 geographic regions. The police commissioner general is appointed by the prime minister and subject to cabinet and royal approval. The border patrol police have special authority and responsibility in border areas to combat insurgent or separatist movements. The interim civilian authorities maintained authority over the police and other security forces.

Corruption remained widespread among police officers. Police officials suggested that low pay made them susceptible to bribes. There were reports that police tortured, beat, and otherwise abused detainees and prisoners, generally with impunity. There were also reports that some police officers were involved in facilitating prostitution and trafficking in women and children, in particular by facilitating the passage of victims through police checkpoints on the border with Burma in the northern provinces.

Complaints of police abuse can be filed directly with the superior of the accused police officer, the Office of Inspector General, or the police commissioner general. The NHRC, Law Society of Thailand, NCCC, and Office of the Prime Minister also accept complaints of police abuse and corruption, as does the Office of the Ombudsman.

When the police department receives a petition, an internal investigation committee first takes up the matter and may temporarily suspend the officer during the investigation. Various administrative penalties exist, and serious cases can be referred to the criminal court. The police department reported that 255 officers were charged with criminal offenses between January and August 2006. Of these, 97 were charged with murder or attempted murder. During the year the NHRC received approximately 100 complaints of police abuse.

Procedures for investigating suspicious deaths, including deaths occurring in police custody, require that the prosecutor, a forensic pathologist, and a local administrator participate in the investigation and that in most cases family members have legal representation at the inquests. However, these procedures often were not followed. Families rarely took advantage of a provision in the law that allows them to bring personal lawsuits against police officers for criminal action during arrests.

Arrest and Detention

With few exceptions, the law requires police to obtain a warrant from a judge prior to making an arrest. In practice the system for issuing arrest warrants was subject to misuse by police officers who provided false evidence to courts to obtain arrest warrants. By law persons must be informed of likely charges against them immediately after arrest and must be allowed to inform someone of their arrest. The law provides for access to counsel for criminal detainees; however, lawyers and human rights groups claimed that local police often conducted interrogations without providing access to an attorney. Lawyers working in the southern provinces reported that under the emergency decree they were denied adequate access to detained clients, and some individuals in the southern provinces reported they were denied permission to visit detained family members. Foreign detainees sometimes were pressured to sign confessions without the benefit of a competent translator. The Ministry of Justice provided an attorney to indigent detainees at public expense.

Under normal conditions the law requires police to submit criminal cases to prosecutors for the filing of court charges within 48 hours of arrest, with extensions of up to three days permitted. Prosecutors may seek court permission to extend detentions for additional periods (up to a maximum of 84 days for the most serious offenses) to conduct investigations. Laws and regulations place offenses for which the maximum penalty is less than three years under the jurisdiction of the district courts, which have different procedures. In these cases police are required to submit cases to public prosecutors within 72 hours of arrest. Lawyers reported that police rarely brought cases to court within the 48-hour period. According to the Law Society of Thailand, pretrial detention of criminal suspects for up to 60 days was common. Unlike in 2006, there were no reports that Burmese activists were arrested and held on immigration violation charges.

The law provides defendants the right to bail, and the government generally respected this right. However, some human rights groups reported that police frequently either did not inform detained suspects of their right to bail or refused to recommend bail after a request was submitted.

Under martial law the military had the authority to detain persons without charge for a maximum of seven days. On January 20, a joint military and police force, citing martial law, arrested and detained 18 persons in connection with the December 2006 Bangkok bombings. An additional suspect was arrested on January 23. The suspects were released on January 26, but police charged one of them with offenses unconnected with the bombings.

On several occasions authorities detained individuals protesting the September 2006 coup. On March 15, police detained five anticoup protesters and charged them with obstructing officials in their duties and refusing to obey officials' orders. They were subsequently released on bail. At year's end the case was under review at the criminal court. On July 7, a joint police-military force in Chiang Rai arrested anticoup activist Sombat Boonggarmanong after he spoke at a public event, charged him with violating martial law and agitating for public disorder, and detained him for 24 hours at the Mengrai Maharaj military base before dropping the charges against him. On July 26, police arrested nine UDD leaders, charging them with instigating unrest and resisting orders from authorities in connection with a protest in front of the residence of Privy Councillor Prem Tinsulanonda on July 22 that subsequently turned violent. Police used tear gas to disperse the protest, in which approximately 200 persons, including 77 police officers, reportedly were injured. The detained leaders were released on bail. According to the UDD, at year's end prosecutors had not filed charges.

Amnesty

On April 12, the king pardoned Oliver Jufer, a foreign citizen sentenced to 10 years' imprisonment on lese majeste charges. Jufer confessed to having sprayed black paint on photographs of the king on March 30 in Chiang Mai. On December 10, the king pardoned or reduced the sentences of approximately 25,000 prisoners as part of a royal amnesty marking his 80th birthday.

e. Denial of Fair Public Trial

The new constitution provides for an independent judiciary. Although the judiciary generally was regarded as independent, it was subject to corruption and outside influences. According to human rights groups, the lack of progress in several high-profile cases involving alleged abuse by the police and military diminished the public's trust in the justice system and discouraged some victims of human rights abuses (or their families) from seeking justice.

The civilian judicial system has three levels of courts: courts of first instance, courts of appeal, and a supreme court. The new constitution reestablished an independent constitutional court that, under the provisions of the interim constitution, had been replaced by a constitutional tribunal composed of justices from the Supreme Administrative Court and the Supreme Court of Justice. A separate military court hears criminal and civil cases pertaining to military personnel as well as those brought during periods of martial law. Islamic (Shari'a) courts hear only civil cases concerning Muslims.

Trial Procedures

There is no trial by jury. A single judge decides trials for misdemeanors; two or more judges are required for more serious cases. The new constitution provides for a prompt trial, although a large backlog of cases remained in the court system. While most trials are public, the court may order a closed trial, particularly in cases involving national security, the royal family, children, or sexual abuse. Under the new constitution, justices nominated to the Supreme Administrative Court are confirmed by the Senate and a judicial commission consisting of 10 court judges and three officials appointed by the Senate and the Council of Ministers; procedures were undefined under the interim constitution. All other judges are career civil servants whose appointments are not subject to parliamentary review.

The law provides for the presumption of innocence. In ordinary criminal courts, defendants enjoy a broad range of legal rights, including access to a lawyer of their choosing. A government program provided free legal advice to the poor, but indigent defendants were not provided with counsel at public expense automatically. The court is required to appoint an attorney in cases where the defendant disputes the charges, is indigent, or is a minor, as well as in cases where the possible punishment is more than five years' imprisonment or death. Most free legal aid came from private groups, including the Law Society of Thailand and the Thai Women Lawyers Association. There is no discovery process, so lawyers and defendants do not have access to evidence prior to the trial. The law provides for access to courts or administrative bodies to seek redress, and the government generally respected this right.

Several NGOs expressed concern over the lack of adequate protection for witnesses, particularly in cases involving alleged wrongdoing by the police. The Office of Witness Protection in the Ministry of Justice had limited resources and primarily played a coordinating role. In most cases witness protection was provided by the police. Witnesses, lawyers, and activists involved in cases of alleged police abuse reported that protection was inadequate and that they were intimidated by the police sent to provide protection.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The law provides for access to courts and administrative bodies to seek redress in civil matters, and the government generally respected this right.

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

The interim constitution, by reference, prohibited such actions with some exceptions. The new constitution specifically prohibits such actions, and the government generally respected these prohibitions in practice. With a few exceptions, including crimes in progress, police are required to obtain a warrant from a court prior to conducting a search. The law provides standardized procedures for issuing warrants. Martial law gives military forces the authority to conduct searches without a warrant, and this authority was used on some occasions during the year.

The emergency decree covering the southern provinces also allows authorities to make searches and arrests without warrants. The Law Society of Thailand received multiple complaints from persons in the south claiming that security forces abused this authority; however, the decree provides security forces broad immunity from prosecution. At year's end both the emergency decree and martial law were in force in the southernmost provinces.

There were reports that police conducted warrantless searches for narcotics in villages in the northern provinces, although officials sometimes cited martial law as a pretext for the search. Warrantless searches are permitted in cases in which there is reasonable suspicion and an urgent search is deemed necessary.

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

Citing martial law, in early January military and police officials searched 18 locations in Bangkok and surrounding provinces for evidence relating to the December 2006 Bangkok bombings.

In Bangkok on July 18, police and military officials without warrant confiscated posters in front of former senator Prathip Ungsongtham Hata's residence; the posters, which belonged to Hata, contained messages critical of the new constitution. Eyewitnesses reported that the soldiers destroyed some posters during the process and entered Prathip's residence for an additional search, also without a warrant. On July 30, Prathip filed a complaint, which was pending at year's end.

On July 27, former Thai Rak Thai member of Parliament Waiphot Aphonrat claimed that military officials raided his residence in Kamphaengphet Province and, citing martial law, confiscated anticonstitution leaflets, banners, and T-shirts.

During the year Angkhana Neelaphajit, the wife of Somchai Neelaphajit, a coplaintiff in a case against police for the abduction of her husband and an outspoken critic of forced disappearances, was placed under a Ministry of Justice protection program as a result of threats to her safety, particularly as police officers acquitted of the robbery and abduction of Somchai Neelaphajit remained on active duty in the police force. Angkhana was reportedly labeled an "instigator" after her involvement in October and November court proceedings challenging the detention of individuals suspected by the authorities of involvement in southern violence. She allegedly also received threatening telephone calls from individuals she believed to be high-ranking military officials.

Members of indigenous hill tribes continued to face forced evictions and relocation. Due to lack of proof of citizenship and land ownership, they were forced to move from areas they had cultivated for decades.

A land committee was established under the National Poverty Reduction Program to deal with land disputes in areas affected by the 2004 tsunami. According to the Thai Communities Foundation, 13 communities had resolved conflicts and received long-term land tenure. An additional 224 communities continued efforts to resolve land disputes.

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

The internal conflict in the ethnic Malay, Muslim-majority southernmost provinces (Narathiwat, Pattani, Yala, and portions of *Songkhla*) continued throughout the year. Insurgents carried out almost daily bombings and attacks that caused death and injuries. An emergency decree in effect for the four provinces gives police and civilian authorities significant powers to restrict certain basic rights and delegates certain internal security powers to the armed forces. The decree also provides security forces broad immunity from prosecution. The September 2006 martial law, which remained in effect in the four provinces throughout the year, gives a broader range of power to the military.

The interim government continued making conciliatory gestures towards southern ethnic Malay Muslims, including repeated statements that it intended to resolve the conflict peacefully. However, government forces were accused of extrajudicial killings, arbitrary arrests, and torture of individuals suspected of involvement with separatists. As a result of a series of increasingly provocative attacks, tension between the local ethnic Malay Muslim and ethnic Thai Buddhist communities continued to grow.

Killings

According to Issara News Institute statistics, during the year separatist violence resulted in the deaths of 867 individuals in

2,025 separate incidents. However, other sources believed the death toll was higher. As in previous years, the separatists frequently targeted government and religious representatives, including teachers, monks, and district and municipal officials. On March 14, gunmen ambushed a van in Yala and killed eight Buddhist passengers, including two teenage girls. On March 21, one soldier was killed and three injured in a firefight with militants in Narathiwat. On May 9, seven soldiers in Narathiwat were found dead with gunshot wounds in the head.

Human rights NGOs alleged that during the year the security forces extrajudicially killed at least a dozen individuals suspected of involvement with the insurgency, although army officials denied these allegations.

While insurgents typically targeted "figures of authority," NGOs monitoring the situation observed that instances of attacks on civilians appeared to increase. Bombings and targeted killings, sometimes in public areas, resulted in death and injury on an almost daily basis. According to police statistics, at least 869 civilians reportedly were killed and 1,254 were injured as a result of separatist violence during the year. On February 18 and 19, militants staged a series of shootings, arson attacks, and bombings in Narathiwat, Pattani, Yala, and Songkhla that killed nine and injured approximately 70 persons. On May 27, seven coordinated explosions in Hat Yai City in Songkhla Province injured 13 persons, while a bomb in Songkhla's Saba Yoi District market killed four and injured 26.

Some government-backed civilian defense volunteers, most of them ethnic Thai Buddhists from villages in the south, continued to receive basic training and weapons. Human rights organizations expressed concerns about vigilantism against ethnic Malay Muslims by these defense volunteers and other civilians. On March 14, three ethnic Malay Muslims were killed and 20 injured in a Yala mosque and teashop following the deaths of eight ethnic Thai Buddhists in a van ambush on the same day. On April 9, four ethnic Malay Muslim youths were killed in Yala by what the press reported were government-backed ethnic Thai Buddhist village defense volunteers.

On April 13, soldiers shot and killed two teenagers in Pattani, reportedly mistaking them for militants. The army agreed to pay approximately \$25,500 (850,000 baht) in compensation to the families of the victims.

In mid-May in Yala, security forces allegedly killed four persons in two separate incidents. From May 31 to June 4, several thousand ethnic Malay Muslims protested in Pattani's Central Mosque, leading to the establishment of an independent commission designed to serve as a focal point for complaints against the government in Pattani, Songkhla, Yala, and Narathiwat. The commission alleged that the government had not provided operational funding for the commission's activities.

On September 5, Wae-asae Madeng, an imam in Narathiwat Province, was reportedly shot and killed while riding his motorcycle to a local market. An investigation into the killing was ongoing at year's end; no individuals had been arrested in the case. On October 10, Asae Dengsa, also an imam in Narathiwat, was reportedly killed by alleged separatists. On November 28, suspected insurgents reportedly shot, hacked, and crucified a Muslim man, allegedly for cooperating with security officials.

In contrast with 2006, there were no reports that Buddhist monks were killed as a result of southern violence, although monks were attacked and injured in Pattani on August 25.

Authorities arrested and charged 11 ethnic Malay Muslim villagers in connection with the 2005 killing of two marines in Narathiwat. At year's end the case remained in court. There were no developments in the 2005 killing of Satopa Yushoh, an imam in Narathiwat.

The government completed the restoration of the Krue Se Mosque, which government soldiers damaged during fighting in 2004, and allocated an additional \$45,900 (1.53 million baht) for supplementary improvements; however, at year's end none of the officials named by government reports as being responsible for the killings had been arrested or tried.

In April the Songkhla Provincial Court convened a post-mortem inquest into the deaths of 78 ethnic Malay Muslim detainees at Tak Bai in 2004. NGOs alleged that local military officials threatened witnesses in the inquest to prevent them from testifying. On October 10, unidentified gunmen in Narathiwat shot Ma-usoh Malong, the husband of Yaena Solaemae. Some individuals believed the killing could have been intended to intimidate Yaena, a well-known human rights defender who was involved in the Tak Bai inquest. At year's end no individuals had been arrested in connection with the killing, and a police investigation was ongoing.

Abductions

In March Human Rights Watch released a report documenting 22 cases of disappearances in the southern provinces between 2002 and October 2006 under the Thaksin and interim governments. In many cases the missing persons allegedly disappeared after being questioned by security forces. The RTP announced it would investigate the reported disappearances, but at year's end no individuals had been brought to trial or convicted.

At year's end the Central Institute of Forensic Science had yet to proceed with a project to exhume approximately 400 unidentified bodies from cemeteries in the south. The institute received court authority to proceed, and the government collected DNA samples from members of the families who had filed complaints that members of their family had been abducted. However, due to budgetary constraints, the reported reluctance of provincial governors to allow remains to be transported across provincial borders, and alleged opposition from some law enforcement agencies, the work of identifying the bodies had not begun. The NHRC and other human rights organizations believed that if this effort proceeded, more families in the south would report disappearances.

There were no developments in the May 2006 abduction of Wae-halem Kuwaekama from Joh Airong District in Narathiwat.

Physical Abuse, Punishment, and Torture

The army was accused of torturing some suspected militants, mostly at the Royal Thai Army's Region Four Ingkayut Borihan military camp in Pattani and at other detention facilities in the region. The NHRC and the army investigated complaints by Sukri Ar-dam that military personnel at Ingkayut Borihan tortured him and five other suspected militants after their arrest on April 11 in connection with the February 8 beheading of an ethnic Thai Buddhist. The NHRC also investigated the July 22 death of Ashari Sama-ae, whom security forces allegedly beat while he was in custody prior to being transported to the Ingkayut Borihan camp and who later died while undergoing medical treatment at Yala Hospital.

Human rights organizations alleged abuse in the reported death of Sakareeya Pa-oh Mani, who died on June 28 in Yala. Authorities reportedly explained that he was shot in an attack by unidentified persons while being transported from military to police custody that injured none of the military officers transporting him. However, an autopsy reportedly identified the cause of death as severe physical abuse.

On February 12, Royal Thai Army Chief and CNS Chairman Sonthi Boonyaratkalin ordered an investigation into the alleged November 2006 torture of Muhammad Ari Yusoh, a farmer from Narathiwat who claimed that soldiers tortured him while he was detained in a southern detention facility. At year's end the investigation reportedly was ongoing.

During the year the Justice Ministry and the NCCC opened investigations into the complaint that police beat four ethnic Malay Muslim men while they were in custody in 2004.

During the year the government arrested hundreds of suspected militants, some of them juveniles, and in some cases held them for a month or more under provisions of the emergency decree and martial law. Human rights organizations considered the arrests arbitrary, excessive, and needlessly lengthy, and they expressed concerns about detention facility overcrowding. The media documented occasions in which security forces arrested all male occupants of a village or detained the elderly or infirm.

The emergency decree in effect in Yala, Narathiwat, and Pattani provinces plus parts of Songkhla, allows authorities to arrest and detain suspects for up to 30 days without charge. After the expiration of this period, authorities can begin holding suspects under normal criminal law. Unlike under martial law, these detentions require the consent of a court of law, although human rights NGOs complained that courts did not always exercise their right to review these detentions. Government statistics were not available, but at year's end police officials stated that thousands of persons had been arrested under these provisions and that approximately 10 percent of those arrested had been prosecuted. It was unclear whether any persons were detained in the south under the auspices of martial law alone during the year.

On September 7, the NHRC released the result of an investigation into the detention of 348 individuals detained by security forces in July under the emergency decree. The NHRC concluded that the basis for these arrests was unclear, that they were carried out at random, and that the arrest and detention of children contravened criminal laws because interrogation of children took place without the presence of an individual trained in child care. The NHRC noted that facilities in at least three military detention centers were inadequate and unsanitary and that the presence of visible wounds on the bodies of detainees indicated evidence of mistreatment while in government detention.

No members of the security forces accused of abusing detainees were criminally prosecuted, although some were reassigned internally.

Human rights organizations also expressed concerns over a government program to transfer approximately 400 detainees whom authorities declined to prosecute criminally to military camps in Chumporn, Ranong, and Surat Thani provinces. Military officials stated that detainees at these camps participated in a four-month, government-run vocational training program. While government officials insisted that participation in the training program was voluntary, there were reports that military officials threatened some detainees with prosecution for aiding the insurgency or blacklisting if they declined to participate. The military did not provide international organizations, such as the ICRC, access to these military facilities. There were also reports that the government denied some detainees access to their family members while in government custody and that individuals were often detained in remote facilities that made family visitation difficult and costly.

On October 30, Surat Thani, Ranong, and Chumporn provincial courts ruled that the army could not compel participation in the vocation training program. However, the army prevented many detainees from returning to their homes until November 17 and 18, when the army lifted a July 22 order that prohibited many former detainees from traveling to or residing in Pattani, Yala, and Narathiwat for six months. In mid-November courts ordered the release of three detainees whom officials rearrested on November 3-4, ruling that officials failed to present justifiable grounds for a new arrest.

Child Soldiers

There were reports that separatist groups recruited teenagers under the age of 18 to carry out attacks.

Other Conflict-Related Abuses

There were reports that separatists used women and children as human shields to confront or provoke security forces and restrict their operations. In response, on January 18, the police and military announced that they would start enforcing a provision of martial law that prohibits the gathering of more than 10 persons.

Insurgents burned more than 100 schools in the south. The government periodically closed schools throughout the region in response to attacks against teachers and educational facilities. The government frequently armed ethnic Thai Buddhist and some ethnic Malay Muslim civilians, fortified schools and temples, and provided military escorts to monks and teachers.

Separatist violence included attacks on medical facilities, such as the destruction of two government health centers in Yala on April 4. In August Human Rights Watch reported that the violence led many community health centers to reduce their working hours and that some doctors were less willing to visit patients outside of hospitals. According to the Public Health Ministry, 49 public health volunteers had been killed, 33 health volunteers had been injured, and 21 community health centers had been burned or bombed in the south since January 2004.

While official government statistics were not available, there were reports that a significant number of ethnic Thai Buddhists were fleeing violence-affected areas for other provinces in the country.

Section 2 Respect for Civil Liberties, Including:

Freedom of Speech and Press

The new constitution specifically provides for freedom of speech and of the press with some exceptions, as did the interim constitution, although the government continued to limit many rights during the year.

Prior to the September 2006 coup, freedom of speech and the press were often curtailed by government interference and the use of libel suits directed against journalists. In the immediate aftermath of the September 2006 coup, the broadcast media, particularly television and radio, were closely monitored and on occasion censored by the military government. In the days after the coup, there was also an increase in censorship online. The government blocked numerous Web sites critical of the coup leaders, as well as those that expressed pro-Thaksin views, although most were accessible again by the end of 2006. In the months following the coup, the government continued to pressure the media, particularly broadcast media, to cooperate on disseminating factual and constructive news and information; however, government interference on the media subsequently lessened. Print and broadcast media reported news critical of the interim government and the CNS, as well as statements and activities of the former prime minister.

On July 3, the cabinet lifted a decree issued by military coup leaders calling for the Ministry of Information and Communication Technology (MICT) to "censor, prevent, block, and destroy dissemination" of information carried on the telecommunications networks that contained "articles, messages, verbal speech, or any other discourse" that could undermine the coup leaders.

On August 29, the National Legislative Assembly passed the Printing Act, nullifying the 1941 Printing Act that required newspaper publishers to be licensed and granted authorities the power to shut down newspapers. The new law, which went into effect on December 19, also abolished amendments to the 1941 Printing Act and three past Revolutionary Announcements that further inhibited press freedom. Print journalists and media activists welcomed the legislation and viewed it as a positive step toward advancing press freedom.

By law the government may restrict freedom of speech and freedom of the press to preserve national security, maintain public order, preserve the rights of others, protect public morals, and prevent insults to Buddhism. Lese majeste laws also make it a criminal offense to criticize the monarchy and some members of the royal family. The law permits police to close newspapers or printing presses in times of war or national emergency, but only with a court order. The law allows police under a court order to restrict or confiscate publications and other materials for disturbing the peace, interfering with public safety, or offending public morals. The government could restrict print or broadcast media through the Emergency Decree

imposed in July 2005. The decree 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." The Emergency Decree also authorizes the government to censor newspapers and ban publications. None of these powers was used during the year.

The government and large media conglomerates, some close to the deposed Thaksin government, retained ownership of large stakes in many prominent newspapers.

Government entities retained ownership and control of all radio and television stations, including the 524 officially registered "regular" AM and FM stations. The military and police services also retained ownership of another 244 radio stations, ostensibly for national security purposes. Other owners of national broadcast media included the government's Public Relations Department (PRD) and the Mass Communication Organization of Thailand, a former state enterprise of which the government still owned a majority share. Almost all of the stations were leased to commercial companies.

At year's end the case of the June 2006 shooting of journalist Manop Ratanajaroongporn in Phang Nga Province was pending. There was no resolution of the November 2006 killing of Santi Lammaneeuil, owner of the *Pattaya Post* and freelance reporter. There were no developments in the 2005 killings in Pattani Province of Phruttiphong Marohabut, an iTV cameraman, and Pongkiat Saetang, editor of the *Hat Yai Post*. Most were believed to have been targeted for their politically sensitive reporting.

Print media criticism of political parties, public figures, and the government was common. Journalists generally were free to comment on government activities and institutions without fear of official reprisal; however, they routinely practiced self-censorship, particularly with regard to the monarchy and national security.

The government both directly and indirectly censored broadcast media, and self-censorship was also evident. Broadcast media nevertheless reported criticism of the government but were severely constrained in transmitting reports in support of Thaksin.

On January 10, the CNS secretary general summoned several dozen editors and media executives to army headquarters and warned that strict measures would be taken against those who ignored a CNS request to present only "constructive" news. Despite the warning, broadcast media continued to report criticism of the government.

In general, international media were allowed to operate freely, although with some exceptions. On January 15, the government blocked a CNN broadcast of an interview with Thaksin.

On March 18, government authorities interrupted the signal of People's Television (PTV) 10 hours into its first broadcast. The newly established satellite-based station, owned by members of the former ruling Thai Rak Thai party, was originally scheduled to begin broadcasting on March 1, but it was delayed allegedly due to the refusal by the state-run Communications Authority of Thailand and the Telephone Organization of Thailand to connect PTV's signal to a satellite transponder. The station reportedly began broadcasting on March 17, and at year's end it operated both online and via satellite.

On February 27, the cabinet decided to revoke the license of iTV, the television station sold by Thaksin to Temasek Holdings of Singapore in January 2006, if it could not pay fines and back-concessions fees totaling approximately \$3.07 billion (102.2 billion baht) within one week. On March 6, iTV went off the air and reopened two days later as Thailand Independent Television (TITV), operated by the PRD. On June 24, TITV employees lodged a complaint against government authorities with the Thai Broadcast Journalists Association (TBJA), claiming the authorities ordered them not to broadcast reports criticizing government policies. The case remained under investigation by the association at year's end. On December 21, the PRD ordered the transfer of 16 TITV news editors and directors to inactive posts. On December 22, the TBJA called for an explanation of the abrupt transfers, suggesting they could affect the station's reporting of the December 23 election. The media reported that the PRD allegedly pressured TITV officials not to broadcast an interview with Thaksin that was originally scheduled for December 25.

Three popular television talk show hosts, one of them People's Power Party (PPP) leader Samak Sundaravej, were each given two-year jail sentences on defamation charges stemming from statements made in 2005 and 2006 against government officials. The Committee to Protect Journalists denounced the sentencing, claiming that such decisions would lead to more self-censorship among journalists. At year's end the three were free on bail, and their cases awaited appeal.

During the year there were no reports that journalists were jailed for reporting on politically sensitive issues.

On December 18, a criminal court reportedly fined the Manager Media Group \$3,000 (100,000 baht) and sentenced an editor at the *Manager* newspaper to six months' imprisonment for the libel of the director of the National Park, Wildlife, and Plant Conservation Department. On December 25, a court ruled on charges filed during the Thaksin government and sentenced Sondhi Limthongkul, the owner of the *Manager* and an outspoken critic of Thaksin's government, to three years' imprisonment for libeling Thaksin during antigovernment rallies in March 2006. Sondhi was released on bail and vowed to

appeal the ruling. Nevertheless, there were no reports that the interim government used libel laws to suppress criticism of political or other leaders.

Contrary to past years, newspaper editors made no reports that state-owned companies threatened to withdraw advertising contracts due to a particular newspaper's editorial tone. Likewise, there were no reports that the government tried to discredit the conventional media by presenting government public relations tools as neutral media outlets.

Radio stations must renew their licenses every year, and radio signals are broadcast via government transmitters. Stations are required by law to broadcast 30-minute government-produced newscasts twice daily. The country's estimated 2,000 to 3,000 community radio stations operated under somewhat different regulations. Because broadcast regulations restrict radio frequencies to government entities, these stations technically operated outside the law, but most were allowed to continue broadcasting provided they registered with the government. During the year the PRD shut down more than 20 community radio stations for allegedly using illegal frequencies and interfering with aviation communication. On May 17, the PRD ordered Confidante Radio FM 87.75 in Nonthaburi Province off the air following a telephone interview with Thaksin. At year's end the station was broadcasting content over the Internet. The Committee to Protect Journalists condemned the government's actions against radio stations that broadcast content considered pro-Thaksin.

Following the September 2006 coup, no progress was made on the appointment of a National Broadcast Commission tasked with reallocating all broadcast frequencies and regulating the broadcast media. Provisions in the new constitution call for the commission's establishment once a new government is seated.

In October government censors reportedly prohibited the PPP and the Motherland Party from broadcasting portions of political campaign advertisements deemed "divisive." The advertisements were reportedly permitted to be broadcast after the parties removed the offending portions.

The government continued to prohibit the import and sale of *The King Never Smiles*, written by Paul Handley and published overseas.

On September 28, the government prohibited the sale and distribution of *A Quarter-Century on Democracy's Thorny Path*, written by Sulak Sivaraksa. Authorities reportedly claimed that the book "undermined social order and public morals." Police reportedly confiscated copies of the book already on sale.

Internet Freedom

Individuals and groups could generally engage in the peaceful expression of views via the Internet, including by e-mail; however, there were some limitations. There were some government restrictions on access to the Internet and reports that the government monitored and blocked Internet chat rooms.

On July 24, the interim government enacted the 2007 Computer Crime Act, which creates new computer crime offenses, establishes procedures for the search and seizure of computers and computer data in certain criminal investigations, and gives the MICT authority to request and enforce the suspension of information disseminated via computer. Under the act a maximum five-year jail sentence and a \$3,000 (100,000 baht) fine can be imposed for posting false content on the Internet that undermines public security, causes public panic, or hurts others. A maximum 20-year sentence and \$9,000 (300,000 baht) fine can be imposed if an offense results in the death of an individual. In addition, any service provider who intentionally consents to or supports the publishing of illegal content is also liable. It also obliges Internet service providers to preserve all user records for 90 days, in the event that officials wish to access them. Media activists criticized the law, stating that the offenses are defined too broadly and some penalties are too harsh.

In August, in two separate incidents, a well-known Web administrator and an Internet blogger were arrested and charged under the Computer Crime Act for allegedly posting comments considered critical of the monarchy. They were both released on bail, and at year's end prosecutors had not filed criminal charges in the case. There were unconfirmed reports by civil rights NGOs that these individuals were arrested without a warrant and held for several days without access to legal representation.

On February 9, the advocacy group Freedom Against Censorship Thailand, claiming that more than 11,000 Internet sites were blocked, formally requested the MICT to disclose details of its list of blocked Web sites. The MICT reportedly denied the request. The MICT stated that approximately 200 sites, most of which were pornographic in nature, were blocked in the first six months of the year.

On April 3, the MICT banned the Web site YouTube in response to videos posted that were considered in violation of a law prohibiting criticism of the monarchy. The MICT lifted the ban on August 30 after YouTube agreed to block access to some content deemed illegal by the government.

Several political Internet Web boards and discussion forums chose to self-censor and closely monitored discussions to

avoid being blocked. On April 8, the government shut down the political chat room Rajdamnoen temporarily, citing national security concerns. Posting later resumed under reportedly strict self-monitoring by Web site administrators and users. The government intermittently blocked access to two pro-Thaksin Web sites during the year, although official explanations justifying the blockages were often not readily available. Access to the sites was generally restored within days. At year's end both sites were accessible from within the country.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom, either before or after the coup. Nakhon Pathom provincial police reportedly investigated Boonsong Chaisinghanon, a Silpakorn University philosophy professor, and threatened to charge him with lese majeste for asking students in an exam whether the monarchy was necessary for Thai society. However, at year's end the professor had not been charged.

During the year Chulalongkorn University political science professor Giles Ungpakorn reported that the university bookstore refused to sell his book *A Coup for the Rich*. The book was available for sale elsewhere.

Cultural events may be censored, usually for reasons of public decency. On December 20, the National Legislative Assembly amended the 1930 Film Act. The new law retains provisions of the original Film Act, under which theater owners and broadcasters must submit films they plan to show to the film censorship board for review. The board may ban a film if offending portions are not deleted. Reasons for censoring films include violating moral or cultural norms and disturbing the public order or national security. Theater owners and broadcasters frequently censored films themselves before submitting them to the board. According to the board, no films have been banned since 2003. During the year film director Apichatpong Weerasethakul reported that police refused to release a print of his film *Syndromes and a Century* until he agreed to censorship board demands to remove several scenes.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

While the interim constitution did not specifically provide for freedom of assembly, the government generally respected this right with some exceptions. The new constitution specifically provides for freedom of assembly, although exceptions are made for martial law and states of emergency. Martial law, which gives the military authority to restrict freedom of assembly, was in effect in all of 20 provinces and portions of 15 others. A September 2006 decree prohibiting all political gatherings or political activities by political parties remained in effect until July 18, when the National Legislative Assembly voted to lift restrictions on political gatherings and party registration; the restrictions were lifted on August 18.

The emergency decree for the southern provinces allows the government to limit freedom of assembly, but this provision was not used during the year.

Government officials in the provinces of Surat Thani and Rayong prohibited migrant workers--specifically those from Cambodia, Burma, and Laos--from forming gatherings, among other restrictions, while Phuket, Ranong, and Phang Nga provinces prohibited gatherings of more than five persons. Employers could request permission from authorities for migrant workers to hold cultural gatherings.

Through September anticoup groups, including the PTV, UDD, Saturday People's Movement Against Dictatorship, Confederation for Democracy, and September 19 Network Against the Coup d'Etat, among other organizations, staged a series of mostly peaceful protests in Bangkok and other areas against the coup leaders and the new constitution, prior to its approval in August. The demonstrations drew as many as 30,000 participants. There were reports that police and military taskforces established roadblocks and questioned vehicle, bus, and train passengers to prevent persons from the north and northeast from traveling to Bangkok to participate in the protests. Although demonstrators in Bangkok did not always possess the proper permits, the authorities allowed most demonstrations to proceed without incident.

On July 22, clashes between approximately 2,000 police and at least 3,000 UDD anticoup protesters resulted in the reported injury of approximately 200 protesters and 77 police in front of the home of Privy Council President Prem Tinsulanonda. According to eyewitness and media accounts, protesters initiated an unauthorized march to Prem's home and forced their way past police barricades. Police used tear gas and pepper spray to disperse the protesters, stating they decided to do so after attempts to negotiate a peaceful dispersal failed. On July 26, police detained nine protest leaders and charged them under the criminal code with holding an illegal assembly that caused unrest. The leaders were subsequently released on bail. According to the UDD, at year's end prosecutors had not filed charges. On September 26, the National Legislative Assembly voted to expel NHRC Commissioner Jaran Ditapichai from the NHRC as a result of his participation in the protest.

Freedom of Association

While the interim constitution did not specifically provide for freedom of association, the government generally respected this right with some exceptions. The new constitution specifically provides for freedom of association, although exceptions are made "to protect public interests, to maintain public peace and order or good morals, or to prevent economic monopoly." On August 18, restrictions were lifted on the registration and formation of new political parties. Coup leaders had suspended such actions following the September 2006 takeover.

The government prohibited individuals who were candidates in local elections from identifying with a political party under the provisions of the September 2006 decree prohibiting such activities. Officials indicated that until the decree was lifted on August 18, authorities prohibited political parties from campaigning on behalf of local candidates in 293 local elections held between September 2006 and August 17. The government also prohibited candidates from distributing printed materials carrying the name of a political party or publicly identifying a political party as a candidate's sponsor.

On July 26, the National Legislative Assembly amended a law on political parties to prohibit the registration of parties with the same name or emblem as that of a dissolved political party. Legal experts maintained that the amended law was designed to inhibit the reregistration of the banned Thai Rak Thai party. The law took effect on August 18.

c. Freedom of Religion

The interim constitution, by reference, provided for freedom of religion, and the government generally respected this right in practice; however, it restricted the activities of some groups. The new constitution specifically provides for freedom of religion, provided that the religion is not contrary to a person's "civic duties, public order, or good morals."

The constitution requires that the monarch be a Buddhist. The state religion in effect is Theravada Buddhism, although it is not designated as such. Some Buddhist organizations called for the designation of Buddhism as the state religion in the new constitution, but such a provision was not included.

Under the Religious Organizations Act, a new religion can be registered if a national census shows that it has at least 5,000 adherents, represents a recognizably unique theology, and is not politically active. A religious organization must also be accepted into one of the five officially recognized ecclesiastical groups: Buddhist, Muslim, Catholic (which includes four Protestant subgroups), Brahmin-Hindu, and Sikh. Since 1984 the government has not recognized any new religious groups. Government registration confers some benefits, including access to state subsidies, tax-exempt status, and preferential allocation of resident visas for organization officials. Unregistered religious organizations did not receive these benefits but operated freely in practice.

The constitution requires the government "to patronize and protect Buddhism and other religions." The government subsidized activities of the three largest religious communities.

The 1962 Sangha Act specifically prohibits the defamation or insult of Buddhism and the sangha (Buddhist clergy). The penal code prohibits the insult or disturbance of religious places or services of all recognized religions in the country. Followers of the Santi Asoke sect of Buddhism were unable legally to refer to themselves as Buddhists because of theological disagreements with the Sangha Council, but they were able to practice their faith without restriction.

The government stationed troops to protect religious practitioners and structures in communities where the potential for violence existed and provided armed escort for Buddhist monks where necessary.

Religious instruction is required in public schools at both the primary and secondary education levels. The Ministry of Education has formulated a course that contains information about all recognized religions in the country.

In the past "pondok" (traditional Islamic) schools were not required to register with the government and had no government oversight or funding. Following the outbreak of violence in the southern provinces in 2004, registration with the government was made mandatory. By year's end the government had registered 344 pondok schools in Yala, Pattani, and Narathiwat and 59 pondok schools in other provinces. Observers estimated that as many as 1,000 pondok schools operated in the south.

Muslims, who represent between 5 and 10 percent of the population nationwide and constitute the majority in four of the five southernmost provinces, experienced some economic discrimination. The government attempted to address the problem by maintaining longstanding policies designed to integrate Muslim communities into society through developmental efforts and expanded educational opportunities. However, these efforts were often resisted amid charges of forced assimilation. Muslims outside of the southern provinces were much better integrated into society.

Government officials reportedly continued to monitor Falun Gong members and restrict their activities. The Falun Gong complained that immigration police prohibited refugee or exiled members of the group from leaving the country. The group also alleged that police forced the cancellation of an August 12 event at the royal grounds due to officials' fears that the event would damage bilateral relations with China. The group indicated that police intermittently refused to grant

permission to publish some literature about the Falun Gong movement. On September 18, police reportedly banned the distribution of the Falun Gong publication *Nine Articles Criticizing the Communist Party*, claiming the publication threatened public safety and morals. The Falun Gong abandoned a petition challenging the government's 2005 denial of their application to register as an association with the Office of the National Cultural Commission.

Societal Abuses and Discrimination

Violence committed by suspected separatist militants in Narathiwat, Pattani, Songkhla, and Yala affected the ability of some ethnic Thai Buddhists in this predominantly ethnic Malay Muslim region to undertake the full range of their traditional religious practices. Buddhist monks and temples were targeted. A number of monks reported that they no longer were able to travel freely through southern communities. Monks also claimed that, due to fear of being targeted by militants, laypersons sometimes declined to assist them in their daily activities. During the year at least five Buddhist laypersons were reportedly beheaded, compared with one in 2006. According to media and academic sources, suspected insurgents beheaded at least three Muslims during the year.

As a result of a series of increasingly provocative attacks, tension between the local ethnic Malay Muslim and ethnic Thai Buddhist communities in the south continued to grow. Many persons presumed that the killing of Buddhist civilians was intended to increase interfaith tensions. Government officials and observers expressed concern that the violence could result in open communal conflict. However, there were no outbreaks of communal violence between the Buddhist and Muslim communities. Many Muslims complained of societal discrimination both by Buddhist citizens and by the central government. Many Muslims complained that Thai-language newspapers presented a negative image of Muslims and their communities, associating them with terrorists.

Insurgent groups in the south spread propaganda against Buddhists in the form of threatening pamphlets and flyers. There were allegations that some religious school teachers in the south preached hatred for Buddhists as well as for Muslims who cooperated with the government and security forces.

There were no developments regarding the Hmong remains disinterred at the Wat Tham Krabok monastery in 2005. A Buddhist organization contracted by the monastery retained the remains pending relocation to another site.

The indigenous Jewish community is small, and there were no reports of anti-Semitic incidents.

For a more detailed discussion, see the [2007 International Religious Freedom Report](#).

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

The interim constitution, by reference, provided for freedom of movement within the country, foreign travel, and emigration, and the government generally respected these rights in practice; however, there were some exceptions. The new constitution specifically provides for these rights but makes exceptions for "maintaining the security of the State, public peace and order or public welfare, town and country planning, or youth welfare." The government generally cooperated with humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, asylum seekers, stateless persons, and other persons of concern, although with many restrictions.

Members of hill tribes who have not been granted citizenship were issued color-coded identity cards that reflected restrictions on their freedom of movement. Holders of such cards often were prohibited from traveling outside their province or district without permission from the district head. Offenders were subject to heavy fines and jail terms. Persons with no card could not travel at all.

Other longtime noncitizen residents, including hundreds of thousands of ethnic Shan and tens of thousands of members of other tribes, were required to seek permission from local authorities or the army for foreign and domestic travel.

Migrant workers may work only in certain provinces. The government continued to offer illegal migrants the opportunity to be legally registered. Registration must be renewed each year. According to the Ministry of Labor, 558,269 migrants registered during the year, 507,774 of whom were from Burma. Migrants from Burma may apply for temporary passports at select Burmese border crossings. Burmese migrants possessing these temporary passports are able to legally reenter Thailand and work. The travel document is not valid for travel to third countries. Similar agreements are in place with the governments of Laos and Cambodia. Under the law unregistered children of illegal migrants face arrest and deportation.

The law prohibits forced exile, and the government did not practice it. Former prime minister Thaksin, who was not in the country during the September 2006 coup d'etat, remained abroad at year's end. The government stated Thaksin was free to return, but Thaksin stated he would not do so, citing safety concerns. On January 10, the Ministry of Foreign Affairs announced that it would revoke Thaksin's diplomatic passport, which former prime ministers had been able to retain, in response to Thaksin's political activities overseas. The Foreign Affairs Ministry added that Thaksin would remain entitled to hold an ordinary passport. In August and September, the government issued arrest warrants against Thaksin and his wife

in connection with corruption allegations.

Internally Displaced Persons

During the year the government provided assistance to encourage 55 Buddhist families who had sought shelter at a Buddhist temple as a result of insurgent violence in November 2006 to return to their homes in Yala. By year's end all of the displaced families had returned home.

Protection of Refugees

The country is not a signatory to the 1951 UN Convention relating to the Status of Refugees or its 1967 protocol, and the law does not provide for granting asylum or refugee status. The government had reestablished a screening process for Burmese entering the official refugee camps, but the process stalled in most provinces during the year. While the government generally cooperated with humanitarian organizations in assisting refugees, cooperation with the UNHCR deteriorated during the year as authorities detained increasing numbers of Hmong, North Korean, and Burmese Rohingya asylum seekers and refugees. The UNHCR was forbidden to conduct refugee status determinations or provide its protection mandate to these groups. However, the government permitted a UNHCR monitoring presence at the main immigration detention center in Bangkok, where many of the new arrivals were imprisoned.

The government continued to allow the UNHCR to monitor the conditions of the approximately 140,000 Burmese refugees living in nine camps along the Burmese border but prohibited the UNHCR from maintaining a permanent presence in the border camps. NGOs provided basic needs assistance in the camps. Authorities permitted the UNHCR to provide identification cards to registered refugees living in the camps.

During the year provincial admission boards (PABs) formally admitted 2,499 refugees into camps. Many of the refugees previously lived in the camps without formal permission. The government agreed to permit third-country resettlement of camp refugees, and at year's end 14,636 persons were resettled from the camps. In April the UNHCR was prohibited from making refugee status determinations for Lao Hmong, North Koreans, and other vulnerable groups arriving in Thailand.

IDCs in several provinces and Bangkok were designated to house asylum seekers. Conditions in all IDCs were poor, with mental and physical health problems among the asylum seekers stemming from overcrowding and poor ventilation. In August an asylum seeker died in Bangkok's main IDC. A foreign observer reported that the man had received insufficient medical care to treat a chronic health condition.

The government allowed NGOs to provide food, medical services, housing, and other services to Burmese who may have valid refugee claims but who resided outside the camps. Government officials periodically arrested Burmese outside designated camps as illegal aliens. Those arrested generally were taken to the border and released without being turned over to Burmese authorities. Many returned to Thailand shortly thereafter.

In addition to the urban Burmese refugees, the UNHCR reported that after the September crackdown on prodemocracy protesters in Burma, 218 related new arrivals contacted the UNHCR and were provided temporary UNHCR identification documents. In November the government announced a "fast track" PAB screening process for these cases. However, by year's end only a single case had been reviewed in this special process. The government announced at year's end that several "pilot PABs" would convene in early 2008 to screen some of the new arrivals in the camps.

Approximately 200 to 300 Burmese asylum seekers were refused entry by border guards in separate instances in March and April. However, thousands of other asylum seekers were able to enter the country and gain entry into the refugee camps during the year. According to an NGO consortium long active on the border, there were approximately 20,000 unregistered asylum seekers in the nine camps. The government did not deport any refugees who fled the September crackdown in Burma.

During the year the government permitted NGOs to expand occupational training, legal assistance, and income generation programs in the camps.

From late 2006 to mid-year, several groups of Hmong asylum seekers were deported to Laos. The UNHCR was not permitted to review the refugee claims of these groups, nor were their refugee claims reviewed by government screening boards.

In practice the government provided some protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution, although the government adopted a tougher approach to resolve the situation of the approximately 7,800 Hmong who congregated in Huay Nam Khao, Phetchabun Province, some of whom appeared to have valid refugee claims. The government reserved the right to repatriate the population at Phetchabun to Laos and has not granted the UNHCR permission to interview them to determine their refugee status. However, an internal screening system was reportedly put in place to identify those who might face harm if returned to Laos, and by year's end no forced

repatriations had taken place. In June the government relocated the population to a new army-managed camp with better living conditions. Food and basic health care were provided by an international NGO.

There were reports that local officials in Mae Hong Son Province prevented the departure of ethnic Karenni Paduang refugees that had been accepted by third countries for resettlement, presumably because the group's traditional practices were used to attract tourists to the area.

In November 2006 authorities in Bangkok detained 156 Hmong asylum seekers from Laos, including 90 children. In December 2006 authorities moved the group to the Nong Khai IDC, near the border with Laos. All individuals in this group had UNHCR "person of concern" status. In January the government attempted to deport the group to Laos but aborted the effort following protests from the international community and resistance from the refugees themselves. After the government deported a separate group of 161 Hmong to Laos in June, seven refugees escaped from the Nong Khai IDC. Following this incident, authorities confined the remaining 149 Hmong to their cells until September, when small groups were allowed out of their cells for medical care. The government permitted the UNHCR to conduct weekly visits and a local NGO to provide supplementary food and toiletries. Several countries sought to consider the group detained at Nong Khai for refugee resettlement. However, at year's end authorities had not permitted resettlement processing to continue or release of the refugees from detention.

Human rights organizations called for the government to provide education to children of illegal migrants.

Stateless Persons

A significant but indeterminate number of stateless persons resided in the country. According to the Ministry of Interior, an estimated 220,000 individuals were deemed not to have "legal personal status" to be in the country and were not eligible to apply for citizenship. According to local NGOs, 337,000 individuals were without legal status in the country, although some were eligible to apply for citizenship. These stateless persons, most of whom are known as highlanders or hill tribes, were concentrated in the northern region. Many lived in poverty and as noncitizens did not have access to a variety of government services, such as health care, although an estimated 60,000 stateless children were reportedly registered in schools. The law prohibits many highlanders from traveling out of northern districts where they reside. The law also prohibits highlanders from participating in occupations reserved for citizens, most notably farming, although in practice officials permitted highlanders to undertake small-scale subsistence activities. NGOs speculated that the restrictions led to a greater likelihood of individuals engaging in illegal activities such as drug production and trafficking, which historically has been prevalent among highlanders.

A cabinet resolution prohibits stateless persons from having equal legal access to citizenship. According to NGOs, legislation states that any person who entered the country illegally after October 1985 is ineligible for citizenship. Because the law considers that citizenship is passed from one's parents, the children of these stateless persons would not automatically be considered citizens and must provide evidence of having been born in the country to receive citizenship. However, because of poverty and restricted mobility of highlanders, documentation and evidence of birth was usually difficult to provide. In addition, those stateless persons who were born in the country and who may be able to prove citizenship eligibility often waived that privilege to classify themselves as "migrants" and gain access to certain jobs unavailable to stateless persons. In doing so, however, these individuals lost any basis for citizenship eligibility that they previously held.

In 2002 in Chiang Mai Province, the Ministry of Interior revoked the citizenship of 1,243 previously stateless persons on the basis of alleged corruption among government officials during their application for citizenship. These persons won a 2005 court case against the government, which has since restored citizenship to most of them. Nevertheless, 33 children born to these persons during the legal proceedings had not been granted citizenship by district officials.

Gender is a factor in the law for stateless persons. Children born to a Thai father and a noncitizen mother must apply for citizenship on the grounds of being born in the country, which can be difficult to prove for rural highlanders without access to hospitals. For children born out of wedlock, citizenship is automatically passed only by the mother.

In 2005 the government passed a cabinet resolution permitting the estimated 377,000 individuals without legal status to remain in the country temporarily. This legally allowed for certain privileges, such as increased mobility between districts. However, district-level officials did not fully enforce this resolution, and police at inland checkpoints reportedly asked for bribes in exchange for allowing stateless persons to move from one district to another.

In 2005 the National Security Council adopted a policy that allows for individuals who reside in the country for 10 years to be eligible to apply for conditional citizenship, although the government retains the authority to revoke their citizenship at any time. NGOs believed this strategy could help solve many of the citizenship problems of stateless persons; however, it does not have the force of law and was not enforced by district-level officials.

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

Following the September 2006 takeover, coup leaders repealed the constitution, abolished both houses of Parliament, deposed the prime minister and his cabinet, cancelled national elections scheduled for October 2006, and promulgated an interim constitution. The interim constitution did not provide citizens the right to change their government peacefully; however, it established a process by which a new constitution would be drafted and submitted to a referendum. The new constitution, which voters approved in a national referendum on August 19, provides citizens the right to change their government peacefully through periodic, free, and fair elections based on universal, compulsory suffrage. The new constitution provides for the election of all members of the 480-seat lower house of Parliament and 76 members of the 150-seat Senate. It also provides for the appointment of 74 additional members of the Senate by members of the judiciary and other regulatory bodies.

Elections and Political Participation

A national election for the lower house of Parliament was held on December 23 and was generally considered free and fair; however, there were allegations of widespread vote buying, minor procedural irregularities, and scattered but unconfirmed reports of intimidation by local military and government officials. International observers stated that the state of martial law in effect in parts of the country during the election was inconsistent with international norms. On December 25, the Election Commission of Thailand (ECT) released unofficial results indicating that the PPP, led by Samak Sundaravej, won a plurality of 233 seats in the 480-seat lower house. On December 30, the ECT disqualified three PPP candidates for alleged vote buying. By year's end the ECT called for a revote in two parliamentary constituencies involving six parliamentary seats while continuing to investigate campaign-related violations possibly leading to further disqualifications. At least five political canvassers and local government officials reportedly were killed or injured during the election campaign; there was speculation that some of the killings may have been politically motivated. At year's end the final composition of Parliament remained unclear, and the ECT had not officially endorsed the election results.

Following the September 2006 coup, the coup leaders appointed retired general Surayud Chulanont to serve as prime minister of an interim government and promulgated an interim constitution that established an appointed 250-seat National Legislative Assembly (NLA), which formally convened in October 2006, in lieu of Parliament. The NLA functioned as the legislature through the end of the year. The new constitution calls for the disbandment of the NLA when a new parliament is formally convened.

In the August 19 constitutional referendum, 57 percent of voters approved the new constitution, which was promulgated on August 24. The referendum was viewed as generally free and fair, although there were limited reports of vote buying and voter intimidation in some provinces. A bomb reportedly injured two persons near a referendum voting station in Narathiwat. Some groups reported that the government restricted their ability to campaign against the constitution. There were also reports that representatives of the military compensated local officials for mobilizing citizens to vote in favor of the constitution.

On May 30, the Constitutional Tribunal ruled that the former ruling Thai Rak Thai (TRT) party violated the law by paying non-TRT politicians to create stand-in competitors to contest the April 2006 election, which was boycotted by opposition parties. The tribunal ordered the dissolution of TRT, Thai Ground Party, and Develop the Thai Nation Party and revoked the political rights of 111 TRT executive board members for five years, a restriction that prevents them from voting, holding elective office, or contesting elections. The party dissolution case, which had begun prior to the September 2006 coup, was prosecuted based on laws associated with the repealed 1997 constitution. The penalty imposed was based on a September 2006 decree issued by the coup leaders and was significantly more severe than provided for by the laws in effect when the offenses occurred.

Although political parties refrained from most formal activities through August 18, when the government lifted restrictions on political gatherings and party registration, politicians were active on an individual basis, participating in seminars and conferences and making statements to the press during this period. The government also did not detain or arrest political party leaders for carrying out political activities during this period.

PPP officials alleged that the security forces conducted raids in Chiang Rai in October and November designed to intimidate PPP candidates, allegations that the military denied. Citing election laws, on November 16 the ECT publicly advised the 111 former TRT executive board members whose political rights had been revoked that they could not publicly campaign for, be photographed with, or provide advice to candidates competing in the December 23 elections. On November 28, an investigative subcommittee reporting to the ECT found that the CNS was acting with bias when it allegedly drafted documents that purportedly indicated the CNS planned to subvert the PPP. On December 12, the ECT ruled that the CNS had not acted improperly because the constitution granted the CNS legal immunity and there was no evidence the CNS had implemented the plan.

There were 21 women in the 250-seat appointed National Legislative Assembly. Women held two cabinet positions in the interim government.

Few members of ethnic minorities held positions of authority in national politics. Muslims from the south held significant elected positions, although they continued to be underrepresented in appointed local and provincial government positions. There were 10 Muslim and eight Christian appointed members of the National Legislative Assembly. General Sonthi

Boonyaratkalin, the chairman of the Council for National Security until his October 1 retirement from the army and appointment as deputy prime minister for security affairs, is a Muslim, as is former interior minister Aree Wongarya, who resigned from the government on September 26.

Government Corruption and Transparency

The law provides criminal penalties for official corruption, although government implementation of these laws was weak and officials sometimes engaged in corrupt practices with impunity. The World Bank's worldwide governance indicators reflected that corruption was a problem.

On August 8, the criminal court issued an arrest warrant for a retired police officer in connection with the alleged bribery of two judges on the constitutional tribunal prior to its May 30 ruling dissolving the former ruling Thai Rak Thai Party. At year's end the case had not gone to trial.

In September and October, Information and Communication Technology Minister Sithichai Pokai-udom, Deputy Commerce Minister Oranut Osathananda, Interior Minister Aree Wongarya, Natural Resource and Environment Minister Kasem Sanitwong Na Ayuthaya, and Deputy Foreign Affairs Minister Sawanit Kongsiri resigned from the cabinet amid allegations by the NCCC that the ministers held shares in private companies above the legal limit. Education Minister Wichit Srisa-arn, Public Health Minister Mongkol Na Songkhla, and Deputy Finance Minister Sommai Phasee did not resign amid allegations by the NCCC that they too held shares above the legal limit.

On December 11, the NCCC determined that 13 former constitutional court judges, four former members of the Election Commission, and three former ombudsmen had illegally approved pay increases for themselves. At year's end prosecutors had not prosecuted the individuals named in the NCCC determination.

On December 13, Deputy Finance Minister Sommai Phasee resigned from the cabinet after a criminal court sentenced him to two years' imprisonment for the 2004 defamation of an official at Thai Maritime Navigation Limited.

During the year the NCCC, the Assets Examination Committee (AEC), and the Office of the Auditor-General investigated allegations of corruption committed by the Thaksin government. On March 26, prosecutors filed charges against Thaksin in connection with the controversial \$2.1 billion (approximately 70 billion baht) sale of Shin Corporation in 2006. On June 21, prosecutors filed charges in connection with an allegedly improper land purchase in Bangkok. A criminal court issued an arrest warrant against Thaksin and his wife on September 3 when he failed to present himself at investigative proceedings concerning asset concealment allegations. Thaksin vowed to fight the charges in court, although at year's end court proceedings were pending Thaksin's return to the country.

On June 11, the AEC froze \$1.59 billion (52.9 billion baht) in assets belonging to Thaksin and his family, pending further investigations of Thaksin's wealth and court rulings on alleged corruption. In 12 additional actions between June 18 and November 19, the AEC froze an additional \$843 million (28.1 billion baht) in assets belonging to Thaksin and family.

In addition, the NCCC brought several other cases to court and reported that at the conclusion of its fiscal year in October, there were 5,619 cases pending investigation.

Public officials were subject to financial disclosure laws. Aside from the NCCC, AEC, and Office of the Auditor-General, the Anti-Money Laundering Office, Supreme Court, Ombudsman's Office, Administrative Court, and Ministry of Justice played a role in combating corruption.

Following the September 2006 coup, laws providing access to public information remained in force. There were no reports of government agencies denying citizens' requests for information. The new constitution provides access to public information. If a government agency denies a citizen's request for information, a petition may be made to the Official Information Commission, and petitioners may appeal the commission's preliminary ruling to a commission appellate panel. According to the commission, the vast majority of petitions were approved. Requests for public information may be denied for reasons of national security and public safety.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights organizations generally operated without government restriction, investigating and publishing their findings on human rights cases. However, NGOs that dealt with sensitive political issues, such as opposition to government-sponsored development projects, faced periodic harassment. Human rights workers focusing on the violence in the southern provinces were particularly vulnerable to harassment and intimidation by government agents and militant groups. Very few NGOs were accorded tax-exempt status, which sometimes hampered the ability of domestic human rights organizations to secure adequate funding. In early May the government permitted the International Commission of Jurists (ICJ) to register an office, the first international human rights NGO reportedly permitted

to do so.

On March 21, three unidentified gunmen reportedly shot and injured Sot Sutnak, an environmental activist in Surat Thani Province. According to police, Sot subsequently fled the province, fearing for his safety. At year's end no individuals had been arrested in connection with the shooting, and the police had suspended the investigation pending the victim's return to the province.

In mid-July military personnel reportedly intimidated human rights attorneys traveling with local and international journalists by searching their vehicle and attempting to confiscate documents and photographic equipment in Yala Province's Banang Sata District, where security forces earlier had detained villagers. Several days later authorities reportedly prohibited employees from the Working Group on Justice for Peace, a local human rights organization, from entering the village without a military escort.

In October an ICJ official was allegedly threatened in a Ranong court by an NHRC employee who was a witness in a case involving the detention of individuals suspected by the authorities of involvement in southern violence. Local military officials in the south also allegedly denounced human rights defenders and lawyers following these highly publicized October and November court proceedings, which led to the release of the detained individuals.

Officials from the Center for Redressing Problems for Highlanders alleged that military officials obstructed efforts to assist hill tribe villages in Chiang Mai and Chiang Rai by barring center representatives from entering hill tribe villages.

Some members of the domestic NGO Assembly of the Poor reported that the government threatened to file various criminal charges and otherwise intimidated them because of their activities.

Government officials met and cooperated with visitors from the ICRC and the Office of the UN High Commissioner for Human Rights throughout the year. There were several visits by international Muslim leaders, including Organization of the Islamic Conference officials, to the southern provinces, some at the invitation of the government.

The NHRC was active during the year. As an independent government entity, it submitted an annual evaluation of the human rights situation, proposed policies and recommendations for amending laws to the National Assembly, promoted measures to educate citizens on human rights, and investigated human rights abuses. The lack of power to prosecute or to punish violators prior to the promulgation of the new constitution, which provides for the NHRC to file suits on behalf of victims of human rights abuses in the courts, hindered the NHRC's ability to carry out its mandate. Modest staffing and resources also hampered NHRC progress. Unlike in 2006, NHRC commissioners reported that the government responded to most NHRC proposals or recommendations.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution provides for equal treatment without respect to race, gender, religion, disability, language, or social status; however, in practice some discrimination existed, and government enforcement of equal protection statutes was uneven.

Women

Rape is illegal, although the government did not always enforce the law effectively. The National Legislative Assembly passed criminal code amendments that went into effect on September 21 permitting authorities to prosecute spousal rape. Between October 2006 and September, the police stated that 5,269 rape cases had been reported, including six cases where the victim was killed. Suspects were arrested in 2,411 of these cases, including two of the cases resulting in the victim's death. During this period the police arrested 1,587 suspects for alleged rapes in previous years, including four cases resulting in the victim's death.

NGOs believed rape to be a serious problem. According to academics and women's rights activists, rapes and domestic assaults were underreported, in part because state agencies tasked with addressing the problem were not adequately funded, and law enforcement agencies were perceived to be incapable of bringing perpetrators to justice. Police sought to change this perception and encouraged women to report sexual crimes through the use of female police officers in metropolitan Bangkok and in three other provinces.

The law specifies a range of penalties for rape or forcible sexual assault, depending on the age of the victim, the degree of assault, and the physical and mental condition of the victim after the assault; penalties range from four years' imprisonment to life as well as fines. The law also provides that any individual convicted for a second time for the same criminal rape offense within two years is liable to increased penalties for recidivism. Victims of sexual abuse were eligible to receive state financial aid of up to \$900 (30,000 baht).

Domestic violence against women was a significant problem. The National Legislative Assembly passed a law aimed at addressing domestic violence, which went into force on November 12. The law imposes a fine of up to \$180 (6,000 baht)

or as much as 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 implements measures designed to facilitate the reporting of domestic violence complaints and reconciliation between the victim and the perpetrator. Additionally, the law restricts the media's reporting on domestic violence cases in the judicial system.

A few domestic violence crimes were prosecuted under provisions for assault or violence against a person. Domestic violence frequently went unreported, and police often were reluctant to pursue reports of domestic violence. NGO-supported programs included emergency hot lines, temporary shelters, counseling services, and a television program to increase awareness of domestic violence, HIV/AIDS, and other issues involving women. The government's "one-stop" crisis centers, located in some state-run hospitals, continued to care for abused women and children, although several centers faced budget difficulties. State-run hospitals referred victims to external organizations when services at a hospital were not available.

Prostitution is illegal, although it is practiced openly throughout the country. Local officials with commercial interest in prostitution often protected the practice. Trafficking in women and children for prostitution was a serious problem. Government and NGO estimates of the number of women and children engaged in prostitution varied widely. A government survey during the year found that there were 54,719 adult prostitutes in registered entertainment establishments. However, NGOs believed there were between 200,000 and 300,000 prostitutes. The illegal nature of the work and the high incidence of part-time prostitutes made precise numbers difficult to assess.

There were reports that women were forced into prostitution in border areas, but the number of such cases was difficult to determine. Most prostitutes were not kept under physical constraint, but a large number worked under debt bondage. The law forbids child prostitution and subjects customers who patronize child prostitutes to criminal sanctions. NGOs and government agencies provided shelter, rehabilitation, and reintegration programs for children and women involved in the sex industry.

Sex tourism was a problem. According to the Ministry of Social Development and Human Security, there were no laws to specifically address sex tourism. Rather, the criminal code, laws on prostitution, and laws combating trafficking in persons contain provisions designed to combat sex tourism.

The law makes sexual harassment illegal but covers only persons working in the formal sector. The law specifies fines of not more than \$600 (20,000 baht) for individuals convicted of sexually harassing female or minor employees. State employees are not covered by the law but may request a disciplinary investigation. NGOs claimed that the legal definition of harassment was vague and prosecution of harassment claims difficult. Since 2005 the civil service commission's sexual harassment and bullying hot line reported recording 27 sexual harassment complaints, although none were received during the year. Fourteen complaints were investigated, but prosecution or disciplinary action was rarely sought, because most callers wanted only to seek consultations or did not provide enough information to permit an investigation to be pursued. Some complaints may have been settled out of court.

The constitution provides for the equality of all citizens; however, some inequalities in the law remained. For example, a man may sue for divorce on the grounds that his wife committed adultery, but a woman faces the additional legal burden of proving that her husband has publicly acknowledged another woman as his wife. According to the Ministry of Social Development and Human Security, a foreign wife of a Thai man is eligible to apply for citizenship, while a foreign husband of a Thai woman is not eligible.

Police and military academies (except for the nursing academy) did not accept female students, although a significant number of instructors at the military academies were women. According to the Ministry of Social Development and Human Security, in 2006 women constituted 45 percent of the nonagricultural labor force. Women held 22 percent of managerial positions in publicly listed companies and 22 percent of high-level administrative positions in the government sector. Women were able to own and manage businesses freely. Government regulations require employers to pay equal wages and benefits for equal work, regardless of gender. Nonetheless, discrimination in hiring was common, and women were concentrated in lower-paying jobs. In practice women received lower pay for equal work in virtually all sectors of the economy.

We Move, a league of more than 50 women's organizations, advocated legal reforms to address inequities in the treatment of women. The organization actively campaigned for gender-equality clauses in legislation and the new constitution and encouraged women to seek elected positions on provincial government bodies.

Children

The constitution provides children equal protection.

According to NGOs, highlanders and other stateless individuals on occasion did not register births with the authorities because poverty and restricted mobility made it difficult to do so. These children would not automatically be considered citizens and must provide evidence of having been born in the country to receive citizenship. As noncitizens these

unregistered children did not have access to a variety of government services, such as health care, and were prohibited from accessing professions reserved for citizens.

Education is compulsory for nine years, and school tuition is free for 12 years. In general girls and boys attended primary and secondary schools in equal numbers. According to the Ministry of Education, during the year an estimated 91 percent of children completed grade six, 93 percent of children who entered grade seven in 2004 completed grade nine, and 85 percent of children who entered grade 10 in 2004 completed grade 12. Girls are prohibited by religious practice from enrolling in religious schools restricted to Buddhist monks or novices. Violence in the southern provinces, and particularly violence aimed at public school teachers, sporadically forced the temporary closure of public schools and disrupted the educational process in those areas.

Boys and girls had equal access to state-provided medical care.

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. During the year the law was amended to impose a jail term of seven years' to life imprisonment for the statutory rape of children under the age of 15. In 2006 a nationwide, government-sponsored poll of high school students found that 5 percent of boys and 3 percent of girls had encountered sexual harassment. Police were reluctant to investigate abuse cases, and rules of evidence made prosecution of child abuse difficult. The law is designed to protect witnesses, victims, and offenders under the age of 18, and procedures with a judge's consent allow children to testify on videotape in private surroundings in the presence of a psychologist, psychiatrist, or other social worker. However, many judges declined to use videotaped testimony, citing technical problems and the inability to question accusers and defendants directly in court. Persons charged with pedophilia are charged under appropriate age of consent and prostitution laws. Victims' testimony is handled under the provisions of the Child Friendly Procedure Act.

Trafficking in children, including for commercial sexual exploitation, remained a serious problem. Pedophilia continued, both by citizens and by foreign sex tourists. In 2006 the government, university researchers, and NGOs estimated that there were as many as 30,000 to 40,000 prostitutes under age 18, not including foreign migrants. The Prostitution Prevention and Suppression Act makes child prostitution illegal and provides for criminal punishment for those who use prostitutes under age 18. Parents who allow a child to enter into prostitution also are punishable. According to government officials, during the year there were no arrests or prosecutions of parents who allowed a child to enter into prostitution. Custom and tradition made it rare for children to accuse their parents in court proceedings.

On November 13, the Supreme Court upheld a 36-year prison sentence for former deputy Senate speaker Chalerm Promlert, who was convicted in January of the statutory rape of four girls ages 13 to 16 who had been trafficked in Pathum Thani.

On November 20, a criminal court sentenced two Bangkok primary school teachers to 50 years' imprisonment for sexually abusing at least five children ages six to eight between June and August 2006.

A 2005 study widely cited by NGOs and state agencies estimated that there were approximately 20,000 street children in major urban centers. The children were referred to government-provided shelters, but many, especially foreign migrants, reportedly avoided the shelters due to fear of being detained and expelled from the country. According to the government, citizen street children were sent to their home provinces and placed in occupational training centers.

Street children were often left out of national reports on child labor issues, and national statistics on street children often included only citizens.

Organized gangs frequently exploited street children as beggars or to sell flowers or other items. Many of these children were forced to turn over their daily earnings to the gang and were paid extremely low wages, often less than one dollar (34 baht) a day. There were reports of street children who were bought, rented, or forcibly "borrowed" from their parents or guardians to beg alongside women on sidewalks and overpasses. This was particularly true in areas of the capital frequented by tourists. Working conditions for these children were poor, leaving them exposed to the elements for long periods of time and vulnerable to further exploitation.

Children were tried in the same courts as adults and detained with adults in some regions of the country. There were 95 Juvenile Observation and Protection Centers for underage offenders, with at least one such facility located in each province.

There were many local NGOs that promoted children's rights. Employer organizations, such as the Employers' Confederation of Thailand, also were involved in child labor issues and received good support from the government.

Trafficking in Persons

The existing law prohibits some forms of trafficking in persons related to sexual exploitation. However, a new

comprehensive antitrafficking law approved by Parliament on November 28 extends the definition of trafficking in persons to include trafficking for the purpose of labor exploitation. The new law was scheduled to go into effect in mid-2008 and for the first time would allow men above the age of 18 to be classified as trafficking victims. Under existing law, men above the age of 18 cannot be considered victims of trafficking.

There were reports throughout the year that persons were trafficked to, from, or within the country for a variety of purposes. Women and children (particularly girls) tended to be the most frequent trafficking victims for sexual exploitation. However, credible studies and evidence accumulated from a number of cases suggested that the trafficking of men for labor exploitation, especially migrant workers, was also prevalent, although to a lesser extent than for women. The trafficking of men, women, and children into such fields as commercial fisheries and seafood processing was significant in the Samut Sakhon region. Some portion (thought by the UN, NGOs, and the government to be a minority) of the estimated 200,000 to 300,000 sex industry workers in the country were either underage or in involuntary servitude or debt bondage. Young migrant women and girls, particularly from Laos, were found employed in indentured servitude.

Within the country women were trafficked from the impoverished northeast and the north to Bangkok for sexual exploitation. However, internal trafficking of women appeared to be on the decline, due to prevention programs and better economic opportunities. Women also were trafficked to Japan, Malaysia, Singapore, Bahrain, Australia, South Africa, Europe, and the United States, chiefly for sexual exploitation but also to some destinations for sweatshop labor. Men, especially migrant workers from Burma, were trafficked into the country for commercial fisheries; seafood processing; and farm, industrial, and construction labor. Prosecution of traffickers of men was complicated by the lack of coverage in the law.

Women and men were trafficked from Burma, Cambodia, the People's Republic of China (PRC), Laos, Russia, Uzbekistan, and eastern European nations for labor and sexual exploitation.

Entire families occasionally were trafficked for labor in sweatshops. Boys and girls were trafficked chiefly from Burma and Cambodia primarily for sexual exploitation and to work in begging gangs. Underage boys reportedly were brought into the country for specialized work in which small size was an advantage. According to domestic NGOs, girls between the ages of 12 and 18 continued to be trafficked from Burma, southern PRC, and Laos to work in the commercial sex industry. Social workers noted that young girls were prized because clients believed that they were free of sexually transmitted diseases. Persons trafficked from the PRC often were in transit to other countries, although women and girls from Yunnan Province generally were destined for brothels in the north. Victims of trafficking were often lured into the country or for transit to other countries with promises of restaurant or household work and then were pressured or physically forced into prostitution.

The lack of citizenship status for some hill tribe women and children was a strong risk factor for becoming victims of trafficking. Although members of this group were not a large percentage of trafficking victims, they continued to be found in disproportionately large numbers in situations entailing severe forms of trafficking.

Trafficking within the country and from neighboring countries into the country tended to be carried out by loosely organized small groups that often had close ties in the source communities. Burmese, Laotian, Cambodian, and Thai individuals were involved in labor trafficking along the border. Informal chains of acquaintance often were used to recruit victims. In some cases the traffickers themselves were former victims, particularly where the sex industry was the destination.

Most prostitutes were not kept under physical constraint, but a large number worked in debt bondage. Brothel procurers reportedly advanced parents a substantial sum against their child's future earnings. The child was then obligated to work in a brothel to repay the loan.

Because foreign women frequently were unable to speak the language and were considered illegal immigrants, they were particularly vulnerable to physical abuse and exploitation. Reports of labor trafficking also were received from Burmese migrant workers, who were ostensibly offered jobs in the food processing industry but were later induced or forcibly transported to work on fishing vessels. A September 2006 police raid on a shrimp processing factory in Samut Sakhon found hundreds of Burmese workers being held on the premises against their will. At year's end criminal charges had not been filed in this case, although a civil suit in November was decided in favor of 66 female Burmese classified by the government as trafficking victims. The victims received a one-time payment amounting to nine months' salary in penalties, back wages, and lost overtime pay. Male victims were returned to Burma or continued to work at the factory.

Penalties vary according to the age of the victim and the method of trafficking. In general the law provides for imprisonment of one year to life and fines of \$60 to \$1,200 (2,000 to 40,000 baht) for trafficking offenses committed against women and children. For offenses against children between 15 and 18 years of age, the potential punishment is three to 15 years' imprisonment and a fine of \$180 to \$1,200 (6,000 to 40,000 baht). For offenses against children under 15, the penalty ranges from five to 20 years' imprisonment and a fine of \$300 to \$1,200 (10,000 to 40,000 baht). If the offense is committed with deceit, threat, physical assault, immoral influence, or other mental coercion, the sentences and fines may be increased by one-third.

The RTP's Children and Women Welfare and Protection Division is charged with implementing the antitrafficking law, while the Ministry of Social Development and Human Security is charged with providing assistance and shelter to trafficking victims. Police reported that 152 trafficking-in-persons cases were filed in the judicial system during 2006, representing an increase from 146 cases in 2005. NGOs assisted some victims to obtain back wages from abusive employers; however, criminal prosecutions were scarce. In mid-2006 the 1951 antislavery law resulted in a conviction for the first time when the employer of an abused domestic servant was found guilty of enslavement. The verdict continued under appeal at year's end.

Illegal immigrants had no rights to legal counsel or health care if arrested. Memorandums of understanding (MOUs) among government agencies and between the government and domestic NGOs provided some detailed police procedures to assist with the problem of trafficked persons being detained by the authorities. The MOUs stated that the training of police officers would include instructions to treat such persons as victims of human trafficking rather than as illegal immigrant workers. Instead of being deported, they would become the responsibility of the public welfare department. However, implementation of the MOUs was erratic, due to insufficient training of law enforcement officials and their unfamiliarity with the law.

In general the government cooperated with governments of other countries in the investigation of transnational crimes, including trafficking. The country had bilateral antitrafficking MOUs with Cambodia and Laos. Receiving countries generally initiated trafficking case investigations. The government continued to investigate rings associated with smuggling female citizens abroad. The Ministry of Foreign Affairs assisted 258 Thai women and girls, most victims of sexual exploitation, to return from abroad in 2006 (down from 270 in 2005).

The law allows for extradition of citizens; however, no citizens were extradited for trafficking-related offenses. Requesting-country nationals charged with trafficking-related crimes, including pedophilia, were extradited to Japan, Australia, Germany, and the United States.

There were reports of bribe taking by some low- or mid-level police officers facilitating the most severe forms of trafficking in persons. There was no evidence that high-level officials benefited from or protected the practice. Compromised local police protected brothels and other sex venues from surprise raids. Officials found complicit in any part of the illegal economy rarely were prosecuted but instead were moved to positions thought to limit opportunities for future corruption.

Several NGOs, both local and international, and government agencies worked with trafficking victims. The government worked with the International Labor Organization's International Program on the Elimination of Child Labor to implement projects to reduce the incidence of trafficking of children for labor and sexual exploitation. However, funds for fighting trafficking or aiding its victims were limited.

In general victims awaiting repatriation were brought to government-run shelters or, in the case of noncitizens, to NGO-run shelters. The repatriation process took up to six months. Between October 2006 and December 2007, the main government shelter in Bangkok received 476 women and children from neighboring countries and 205 citizens, including women found in voluntary prostitution and domestic abuse cases. There were no reliable statistics on how many of these persons were victims of trafficking. The government provided food, medical care, and limited psychological counseling.

The government screened trafficking victims from Cambodia and Burma through cooperation between the police and the International Organization for Migration. Law enforcement officials identified victims of trafficking and referred them to one of six regional government shelters.

Trafficking victims received some legal assistance from NGOs and Department of Welfare officials, and they generally were informed of the option of pursuing legal action against the trafficking perpetrators. Relatively few opted to do so; language barriers, illiteracy, distrust of government officials, the lengthy legal processes, and fear of the traffickers played a role. Trafficked victims residing illegally in the country were not allowed to obtain employment while awaiting repatriation, even if they were involved in legal proceedings against the trafficker.

The government continued cooperative arrangements with NGOs and local industries, especially the hotel industry, to encourage youths (particularly girls) to find employment outside the sex industry and other exploitative work. Vocational training programs aimed at high school students also received funding. Although the vocational training was not intended explicitly for trafficking prevention, the practical effect was to increase the range of choices for recent school graduates.

Persons with Disabilities

The interim constitution incorporated by reference laws that provided for newly constructed buildings to have facilities for persons with disabilities, although these laws were not uniformly enforced. The new constitution prohibits discrimination against persons with physical and mental disabilities in education and provides for access to health care and other state services. Activists continued to work to amend laws that allow employment discrimination against persons with disabilities.

In August the legislature amended a series of laws that prohibited employment discrimination based on disabilities in the public sector. On September 28, a new law went into effect that expands the types of disabilities covered by the law and facilitates legal recourses to seek redress for discrimination based on disability status. The law also elevates the status of a division in the Ministry of Social Development and Human Security tasked with protecting the rights of persons with disabilities. During the year the government launched a public awareness campaign to encourage such persons to vote in the December 23 elections and provided funding to NGOs working to address disability discrimination.

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

The government maintained 43 special schools for students with disabilities. The Ministry of Education reported that there were 76 centers nationwide offering special education programs for preschool-age children. There also were nine government-operated and 15 NGO-operated training centers for persons with disabilities. In addition, there were eight private associations providing occasional trainings for persons with disabilities. There were reports of schools turning away students with disabilities, although the government indicated such incidents occurred because schools did not have appropriate facilities to accommodate such students.

Many persons with disabilities who found employment were subjected to wage discrimination. According to NGOs, government regulations require private firms either to hire one person with a disability for every 200 other workers or contribute to a fund that benefits persons with disabilities, but this provision was not enforced. Government officials estimated that as many as 40 percent of firms disregarded the law, but NGOs believed the number to be as high as 70 percent. Some state enterprises had discriminatory hiring policies.

National/Racial/Ethnic Minorities

Two groups--former belligerents in the Chinese civil war and their descendants living in the country since the end of the civil war and children of Vietnamese immigrants who resided in five northeastern provinces--lived under laws and regulations that could restrict their movement, residence, education, and occupation. According to the Ministry of Interior, during the year approximately 300 Chinese and some of their descendants and 30 of the Vietnamese and their descendants were granted full citizenship.

Indigenous People

Members of hill tribes without proper documentation continued to face restrictions on their movement, could not own land, and were not protected by labor laws, including minimum wage requirements.

In recent years regulations eased the requirements to establish citizenship by allowing a wider range of evidence, including testimony from references, and empowering local officials to decide cases. According to statistics from the Ministry of Interior, at least 82 percent of potentially eligible candidates received citizenship under the regulations. Although the government was supportive of efforts to register citizens and educate eligible hill tribe persons about their rights, activists reported that widespread corruption and inefficiency at all levels, including among highland village headmen and government officials, contributed to a backlog of pending citizenship applications.

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

Other Societal Abuses and Discrimination

Societal discrimination against persons with AIDS existed, most often in the form of a psychological stigma associated with rejection by family, friends, and the community, although intensive educational outreach efforts may have reduced this stigma in some communities. There were reports that some employers refused to hire persons who tested HIV-positive following employer-mandated blood screening.

NGOs complained that employers discriminated against male homosexuals after reviewing military documents that permanently labeled these individuals as having a mental disorder. According to the military, as many as 500 individuals every year were affected by the practice, which reportedly stopped in April. NGOs estimated that at least 10,000 individuals had been affected by the army regulations nationwide. The law did not permit transgendered individuals from changing their gender on identification documents.

Section 6 Worker Rights

The Right of Association

All private sector workers are allowed to form and join trade unions of their choosing without prior authorization; however, the Labor Relations Act and Labor Protection Act provide inadequate protection to workers who participate in union activities. There were several reported cases of workers being dismissed from their jobs for engaging in union activities. In some of the cases, the court ordered workers reinstated if grounds for their dismissal were proven inaccurate.

Civil servants, including public school teachers, are prohibited from forming or registering a union. They are allowed to form and register only as associations, which have no right to bargain collectively. Noncitizen migrant workers, whether registered or illegally present, do not have the right to form unions or serve as union officials; however, registered migrants may be members of unions organized and led by citizens. The Ministry of Labor requires foreign workers to renew their temporary work status annually. Few, if any, registered migrants joined unions. A substantial number of migrant workers worked in factories near border-crossing points, where labor laws were routinely violated and few inspections were carried out to verify compliance with the law.

Less than 4 percent of the total work force but nearly 11 percent of industrial workers and more than 50 percent of state enterprise workers were unionized. In 2006 there were 45 state enterprise unions with 180,500 members and 1,313 private unions with 335,600 members. Cultural traditions, unfamiliarity with the concept of industrial relations, efforts by the government and the private sector to diminish union cohesiveness, and the sizeable agricultural and informal sectors (where unions are not permitted) were cited as reasons for low rates of labor organization.

Union leaders and academic observers reported that employers often discriminated against workers seeking to organize unions. The law does not protect workers from employer reprisal for union activities prior to the registration of the union, and employers could exploit this loophole to defeat efforts at union organization. Employers used loopholes in the Labor Relations Act to fire union leaders prior to government certification of unions.

The State Enterprises Labor Relations Act (SELRA) restricts affiliations between state enterprise unions and private sector unions; however, union confederations can affiliate. The restriction against union affiliation effectively divided the trade union movement along state enterprise and private sector lines. However, unofficial contacts at the union level between public and private sector workers continued, and the government did not interfere with these relationships. Unions in state-owned enterprises generally operated independently of the government and other organizations. Internal conflicts, corruption, and a lack of leadership weakened the labor movement.

The law prohibits antiunion actions by employers; however, it also requires that union officials be full-time employees of the company or state enterprise, which makes them vulnerable to employers seeking to discipline workers who serve as union officials or who attempt to form unions. It also serves as a prohibition against permanent union staff, thus limiting the ability of unions to organize and be politically active. The Labor Relations Act allows only two outside government-licensed advisors to a union, and the Ministry of Labor often blocked the registration of labor advisors whom it deemed too activist. Union leaders and outside observers complained that this interfered with the ability to train union members and develop expertise in collective bargaining, leading to rapid turnover in union leaders.

Trade union leaders can be dismissed for any reason, provided severance payment is made. In such circumstances the law does not provide for reinstatement, and the requirement for severance pay was not always respected. The labor court reinstated employees in some cases where dismissal resulted from union activity and was illegal. However, because the reinstatement process was lengthy and costly for the employee, most cases were settled out of court through severance payments to the employee, and there were no punitive sanctions for employers.

On July 12, 18 workers were dismissed the day before the general meeting of the union they had organized in a company. In August the dismissed workers filed a petition before the Department of Labor and in September to the company, calling for reinstatement of the dismissed union leaders. The workers were reinstated on October 8.

b. The Right to Organize and Bargain Collectively

The law provides for the right of citizen private-sector workers to organize and bargain collectively; however, the government's efforts to protect this right were weak. The law defines the mechanisms for collective bargaining and for government-assisted conciliation and arbitration in cases under dispute. In practice genuine collective bargaining occurred only in a small fraction of workplaces, and in most instances it continued to be characterized by a lack of sophistication on the part of worker groups and autocratic attitudes on the part of employers. Wage increases for most workers came as a result of increases in the minimum wage rather than as a result of collective bargaining. The process of setting minimum wages locally through provincial tripartite wage committees may further limit union influence; many of these provincial committees excluded labor representatives and placed factory managers on the wage committees to represent worker interests. The minimum wage increase in the year again did not keep pace with inflation. The government sets wages for state enterprise employees under SELRA. Wages for civil servants are determined by the Ministry of Finance.

The government has the authority to restrict private sector strikes that would affect national security or cause severe negative repercussions for the population at large; however, it seldom invoked this provision and did not do so during the year. Labor law also forbids strikes in "essential services," which are defined much more broadly than in the International

Labor Organization (ILO) criteria and include sectors such as telecommunications, electricity, water supply, and public transportation as essential services. The law also prohibits termination of employment of legal strikers; however, some employers used unfavorable work assignments and reductions in work hours and bonuses to punish strikers. Employers are legally permitted to hire workers to replace strikers. SELRA provides public sector employees in state enterprises the same rights to organize as exist in the private sector. SELRA prohibits lockouts by employers and strikes by state enterprise workers. Strike action in the private sector was constrained by the legal requirement to call a general meeting of trade union members and to have a strike approved by 50 percent of unionists.

During the year there were two legal strikes involving more than 900 workers, and there were no lockouts reported. There were protests against mass layoffs without proper severance pay and the closure of factories, particularly garment factories. On July 11, approximately 4,000 laid-off workers at an import-export factory in Samut Prakarn protested the company's sudden closure. After a tripartite negotiation, the factory reopened and workers were reinstated. In August the factory was reportedly closed indefinitely. The laid-off workers received 61 percent of their entitled compensation from the sale of the factory's assets. Workers filed petitions with the Department of Labor Protection and Welfare for the balance of the compensation, which were under consideration by the court. The Department of Labor Protection and Welfare drew upon a welfare fund to pay \$630,000 (21 million baht) to partially compensate the workers during court proceedings.

In September 300 laid-off garment workers gathered in front of the Government House to protest the government's failure to settle labor disputes over compensation after the factory closures. In October the State Railways of Thailand (SRT) labor union staged a two-day nationwide strike to protest the government's controversial leases of SRT property to the private sector and SRT privatization schemes. The strike ended when the SRT committed to review the leases in question. At year's end the Council of State, Land Department, and Office of the Attorney-General were also reviewing the leases for final consideration by the cabinet.

A system of labor courts exercises judicial review over most aspects of labor law for the private sector; however, there was documented abuse in the system, including evidence that awards to workers were ignored or not paid in full. Issues of collective labor relations are adjudicated through the Tripartite Labor Relations Committee and are subject to review by the labor courts. Workers may also seek redress through the NHRC. The law authorizes the Ministry of Labor to refer any private sector labor dispute for voluntary arbitration by a government-appointed group other than the Labor Relations Committee. Although the legal authority seldom was used, the ILO viewed this provision as acceptable only in defined essential services. Redress of grievances for state enterprise workers is handled by the State Enterprise Relations Committee. Labor leaders generally were satisfied with the treatment that their concerns received in these forums, although they complained that union leaders unjustly dismissed were awarded only back wages with no punitive sanctions against the employer. This limited any disincentive for employers to fire union organizers and activists.

There are no special laws or exemptions from regular labor laws in export processing zones (EPZs), in which wages and working conditions often were better than national norms. However, union leaders alleged that employers' associations were organized to cooperate in discouraging union organization. Unions existed in the automobile and petroleum production facilities located in EPZs.

Labor brokerage firms used a "contract labor system" under which workers sign an annual contract. Contract laborers are not covered under the Labor Relations Act or the Labor Protection Act. These workers lacked the ability to bargain collectively over wage and benefit issues. Although they may perform the same work as direct-hire workers, they were paid less and received fewer, or no, benefits.

The Labor Relations Act prohibits noncitizens from participating in efforts to organize or register a union. The Labor Relations Act also prohibits any noncitizen from being an elected leader of a union committee. Therefore, as many as 700,000 legally registered migrant workers (in a total migrant worker population of more than two million) were effectively denied the right to form a trade union. Attempts by registered migrant workers to carry out work stoppages to demand minimum and back wages, along with better working conditions, often led to deportations, resulting from apparent collusion between factory owners and local government immigration officials.

c. Prohibition of Forced or Compulsory Labor

The constitution prohibits forced or compulsory labor, including by children, except in the case of national emergency, war, or martial law; however, the government was unable to enforce these provisions effectively in the large informal sector.

Employers routinely kept possession of migrant workers' registration and travel documents, which restricted their travel outside of the work premises. There were no estimates of the number of such factories or sweatshops, but the large number of migrants from Burma, Cambodia, and Laos created opportunities for such abuse.

Despite the publication of ILO findings about migrant abusive labor conditions and the international pressure for progress on a high-profile shrimp processing factory case in Samut Sakhon, there continued to be reports of sweatshops or abusive treatment in livestock farms, seagoing trawlers, animal feed factories, and seafood processing factories in which employers prevented workers, primarily foreign migrants, from leaving the premises. On June 8, a Karen migrant worker

was reportedly killed after attempting to flee an animal feed factory in Supanburi Province, where he allegedly had been subjected to forced labor and severe physical abuse by his employer in June. Four individuals were arrested, and at year's end public prosecutors were reportedly pursuing an investigation into the case.

Problems encountered by Thai citizens working overseas highlighted the problem of exploitative labor supply agencies that charged heavy and illegal recruitment fees often equal to all of a worker's first and second year earnings. In many cases recruited workers did not receive the terms they were promised and incurred significant debt. Local banks contributed to this practice by offering exorbitant loans to allow workers to pay for recruitment fees, which ranged from \$9,000 to \$30,000 (300,000 to one million baht) for workers traveling abroad.

d. Prohibition of Child Labor and Minimum Age for Employment

In general sufficient legal protections exist for children in the formal economic sector. The Labor Protection Act is the primary law regulating employment of children under the age of 18. Employment of children under 15 is prohibited. Children under 18 may 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 micro-organisms; operation of heavy equipment; work underground or underwater; and work in places where alcohol is sold or in hotels or massage parlors. The maximum penalty for violating these prohibitions is one year in prison. The law does not cover the agricultural and informal sectors, including domestic work, which employ the majority of persons in the workforce, including many child workers. The law allows for issuance of ministerial regulations to address sectors not covered in the law, and since 2004 regulations have increased protections for child workers in domestic and agricultural sector work. The minimum working age is coordinated with the mandatory national educational requirement.

Child labor remained a problem, particularly in agriculture, fishing, domestic work, and entertainment industries as well as street begging. Contradictory surveys by various government agencies, which largely ignored foreign children and those in illegal industries, made estimating the scope of the phenomenon difficult. According to a study funded by the Ministry of Labor and the ILO, child labor abuse of citizens was declining and citizen children made up less than 1 percent of the workforce. However, abuse of underage migrant workers, especially from Burma, was widespread and continued to increase.

NGOs reported that 2 to 4 percent of children between the ages of six and 14 worked illegally in urban areas; such children were at risk of becoming victims of other abuses of labor laws. Most underage workers in urban areas worked in the service sector, primarily in gasoline stations, small-scale industry, and restaurants. Child labor was less evident in larger, export-oriented factories. NGOs also reported extensive child labor in garment factories along the Burmese border, in Mae Sot Province. However, there was no comprehensive survey of child labor throughout the country, since NGOs often did not have access to shophouse factories. NGOs reported child domestic workers were predominantly migrants from Burma, Cambodia, and Laos. Most were in the country illegally, increasing their vulnerability to exploitation. Minimum wage and age provisions of the Labor Protection Act do not apply to domestic workers, some of whom were believed to be less than 15 years of age; however, recently issued regulations extended protections to children in the domestic and agricultural sectors. Thus far any effects of these regulations have not been measured.

The worst forms of child labor occurred in the country. Children (usually foreign) were exploited in street selling, begging, and prostitution in urban areas, sometimes in a system of debt bondage. Some were sold or otherwise trafficked by parents or other relatives. The government implemented guidelines in cooperation with the International Organization for Migration to improve the screening of trafficking victims among child beggars and street vendors from Cambodia or Burma. A 2004 ILO study noted that drug merchants in Bangkok used male children as delivery boys. Narcotics sellers preferred children because they were undemanding and were not charged as adults if arrested. Instead they were sent to police-run correctional homes.

The Ministry of Labor is the primary agency charged with enforcing child labor laws and policies. In 2006 there were 22,111 occupational health and safety inspections at 20,026 establishments. Of these, 2,681 establishments were found to be not complying with the law. Also in 2006 the Ministry of Labor inspected 656 establishments employing 8,806 child workers (under age 18), with seven establishments found to be using 558 underage workers (in most cases, under 15). Inspectors usually responded only to specific public complaints, reports of absences by teachers, or reports in newspapers. Their inclination when dealing with violators was to negotiate promises of better future behavior rather than seek prosecution and punishment. The legal requirement for a warrant hampered inspection of private homes to monitor the welfare of child domestic workers. In 2006 child labor inspections and investigations were performed in 482 firms; nine of the workplaces inspected revealed serious violations, such as employing underage workers.

e. Acceptable Conditions of Work

The minimum wage ranged from \$4.29 to \$5.73 (143 baht to 191 baht) per day, depending on the cost of living in various provinces. The minimum wage was set by provincial wage committees that sometimes included only employer representatives. This wage was not adequate to provide a decent standard of living for a worker and family. The official poverty rate was 94 cents (31 baht) per day, which permitted survival only in areas where subsistence agriculture was possible. The Ministry of Labor is responsible for ensuring that employers adhere to minimum wage requirements

(applicable to the formal sector); however, academics estimated that one-third of formal sector workers nationwide received less than the minimum wage, especially those in rural provinces. Despite encouragement of employees to report violations to labor inspectors, the enforcement of minimum wage laws was mixed. Many labor laws, including the minimum wage law, do not apply to undocumented workers, primarily hill tribe members and illegal aliens. An estimated one to two million unskilled and semiskilled migrant workers worked for wages that were approximately one-half the minimum wage.

The government mandated a uniform workweek of 48 hours, with a limit on overtime of 35 hours per week. Employees engaged in "dangerous" work, such as in the chemical, mining, or other industries involving heavy machinery, legally may work a maximum of 35 hours per week and are not permitted overtime. The petrochemical industry is excluded from these regulations. There were reported incidents of employees forced to work overtime, with punishments and dismissals for workers who refused. Typically, migrant workers worked 12 hours per day, with one day off a month.

Working conditions varied widely. In 2006 the official rate of injury or disease from industrial accidents was 25.5 per 1,000 employees. This included 18.5 per 1,000 in minor disabilities (resulting in no more than three days of missed work) and seven per 1,000 with disabilities resulting in more than three days lost work (including permanent disabilities and deaths). There were 808 reported industrial deaths out of 204,257 reported incidents involving injury or worse. However, these rates applied only to industrial sector workers; the rate of incidents occurring in the larger informal and agricultural sectors and among migrant workers was thought to be higher. Occupational diseases rarely were diagnosed or compensated, and few doctors or clinics specialized in them. The approximately 50,000 young migrant women employed in textile factories along the Burma border in Mae Sot in Tak Province alone had limited and substandard medical options, and many suffered from stress-related disorders and complications from abortions. In medium-sized and large factories, government health and safety standards often were applied, but enforcement of safety standards was lax. In the large informal sector, health and safety protections were substandard.

Provisions of the Labor Protection Act include expanded protection for pregnant workers, which prohibit them from working on night shifts, overtime, and holidays, or working with dangerous machinery or on boats. Despite the act's prohibition on dismissing pregnant workers regardless of their nationalities, there were reports of employers of migrant women firing those who became pregnant.

The Ministry of Labor promulgates health and safety regulations regarding conditions of work; however, the inspection department enforced these standards ineffectively, due to a lack of human and financial resources. There is no law affording job protection to employees who remove themselves from dangerous work situations. According to the Ministry of Labor's Department of Labor Protection and Welfare, mining, consumer goods production, and the construction industry violated the most laws regarding workers' safety.

Redress for workers injured in industrial accidents was rarely timely or sufficient. Few court decisions were handed down against management or owners involved in workplace disasters.

Despite the new registration process, migrant workers, especially from Burma, remained particularly vulnerable to poor working conditions due to a lack of labor rights. According to Amnesty International, they were routinely paid well below the minimum wage, worked long hours in unhealthy conditions, and were at risk of arbitrary arrest and deportation. In addition, improper wage deductions for registration, health care, sick days, and employee errors were widespread.

The ability of migrant workers to register complaints about abusive labor practices was restricted in four provinces by a June Ministry of Interior decree that prohibited migrant workers from owning mobile telephones or riding motorcycles, leaving a worksite at night between the hours of 8 p.m. and 6 a.m., or gathering in assemblies of more than five persons, although the regulations were not rigorously enforced. There were many reports of migrant workers being detained by police officers and asked for bribes to avoid deportation. There continued to be credible reports of NGO personnel being assaulted or threatened while trying to assist migrant workers.

Enforcement of workplace laws and regulations is the responsibility of the Ministry of Labor's Department of Labor Protection and Welfare, which had fewer than 700 full-time inspectors to monitor more than 350,000 workplaces. Although the department had 1,336 officers legally defined as labor inspectors, the majority of them were in executive or administrative positions. The ministry reported that only 650 of them routinely performed inspection duties. Although the department undertook initiatives to hire additional inspectors and deputize local government officials, the shortage of human and other resources significantly impeded effective enforcement of labor laws.

