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## Thailand

### Country Reports on Human Rights Practices - [2005](#)

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Thailand is a democratically governed constitutional monarchy, with a population of more than 65 million. The king exerts strong informal influence but has never used his constitutionally mandated power to veto legislation or dissolve the elected bicameral parliament. On February 6, there were multi-party elections for the lower house of parliament. Incumbent Prime Minister Thaksin Shinawatra's party, Thai Rak Thai, won an overwhelming victory, and following October by-elections held 375 of the 500 seats. The election process was viewed as generally free and fair, but marred by widespread vote buying. The civilian authorities generally maintained effective control of the security forces; however, there were instances in which elements of the security forces acted independently of government authority.

The government generally respected the human rights of its citizens; however, there were significant problems in some areas. Separatist violence against government authorities and civilians continued in the southern provinces of Narathiwat, Yala, Pattani, and Songkhla. Martial law was in effect in some or all of these provinces until July 16, when it was replaced by the emergency decree, which gave the government significant powers to restrict certain basic rights and delegates certain internal security powers to the armed forces. The violence and increased security measures led to occasional clashes with the police and to growing resentment among the local populace in the affected region. The media, while still vigorous, continued to be targeted by lawsuits both against individuals and against media outlets. A significant number of court rulings were seen as positive developments for the protection of fundamental human rights. The following human rights problems were reported:

- arbitrary and unlawful killings by both security force personnel and insurgents as well as deaths in police custody
- torture and excessive use of force by police
- poor conditions in some prisons and immigrant detention facilities
- arbitrary arrest and prolonged detention without charge
- impunity for human rights abusers
- intimidation of the press leading to self-censorship
- widespread corruption
- violence and discrimination against women trafficking in persons
- discrimination against hill tribes and other minorities
- inadequate protection of worker rights
- forced labor and child labor
- mistreatment of foreign migrant workers

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.

#### RESPECT FOR HUMAN RIGHTS

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

##### a. Arbitrary or Unlawful Deprivation of Life

There were no confirmed reports of politically motivated killings by the government or its agents; however, security forces continued to use excessive, lethal force against criminal suspects and committed or were connected to numerous extrajudicial, arbitrary, and unlawful killings.

On June 17, Phra Supoj Suwajano, an environmental advocate, was stabbed to death, after he exposed a log-poaching network in Chiang Mai Province. Phra Supoj and other local monks had received death threats. Nobody has yet been held responsible for Phra Supoj's murder. Police said the investigation was ongoing. Nongovernment organizations (NGOs) criticized the police for ignoring a number of leads and possible connections to a government official.

On August 29, Satopa Yushoh, an imam in Narathiwat Province was shot and killed by unknown attackers. Before dying, Satopa reportedly said he had been shot by government soldiers.

On October 3, three ethnic Karen suspects who had been arrested for amphetamine possession were found dead, hung by their shoelaces,

in their jail in Chiang Mai Province. Police ruled the deaths suicides, although NGOs argued this was physically impossible. On November 19, another detainee allegedly hanged himself in the same prison.

In April 2004 elements of the police and military killed more than 100 persons while repelling multiple attacks in Yala, Pattani, and Narathiwat provinces by unnamed separatist Muslim men. Of this total, 32 were killed at Krue Se mosque in Pattani, when security forces stormed the mosque after a nine-hour standoff. According to an official independent commission report on the Krue Se mosque incident, the commander on the scene ordered the raid after failed negotiations and the deaths of three soldiers. Civilian authorities in Bangkok, including the deputy prime minister in charge of security, claimed that the raid was conducted without their approval. The commission concluded that force was used when negotiations would have been more appropriate and that the level of force employed was excessive.

In September 2004 Ilmin Nehlae reportedly was shot and killed while under control of paramilitary rangers. Four paramilitary soldiers were charged with murder. At year's end the case was being prosecuted in the Yala Provincial Court.

In October 2004 78 Muslim detainees being transported to an army camp after a violent demonstration in Tak Bai, Narathiwat Province, died from asphyxiation after police and military forces stacked them horizontally onto truck beds for transport. In December 2004 an independent commission reported that three senior security officials, including the 4th Army commanding general, failed to properly perform their duty and responsibility to monitor their subordinates in transporting detainees in a humane manner. The commission stated that seven persons remained missing. The commission suggested no legal action or punitive measures, but the government directed the Ministry of Defense to conduct a military disciplinary investigation of the three senior officers cited in the report, and it also directed the police to conduct a criminal investigation. Three generals were placed in inactive status, but no police or military personnel were prosecuted for these actions. The government paid compensation to the families of the Tak Bai victims.

There were approximately 1,300 extrajudicial killings of suspected drug traffickers during the government's "War on Drugs" campaign in 2003, and more than one thousand investigations into these cases. By year's end most were closed, due to "a lack of evidence." Many cases were settled out of court, with officers paying compensation to the family of the deceased. The government maintained that the deaths resulted from disputes between those involved in the drug trade. Local and international human rights groups, including the National Human Rights Commission (NHRC), disputed this claim. In addition senior prosecutors and NGO legal associations claimed that most cases against police or military officers accused of extrajudicial killings eventually were dismissed because regulations outlined in the criminal code require public prosecutors to rely exclusively upon the recommendations of the police when determining whether to bring a case for criminal prosecution.

Procedures for investigating suspicious deaths, including deaths occurring in police custody, required among other things that the prosecutor, a forensic pathologist, and a local administrator participate in the investigation and that 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 arrest.

According to the Ministry of Interior's Investigation and Legal Affairs Bureau, during the first 9 months of 2004, 1,632 persons died in prison or police custody, 131 due to the actions of police officers (see section 1.c.). Authorities attributed most of these deaths to natural causes. Following an investigation into the 2003 death of a detainee at the Kanchanaburi police station, the provincial public prosecutor charged a police corporal with murder; the trial continued at year's end.

No one was charged in the 2003 deaths of detainees in the Muang Surathani police station, despite an aggressive investigation by the NHRC, which suspected that the victims died from beatings by policemen. The victims' cellmates were charged with murder; their case was referred to the criminal court, but no progress was made during the year.

No further action was taken in the in June 2004 case of environmental activist Charoen Wataksorn, who was shot and killed while returning home after testifying in parliament. Five persons were charged in connection with his killing, including a provincial official. All charges were dropped except for those against the gunmen who remained in custody at year's end.

During the year, 10 political canvassers were killed in the period before the February parliamentary elections. At least three others were killed in the period prior to subdistrict (*tambon*) elections in August. Police investigations indicated that many of incidents were "politically motivated," but in some cases personal or business disputes were the suspected motive

A number of journalists were killed during the year. On February 2, unknown person(s) killed Phruttiphong Marohabut, a cameraman for iTV in Pattani Province. On February 14, Kiat Saetang, the outspoken managing editor of the local *Hat Yai Post* was shot and killed by two unknown gunmen in Pattani Province. On June 1, Manop Ratanajaroongporn, a stringer for *Matichon*, was shot by unknown gunmen in Phang Nga Province. On November 2, Santi Lamaneenil, owner of the *Pattaya Post* and freelance reporter, was found dead, blindfolded, and bound (see section 2.a.).

In September 2004 three gunmen shot and killed Pattani provincial court judge Rapin Ruankaew on his way to work. Police arrested a student of a local *pondok* Islamic school. Three other alleged accomplices remained at large. In January police claimed they had broken up a "cell" responsible for the killing. By year's end no further developments in the case were announced.

On September 29, a former village headman and four subordinates were sentenced to death for the 2003 killings of six Burmese migrant workers in Mae Sot. The defendants appealed the sentence.

Separatist violence against government and religious representatives, including teachers, monks, and court officials occurred throughout the year. Among the most notable incidents were the detonation of a car bomb on February 17th, and a train derailment on October 24th.

Bombings and targeted killings, sometimes in public areas, resulted in death and injury.

On September 20, ethnic Malay villagers in Narathiwat Province took two marines, whom they believed had been involved in the murder of two civilians earlier that day, hostage. While women and children prevented security forces from entering the village, the two marines were tortured and killed. A total of 34 persons were arrested in connection with the killing, although a number subsequently were released.

According to the Thailand Mine Action Center, through August 31, 3 persons were reported killed and 21 injured by landmines in border areas. Some of these incidents were caused by landmines from former conflicts on the Laotian and Cambodian borders, while others were attributed to recent conflicts on the Burmese border.

#### b. Disappearance

NGOs expressed great concern over reported disappearances in the southern provinces. In many cases the persons disappeared allegedly after being questioned by security officials. Estimates of the number of disappeared varied widely but appeared to be more than 50, mostly Muslim men.

On March 21, the trial of five police officers charged in the March 2004 robbery and abduction of Muslim attorney and human rights activist, Somchai Neelapaijit, began. Somchai had represented a number of Muslim defendants accused of antigovernment activities. Following their arrest in connection with the disappearance the five officers were placed on administrative leave. However, at least one of the five resumed active duty during the trial, and there were allegations that the defendants had access to information compiled by the police investigation. There were allegations that witnesses were intimidated, and Somchai's wife also received threats. The trial concluded in December, and a verdict was scheduled to be announced in early 2006. Somchai was presumed dead.

There were no developments in the June 2004 abduction of Sukip-li Asae in Narathiwat, allegedly by five police officers.

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

The law prohibits such practices; however, NGOs and legal organizations continued to report that some members of the police occasionally tortured and beat suspects to obtain confessions. During the year there were newspaper reports of numerous cases in which citizens accused police of using brutality, threatening false charges, and extorting bribes. Investigations were undertaken in most of the cases, including several in which the accused police officers were suspended pending the results of internal investigations.

A Thai senator, testifying as a character witness at the trial of four Muslim suspects accused of membership in Jemaah Islamiya, said that while in police custody bags were put over the suspects' heads, and they were beaten on the back and the abdomen. The four were acquitted by the criminal court in June and released from custody. Police opened an internal investigation, but at year's end no criminal charges had been filed.

On October 15, in Tak Province, a police officer said to be drunk at the time forced his way into a home, threatened and beat an older woman, and allegedly tried to rape an 18-year-old Burmese migrant worker. The policeman reportedly had previously extorted money from the girl. The two women returned to Burma, but a complaint was lodged on their behalf with the NHRC.

In March 2004 five suspects in the 2004 Narathiwat military camp raid alleged that police beat and administered electric shocks to them in order to obtain confessions. The suspects filed a formal complaint with the Ministry of Justice through their lawyer, Somchai Neelapaijit, who subsequently disappeared and was presumed dead (see section 1.b.). Police opened an internal investigation of the officers suspected of abuse, but at year's end no criminal charges had been filed.

There were no reported developments in the internal police investigation into the November 2004 claim by a married couple that they were beaten and robbed while under detention for 102 days without charge at the Lumpini police station in Bangkok.

In November 2004 police in Ayutthaya Province reportedly beat and applied electric shock to a man's genitals to coerce a confession after arresting him for suspected robbery; 23 members of the police were transferred to Bangkok in connection with the incident, pending an internal police investigation. In December the complainant reportedly withdrew his complaint following an out-of-court settlement.

#### Prison and Detention Center Conditions

Prison conditions were poor and severely overcrowded. The prison population of approximately 168 thousand inmates was held in 139 prisons and detention centers designed for 111 thousand prisoners. Sleeping accommodations were insufficient. Medical care was inadequate and communicable diseases were widespread in some prisons. The number of full-time medical professionals increased significantly in 2004. The corrections department employed 17 full-time doctors, 309 full-time nurses, and 6 full-time dentists. There were also a small number of part-time doctors to supplement the permanent medical staff. Prisoners who are seriously ill now may be transferred to provincial or state hospitals. A 500-bed hospital at Klong Prem Prison opened during the year.

Prison authorities sometimes used solitary confinement of not more than three months to punish difficult male prisoners who consistently violated prison rules or regulations. They also used heavy leg irons to control prisoners who were deemed escape risks and often for prisoners serving life sentences or on death row. There were unconfirmed reports that in some institutions designated prisoners were authorized to discipline other prisoners.

Approximately 23 percent of the total prison population were 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. During the year the government opened a number of juvenile detention centers, and at year's end separate facilities for juvenile offenders were available in 64 of the country's 76 provinces; but in some regions of the country, juveniles were detained with adults. An additional 12 facilities were scheduled to be opened in 2006.

Conditions in Bangkok's Suan Phlu immigration detention center met minimum international standards; however, conditions in nine provincial detention centers 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 detention centers. Overcrowding and a lack of basic medical care continued to be serious problems.

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).

#### d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, government forces occasionally arrested and detained persons arbitrarily.

#### Role of the Police and Security Apparatus

The Royal Thai Police (RTP) is under the direct supervision of the prime minister and a 20-member police commission. The RTP consisted of approximately 213 thousand 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.

Corruption remained widespread among police officers. Police officials complained that low pay made them susceptible to bribes. There were reports that police tortured, beat, and otherwise abused detainees and prisoners, generally with impunity. 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, the Law Society of Thailand, the National Counter-Corruption Commission (NCCC), and the Office of the Prime Minister also accept complaints of police abuse and corruption, as does the Office of the Ombudsmen. 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. In 2004 the police inspector general received 77 petitions alleging police abuse or corruption. In nine cases officers were found guilty, and disciplinary or administrative punishments were applied. In 2004 the NCCC received 157 petitions alleging police abuse or corruption. No figures were available on actions taken by the NCCC on these complaints. The RTP increased professional training at the main branch of the Police Cadet Academy and at provincial police training schools.

Some police officers were involved in prostitution and trafficking in women and children (see section 5). In August 2004 after an internal investigation, the police department reinstated four police colonels who had been removed from active duty in 2003 for allegedly accepting financial and sexual bribes. The status of approximately 40 other officers involved in this case remained publicly unknown.

#### Arrest and Detention

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 ignored this and conducted interrogations without providing access to an attorney. Foreign prisoners sometimes were pressured to sign confessions without the benefit of a competent translator.

Under normal conditions the law requires the 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. Police may seek court permission to hold suspects for additional periods (up to a maximum of 82 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. As in previous years, several Burmese activists were arrested and held, generally on immigration violation charges. In January three Burmese workers for NGO World Visions' Burma branch were rounded up, beaten, and detained in an iron cage by armed vigilante groups, including a village chief. A fourth worker (a Thai national) was beaten while trying to negotiate their release. The three were eventually released.

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

Pretrial detention of criminal suspects for up to 60 days was common. Some persons from countries without diplomatic representatives in the country faced trial delays of many months.

The emergency decree in effect in Yala, Narathiwat, and Pattani provinces, plus parts of Songkhla, allowed authorities to arrest and detain

suspects for up to 30 days without charge. After the expiration of these 30 days, authorities could begin holding suspects under normal criminal law. Unlike martial law, these detentions required the consent of a court of law. According to newspaper reports, 60 persons were arrested under these provisions as of October, of whom 19 were indicted.

#### Amnesty

In December in honor of the king's birthday the government released 442 prisoners. In August 2004 in honor of the Queen's birthday, 12 thousand prisoners were released and 30 thousand more were released over the next two months. The freed prisoners were nonviolent offenders with less than a year remaining on their sentences.

#### e. Denial of Fair Public Trial

The law provides for an independent judiciary; however, while the judiciary generally was regarded as independent, it was subject to corruption and outside influences. The legal system has made progress in recent years, particularly with regards to civil and commercial disputes, and outside observers increasingly see the judiciary as impartial, fair, and neutral.

In addition to an independent constitutional court, the civilian judicial system has three levels of courts: courts of first instance, courts of appeal, and the Supreme Court. A separate military court hears criminal and civil cases pertaining to military personnel as well as those brought during periods of martial law. The constitutional court is charged with interpreting the constitution. Islamic (Shari'a) courts hear only civil cases concerning members of the Muslim minority. The law provides for access to courts or administrative bodies to seek redress, and the government generally respected this right.

#### 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. New court procedures enacted in January 2004 have alleviated delays somewhat. However, a large backlog of cases remained, and trials could still drag on for months or even years. 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. Justices nominated to the constitutional court or Supreme Administrative Court must be confirmed by the Senate; 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 was required to appoint an attorney in cases where the defendant was a minor and in cases where possible punishment was imprisonment. 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 against them prior to the trial.

#### Political Prisoners

There were no reports of political prisoners.

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

With limited exceptions, the law 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.

Police continued to conduct warrantless searches for narcotics in villages in the northern provinces. Such operations are permitted in cases in which there is reasonable suspicion and an urgent search is deemed necessary. Some academic groups claimed that the searches were arbitrary and violated civil rights.

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

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. Conflicts occurred when the land on which they lived was converted to forest conservation areas. In July 2004 200 armed forestry and border patrol police officers raided Palong Pang Daeng Village in Ching Dao District and arrested at least 48 residents for encroachment on a forest conservation area. The villagers lodged a complaint with the NHRC and the Law Society of Thailand. According to a member of the law society, the village was established more than 20 years ago and had a waterworks, electricity, and primary school. The law society bailed out all 48 detainees in September 2004. Court hearings in the case are scheduled to begin in 2007.

According to the Asian Centre for Human Rights, in July and August 2004 the government embarked on a "New Model of Forested Villages" project covering approximately 10,866 villages in 70 provinces. Under this project land that tribal villagers had cultivated for more than a hundred years was declared state land, and the indigenous hill tribes became illegal trespassers and faced forcible eviction and other penalties.

Following the December 2004 tsunami, there were numerous attempts by private parties to evict persons from land that they had been occupying for decades. Within days after the tsunami, some returning residents found their land had been occupied by companies or marked with signs declaring it illegal to rebuild or repair damaged homes. Local authorities and companies maintained that the residents had never officially acquired ownership of the land. In December the NHRC released a statement that the residents of three villages in Phang Nga Province should be allowed to return to their homes and that the claims of a private company to the land were invalid.

The government ordered the "Urban Burmese," illegal Burmese migrants working in cities, to relocate to refugee camps on the Thai-Burma border, or face arrest and deportation (see section 2.d.).

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The law, with some exceptions, provides for freedom of speech and of the press, and, while individuals could criticize the government publicly and privately without official reprisal, the government continued to pressure those in the media with dissenting views. Threats of libel suits encouraged self-censorship. The government and its allies owned all the major broadcast media, and large shares of the newspaper sector. A prominent community radio station critical of the government had its transmitter confiscated and its staff threatened with arrest. Two political Internet sites were shut down as part of the nation's Internet censorship efforts. The courts continued to issue rulings that helped protect press freedoms.

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 criticism of the royal family and insults to Buddhism.

The government may restrict print or broadcast media by specific legislation in times of crisis, such as the emergency decree imposed in July. 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, although these powers have not been used.

Print media criticism of political parties, public figures, and the government was common and vigorous. Journalists generally were free to comment on government activities without fear of official reprisal. However, beginning on October 3, the prime minister filed a series of six civil and criminal libel suits against the *Manager* newspaper, its founder, Sondhi Limthongkul, an outspoken critic of the government, and his associates. Total damages sought were more than \$50 million (two billion baht). The lawsuits were withdrawn on December 6, following disapproving remarks by the king. On November 3, a bomb exploded outside the compound of Manager Media Group, publisher of the *Manager*. Police stated that the attack could have been an attempt to threaten Sondhi Limthongkul. At year's end the identity of the bomber remained unknown. The Shin Corporation, owned by the prime minister's family, had a separate libel suit against media activist Supinya Kangnarong that was still pending at year's end.

The media routinely practiced self-censorship, particularly with regard to the monarchy and issues involving national security. Self-censorship, particularly in the broadcast media, was also evident due to fear of political or economic repercussions, such as reassignment to other duties in a publication, termination of a broadcast program, loss of advertising, politically motivated libel suits, or removal from a role in the production or presentation of a broadcast program. There were credible reports that the political opposition had difficulty getting broadcast time due to fears of offending the government.

There were concerns regarding the independence of the press. In October the executive director of the Southeast Asian Press Alliance said that the prime minister was making the country one where the press was suddenly under a "dark cloud." In November the international NGO Asian Human Rights Commission said that "threats to emerging independent media have increased dramatically." In December Human Rights Watch said that "intimidation, fear, and censorship still permeate the Thai media." According to NGOs, including the Thai Journalists Association, the government used various means to increase control over the media, including direct control through ownership, the threat of withdrawing financial support and advertisements, constraints on the flow of information, and direct pressure on critical journalists and activists.

The government and its allies continued to own large stakes in many prominent newspapers.

State entities controlled and owned almost all radio and television stations. The government owned and controlled 524 officially registered "regular" AM and FM stations while the military and police services retained ownership of 230 radio stations, ostensibly for national security purposes. Other owners of national broadcast media included the government's Public Relations Department (PRD). Almost all of the stations were leased to commercial companies.

Television and radio stations must renew their licenses every year, and radio signals were broadcast via government transmitters. Stations are required by law to broadcast 30-minute government-produced newscasts twice daily. Community radio stations operated under somewhat different regulations. The Shin Corporation, which belonged to Prime Minister Thaksin's family, owned iTV, which continued to be the country's only nonstate-owned television station. On March 9, the Supreme Court ordered iTV to rehire and provide back pay to 21 newsroom staff fired in 2001 for protesting alleged government interference at the station.

The seven-member National Broadcast Commission tasked with reallocating all broadcast frequencies and regulating the broadcast media remained in limbo. On November 23, the Central Administrative Court ruled that conflicts of interest and the lack of qualifications of one of the designated commissioners made the selection process illegal. The government appealed the ruling.

Between two thousand to three thousand community radio stations also operated in Thailand. Because broadcast regulations restrict radio frequencies to government entities, these stations technically operated outside the law. A 2003 state community radio policy allowed the stations to continue "extralegal" operations until laws and regulations were amended. However, in December 2004 the PRD warned that all unregistered community radio operators could be arrested after February. As of May only 1,793 had registered; most however have been allowed to continue broadcasting.

During the year the government closed 17 community radio stations including one that was notably critical of the government. In May the PRD ordered community radio station FM 92.25 to lower its broadcast antenna and reduce its signal to conform to national broadcasting laws. Other community radio stations with similar signals were not so ordered. Anchalee Paireerak, a prominent political commentator and a host at the station, believed the station was targeted because of its criticism of the government. On June 20, the government closed the station's Web site. On June 23, Anchalee announced she was quitting the station, citing government harassment and threats to her personal safety from unknown individuals. On August 9, 30 officers from 3 government agencies raided the radio station and confiscated its transmitter, asserting that the station continued to violate broadcast regulations. Later that month, the station resumed broadcasting over the Internet, and allied stations rebroadcast the programming over the FM 92.25 frequency.

On February 2, Phruttiphong Marohabut, a cameraman for iTV was killed in Pattani Province. No motive was known. On February 14, Kiat Saetang, the outspoken managing editor of the local *Hat Yai Post* was shot and killed by two unknown gunmen in Pattani Province. His family and the Thai Journalists Association believed he was killed because he had exposed a number of corrupt politicians. On June 1, Manop Ratanajaroongporn, a stringer for *Matichon*, who had reported on corruption, including illegal logging in the region, was shot by unknown gunmen in Phang Nga Province. There have been a number of indictments in connection with the logging scandal; however, no one has been charged with the shooting. On November 2, Santi Lammaneeuil, owner of the *Pattaya Post* and freelance reporter, was found dead, blindfolded and bound. He had recently reported on illegal operations in late-night entertainment venues, which police told reporters, may have been a contributing factor in his death. The case was still under investigation at year's end.

The police Special Branch informally requested media outlets to be cautious when reporting sensitive political or social issues, including news that could affect national security negatively. Although these requests had no legal standing, they may have inspired self-censorship. In September television channel 9 received an official letter from the police Special Branch instructing it to cancel a popular politically oriented program ostensibly because the program had mischaracterized the view of the monarchy. The government denied direct involvement in the show's cancellation. The show's host, Sondhi Limthongkul, moved his program to a satellite television station with a limited audience. Opposition members of parliament (MPs) filed a petition with the national ombudsman regarding this incident.

The law permits police closure of newspapers or printing presses in times of war or national emergency, but only with a court order. The law and the emergency decree also allow police to restrict or confiscate publications and other materials for disturbing the peace, interfering with public safety, or offending public morals. No such closures or seizures occurred during the year, nor did the police Special Branch issue any official warnings. Police have the authority to ban the importation of publications but did not exercise it.

In November the Ministry of Culture reportedly ordered bookstores to stop selling a popular travel guide and warned that anyone selling the book could be subject to fine or imprisonment. By year's end some bookstores reportedly had resumed selling the book.

Self-censorship appeared to have increased. Media and NGOs continued to point to a February 2004 case in which the management of the respected English-language *Bangkok Post* removed its editor via promotion. While the *Post* insisted the change was motivated by business concerns, many media insiders believed the move was occasioned by the editor's sometimes critical stance towards the administration.

There were reports that the government attempted to intervene with the editorial departments of other newspapers via pressure on the newspapers' advertisers or allies to end their support if the newspapers continued to be critical of the government. Advertisers reportedly received phone calls from "persons in power" questioning why they would choose to advertise in newspapers critical of the government, and advertising revenue considerations were believed to have compromised editorial independence. One newspaper reported attempted intimidation through frequent and intrusive inspections by revenue officials. In 2004 the Thai Journalists' Association claimed some newspapers reconsidered criticism of government figures who purchased advertising or controlled the advertising placements of large government-owned entities.

The Shin Corporation's libel suit against Supinya Klangnarong, secretary general of the NGO Campaign for Popular Media Reform, for a story Supinya wrote in 2003 that claimed the corporation benefited financially from the policies of the prime minister went to trial in July. In August two foreign defense witnesses were prevented from testifying when the prosecution said it did not trust the interpreter. The trial phase concluded on December 21, and a verdict was expected in 2006. The Shin Corporation also filed a \$10 million (400 million baht) civil suit against the *Thai Post* newspaper and its three editors alleging that the newspaper hurt the company's reputation.

In December 2004 a criminal court found Prasong Soonsiri, a former foreign minister and opposition columnist, not guilty of defaming four constitutional court judges for criticizing their 2001 verdict acquitting Prime Minister Thaksin of asset concealment.

Cultural events were censored, usually for reasons of public decency. Under the 1930 Film Act, 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, when four films were banned. Officers at the censorship board cited sexual situations and nudity as the main reasons for banning the four films. Some songs with offensive lyrics were banned from radio and television, although not from live performances.

On June 21, the government closed the Web sites of anticorruption activist Ekkayuth Anchanbutr and of community radio station FM 92.25. Both were notably critical of the prime minister and the government. On December 15, Ekkayuth's Web site was briefly shut down a second time after it featured an apparently false rumor regarding the personal life of a political figure.

Government censorship of the Internet began in 2003. Most banned Web sites featured pornography or offered illegal products. The cyber inspector team, which is under the information and communications technology ministry, is responsible for censorship. The government distributed a blacklist of approximately four thousand Web sites, both domestic and foreign, to government and private internet service providers (ISPs) to be blocked. Compliance by the ISPs in blocking routine access to these Web sites was universal.

Following violence in the south, the government enhanced efforts to block Web sites viewed as threatening to national security. In August 2004 a press report said authorities blocked access to the Pattani United Liberation Organization Web site, which advocated Muslim separatist ideas and violence. Internet providers enforced the ban, informing their customers that they had blocked access to the Web site.

The government did not restrict academic freedom.

#### b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and association, and the government generally respected these rights in practice. The emergency decree allows the government to limit freedom of assembly, but this provision was not used during the year.

#### c. Freedom of Religion

The law provides for freedom of religion, and the government generally respected this right in practice; however, it restricted the activities of some groups. The constitution requires that the monarch be a Buddhist. The state religion in effect is Theravada Buddhism; however, it is not designated as such.

The government played an active role in religious affairs. The religious affairs department, which is located in the Ministry of Culture, registered religious organizations. Under the Religious Organizations Act, a new religion can be registered if a national census shows that it has at least five thousand adherents, represents a recognizably unique theology, and is not politically active. To register, a religious organization also is required to be accepted into one of the five officially recognized ecclesiastical groups: Buddhist, Muslim, Catholic (which includes four Protestant sub-groups), Brahmin-Hindu, and Sikh. Since 1984 the government has not recognized any new religious groups. Government registration conferred 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 the five officially recognized religious communities by allocating approximately \$42.2 million (1.7 billion baht) during the fiscal year. These funds supported Buddhist and Muslim institutes of higher education, religious education programs in public and private schools, daily allowances for monks and Muslim clerics who held administrative and senior ecclesiastical posts, travel and healthcare for monks and Muslim clerics, renovation and repair of Buddhist temples and Muslim mosques, maintenance of historic Buddhist sites, and the daily upkeep of the Central Mosque in Pattani. The government provided nominal funding to the other three faiths to support social welfare projects. Catholic and Protestant groups could request government support for renovation and repair work but did not receive a regular budget to maintain church buildings, nor did they receive government assistance to support their clergy. Private donations to registered religious organizations are tax deductible.

Religious instruction is required in public schools at both the primary and secondary education levels. Students in each grade took a course called "Social, Religion, and Culture Studies." The course contained information on all five of the recognized religions in the country. Students who wished to pursue in-depth studies of any religion could study at a religious school and transfer credits to a public school.

In the past, traditional Islamic *pondok* 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, registration with the government was made mandatory. By July the government had registered 309 *pondok* schools in the provinces of Yala, Pattani, and Narathiwat. It is believed there could be as many as one thousand *pondok* schools operating in the South.

Muslims, who represented between 5 and 10 percent of the population nationwide and constituted 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.

Under the 1935 Civil Servant Uniform Act, Muslim female civil servants were not permitted to wear headscarves when in uniforms. In practice most female civil servants were permitted to wear headscarves if they wished to do so, particularly in the southernmost provinces.

The 1962 Sangha Act specifically prohibits the defamation or insult of Buddhism and the Buddhist clergy. The penal code prohibits the insult or disturbance of religious places or services of all of the recognized religions in the country. Followers of the Santi Asoke sect of Buddhism were unable to legally 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. The government promised compensation to the families of 106 Islamic militants killed in April 2004 while attacking security forces and allocated funds for the restoration of the Krue Se Mosque, which soldiers damaged during the fighting (see section 1.a.). The mosque has been restored, and 27 victims have received government compensation.

Government officials reportedly continued to monitor Falun Gong members. The Falun Gong's long-pending application for official registration was denied in October. The Falun Gong group's application to the police to print and distribute a weekly magazine apparently was still pending at year's end. Although members were briefly detained on several occasions for distributing materials, the group was generally able to print and distribute religious materials both in Thai and Chinese on an informal basis. On December 15, eight Falun Gong practitioners were arrested following a week of peaceful protests outside the Chinese embassy. Of the eight, the five adults remained in detention at year's end. There were no reports of any restrictions on Falun Gong members meeting privately.

#### Societal Abuses and Discrimination

Violence committed by suspected Islamic militants in the southern provinces of Narathiwat, Pattani, Songkhla, and Yala affected the ability of some Buddhists in this predominantly Muslim region to undertake the full range of their traditional religious practices. In October unknown assailants hacked to death a monk and shot two of his acolytes in and around their Buddhist temple in Pattani Province. Four other monks were injured in two separate incidents in March and June. In 2004 unknown assailants killed at least four Buddhist monks and attacked several Buddhist temples and one Chinese shrine. During the year nine Buddhist laypersons were beheaded compared with three in 2004. Several of the bodies were found with notes warning that other Buddhists might share the same fate. 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 militants targeted and killed government officials, such as teachers and railway employees, in the southern part of the country. Many persons presumed that the killing of Buddhist monks and laypersons was intended to increase interfaith tensions, which varied greatly from district to district, and, in some locales, even from village to village. The violence contributed to an atmosphere of fear and suspicion in the southern provinces; however, it did not result in open communal conflict (see section 5).

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

For a more detailed discussion, see the [2005 International Religious Freedom Report](#).

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for the right of citizens to change their residence or workplace, and the authorities generally respected this right in practice; however, there were some exceptions. Longstanding written restrictions remained in effect on the travel and domicile of certain Vietnamese resident aliens who immigrated to the country in 1945 and 1946 and on Chinese who immigrated between 1953 and 1961. A large number of these Chinese and Vietnamese and their descendants received full citizenship in recent years (see section 5).

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. Registered resident aliens moved freely within the country.

Members of hill tribes who have not been granted citizenship were issued color coded identity cards which reflect restrictions on their freedom of movement as well as other restrictions. The cards often prohibit travel outside their province or district without permission from the district head. Offenders are subject to heavy fines and jail terms. Persons with no card may not travel at all (see section 5).

Migrant workers may only work in certain provinces. The government continued to offer illegal migrants the opportunity to be legally registered. Approximately 700 thousand migrants, three-fourths from Burma, registered through August. Approximately 1.2 million migrants registered in 2004.

The law prohibits forced exile, and the government did not practice it.

On August 30, 131 ethnic Malay Muslims from Narathiwat Province entered Malaysia and told authorities there they were seeking asylum. One member of the group was extradited to Thailand for insurgency-related crimes committed in 2004. The remaining 130 remained in immigration detention in Malaysia.

#### Protection of Refugees

The law does not provide for granting asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 Protocol; however, the government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees.

During the year, asylum seekers of many nationalities, including many Burmese, received temporary protection. The government continued to allow the UNHCR to monitor the conditions of the approximately 135 thousand Burmese refugees living in nine camps along the Burmese border but prohibited the UNHCR from maintaining a permanent presence in the border camps. During the year the UNHCR conducted a registration including photographs, fingerprints, and family trees of refugees in the camps, including those who had not yet received formal government approval to reside in the camps. NGOs provided basic needs assistance in the camps.

On October 17, provincial admission boards (PAB) were established. These boards, with UNHCR participation, were intended to carry out a refugee status determination process. At year's end the PABs were functional and formally admitted refugees into camps where they previously had been living without permission. The government agreed to permit third-country resettlement of camp refugees, and there was some resettlement from the camps during the year.

The government allowed NGOs to provide food, medical services, housing, and other services to Burmese refugees who may have valid refugee claims but who reside outside the camps. Government officials periodically arrested Burmese outside designated camps as illegal aliens, including some recognized as "persons of concern" by the UNHCR. Those arrested generally were taken to the border and released without being turned over to Burmese authorities.

In March the authorities ordered the so-called urban Burmese to relocate to refugee camps near the border by March 31 or face arrest and deportation for being in the country illegally and loss of their chance for third-country resettlement. NGOs protested that conditions in the camp were difficult and would be exacerbated by the influx of new refugees. Others protested that Burmese journalists and activists who were working in urban areas would be unable to continue their work. Many in this group later departed for resettlement in third countries.

The government indicated it would be willing to permit additional educational and vocational training for camp refugees, and the possibility of their working in the country legally. Many details remained unclear.

The government decided not to seek the expulsion of approximately 6,500 Hmong who congregated in Phetchabun Province, some of whom appeared to have valid refugee claims. The government reserved the right to repatriate the group to Laos and did not grant the UNHCR permission to interview them to determine their refugee status. In November, 29 Hmong from this group, including 27 minors, were picked up by local Thai authorities and deported to Laos. Lao authorities denied the group was deported and at year's end the whereabouts of the group remained unknown.

In June the government repatriated to Burma approximately 450 Shan refugees who had originally left Burma in 1992, fleeing the effects of forced relocation by the Burmese government, grave human rights violations, and sporadic fighting. The government declared that fighting in the region was no longer a problem and ordered the Shan to cross into Burma. The government said they would allow them to return if fighting resumed. The government continued to allow the refugees access to a temple and an orphanage located on the Thai side of the border.

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

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic free and fair elections held on the basis of universal suffrage.

#### Elections and Political Participation

Since 1992 there have been six national multiparty elections, which transferred power to successive governments through peaceful, democratic processes. As a constitutional monarchy, the king exerts strong informal influence but has never used his constitutionally mandated power to veto legislation or dissolve the elected bicameral parliament. Voting is compulsory. Eligible voters who fail to exercise their franchise, except for those excused, are subject to the loss of certain rights, including the right to be a candidate in future elections. The law prohibits Buddhist monks and nuns from seeking public office.

Parliamentary elections were held in February. Local *tambon* elections were held in August, in which voters for the first time were able to vote for members of their local administrative organizations and the heads of their *tambon* administrative organizations. The election process generally was viewed as free and fair; however, it was marred by widespread vote buying, a recurrent problem, especially in the northeast of the country. Due to "election irregularities," the election commission exercised its mandate to prevent election fraud and dismissed the results and held re-votes in four parliamentary constituencies. One of the four original winners was barred from running for office for 10 years for slandering his opponents during the election campaign. The other three were allowed to run in the October 30 re-votes. During the February campaign, there were approximately 10 killings of political canvassers, at least some of which were motivated politically (see section 1.a.). Additionally, there were three canvassers killed in the period before the *tambon* elections. The pre-election violence was considerably less than before the 2001 elections. Having won an absolute majority of 377 seats in the 500-seat lower house, the incumbent Prime Minister Thaksin Shinawatra's Thai Rak Thai Party formed a government without entering into a coalition.

There were 52 women in the 500-member House of Representatives and 21 women in the 200-member Senate. There were 2 women in the 35-member cabinet. Although half of civil service employees were women, women held only 15 percent of senior positions.

Few 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 8 Muslim and 2 Christian senators, and 24 Muslim and 6 Christian members of the House of Representatives. One MP was a hill tribesman.

#### Government Corruption and Transparency

Corruption in the executive branch was widely acknowledged by the public. The acceptance of bribes by police and local government authorities for routine services was common. In August 2004 the prime minister announced a "war on corruption." However, anticorruption efforts did not appear to have been effective and the campaign was hampered when, in May, the entire membership of the NCCC resigned following a Supreme Court ruling that the commissioners had wrongfully and dishonestly abused their office by intentionally skirting the law and awarding themselves a pay raise.

Anticorruption efforts were also hampered by a court ruling against the procedures used in appointing the auditor-general, Khunying Jaruvan Maintaka. Some senators attempted to remove her from this office. Others claimed that attempts to dismiss her were politically motivated, due to her effective investigations into government corruption. She has effectively been out of office since July 2004, and at year's end efforts to reinstate her or name a successor have been unsuccessful.

There were a number of high-profile allegations of corruption during the year. An attempt to censure Transport Minister Suriya Jungrungreangkit, based on allegations that he was involved in a procurement scandal to buy bomb scanners for the new Suvarnabhumi Airport, failed. There were also allegations of corruption in contracts for catering facilities and the carpark of the new airport.

The NCCC recorded that through June 2004, more than 6 thousand investigations of official corruption were pending, of which 1,122 had been reported in the preceding 12 months. However, with the May resignation of the NCCC commissioners the work of the commission was effectively moribund at year's end.

There were reports that corruption among local officials and a lack of transparency marred the distribution of aid in areas affected by the December 2004 tsunami.

The law 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. In 2004 approximately 99 percent of the petitions were approved. Requests for public information may be denied for reasons of national security, law enforcement, 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. Government officials often were cooperative and responsive to their views.

However, NGOs that dealt with sensitive political issues, such as the Burmese democracy movement and opposition to government-sponsored development projects, faced periodic harassment. Very few NGOs were accorded tax-exempt status, which sometimes hampered the ability of domestic human rights organizations to secure adequate funding.

On August 18, a grenade was thrown at the parked car of Wiwat Thamee, a human rights advocate on behalf of hill tribe peoples in Chiang Rai Province. No one was held responsible for the attack.

Some members of the domestic NGO Assembly of the Poor reported that the government had filed charges of treason and otherwise intimidated them because of their activities. The threat of arrest hindered their work.

On September 1, Mr. Chatopa "Mustafa" Awaee, a human rights advocate and former journalist who had worked as a researcher for the National Reconciliation Commission (NRC), was shot and wounded while riding his motorcycle in Pattani Province. Mustafa believes he was targeted because of his human rights activities.

Government officials met and cooperated with visitors from the ICRC and the UN Commission on Human Rights throughout the year. In March the government welcomed a delegation from the moderate Indonesian Islamic group Nahdlatul Ulama to observe the living conditions of Muslims in the south. In March the foreign minister met with the secretary-general of the Organization of the Islamic Conference (OIC) to discuss the situation in the South. In June the government cooperated with an OIC fact-finding mission, which visited the Muslim-majority provinces. The OIC released a statement asserting that the violence was not a religious conflict and offered suggestions for the government. In October in response to a more strongly worded statement from the OIC expressing deep concern about violence against Muslims, the foreign minister emphasized that the government was willing to continue working with the OIC.

In July the government responded to questions regarding its human rights record from the Human Rights Committee, as part of its obligations under the International Covenant on Civil and Political Rights. The committee welcomed the establishment of the NHRC and the NRC, although it expressed concern about "persistent allegations" of serious human rights violations including widespread instances of extrajudicial killings and ill-treatment by police and armed forces, the emergency decree, the excessive use of force by law enforcement officials, intimidation and harassment against journalists, human trafficking, child labor, as well as concern about the rights of hill tribe peoples, Burmese migrant workers, and other problems.

In November 2004 the UNCHR special rapporteur on extrajudicial, summary or arbitrary killings requested permission to visit the country following the incident in Tak Bai in October (see section 1.a.). Although the country provided a detailed response to the inquiry by the special rapporteur, the visit did not take place.

The NHRC was active during the year. As an independent government entity, it submitted an annual evaluation of the human rights situation to the National Assembly, proposed policies and recommendations for amending laws to the National Assembly, promoted measures to educate citizens on human rights, and investigated human rights abuses. Modest staffing and resources, as well as the lack of power to prosecute or to punish violators, hampered the NHRC's ability to carry out its mandate. In May in a report on the Tak Bai incident, the NHRC concluded that officials had violated the human rights of the Tak Bai detainees and called on the government to compensate victims and their families and to review its southern policy. In July the NHRC publicly appealed to the prime minister to do away with the emergency decree.

In February the prime minister established the 50-member National Reconciliation Commission to build "peace and reconciliation" in the

South. In April the NRC released a report on the Tak Bai incident, which assigned fault to both sides and found that while officials had reason to disperse the demonstrations, which had become violent, it was clear that the arrests were handled in a disorganized and chaotic manner. The report named three high-ranking officers who should take responsibility for the violent response. The NRC released an April report on the Krue Se mosque incident. The majority of commission members felt that the military had handled the matter poorly and had not exhausted all possible peaceful solutions before raiding the mosque. Other commissioners felt that it was impossible to tell whether the force had in fact been excessive. The NRC was scheduled to release its final report and recommendations in 2006.

Both houses of Parliament maintained subcommittees on human rights. The Senate subcommittee was active in investigating allegations of human rights abuses in the South.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law 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

Domestic violence against women was a significant problem, and there were no specific laws addressing the problem. A few domestic violence crimes were prosecuted under provisions for assault or violence against a person. Domestic violence often went unreported, and the police often were reluctant to pursue reports of domestic violence. Reliable statistics on rates of domestic violence were difficult to obtain but there were 60 thousand reported cases in 2004, double that of 2003. On November 28, the public health minister noted that the number of reported cases of abuse had increased from 5 per day in 2002 to 28 per day in during the year. Approximately half of these cases involved sexual abuse. It was unclear whether the increase reflected an increase in violence or an increased public awareness of the problem and an increased willingness on the part of battered women to report it to authorities. A 2003 study by the Institute for Population and Social Research at Mahidol University found that up to 41 percent of the women surveyed in Bangkok had experienced some type of physical or sexual violence. In April a survey by a Bangkok psychiatrist reported that more than 25 percent of the sampled Bangkok households had experienced 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 state-run hospitals, continued to care for abused women and children but faced budget difficulties.

Rape is illegal. Through November the police reported 4,693 rape cases nationwide, including 5 cases where the victim was killed. Suspects were arrested in 1,897 of these cases. There were 5,041 reported rapes in 2004. There are no provisions for prosecuting spousal rape. According to academics and women's rights activists, rapes and domestic assaults were underreported, in part because 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. The minimum penalty is from 4 to 20 years' imprisonment and a fine of \$200 to \$1 thousand (8 thousand to 40 thousand baht). If firearms or explosive are used, or if it is a gang rape, the penalty increases to 15 to 20 years' imprisonment and a fine of \$750 to \$1 thousand (30 thousand to 40 thousand baht). Life imprisonment or execution is possible for cases in which the victim is injured or killed. A sentence of 4 to 20 years' imprisonment and a fine ranging from \$200 to \$1 thousand (8 thousand to 40 thousand baht) is imposed for statutory rape of a child less than 15 years of age. If the victim is less than 13, the jail term ranges from 7 years' to life imprisonment. The law also provides that any individual convicted for a second time for the same criminal offense within two years is liable to increased penalties for recidivism. Police officials increasingly used these powers, and the government reported 211 persons arrested (in 103 cases) in 2003; 86 cases were referred for prosecution. There were 11 convictions, mostly from arrest cases dating to 2002 and 2003. Victims of sexual abuse were eligible to receive state financial aid of up to \$750 (30 thousand baht).

Prostitution is illegal, although it is practiced fairly openly throughout the country. Local officials with commercial interest often protected prostitution (see sections 1.d. and 5, Trafficking). Trafficking in women and children for prostitution was a serious problem (see section 5, Trafficking). Government and NGO estimates of the number of women and children engaged in prostitution varied widely. Government figures claimed there were an estimated 62 thousand prostitutes working in the country. However, NGOs reported between 200 thousand and 300 thousand prostitutes. Some groups claimed the real number was significantly higher. The illegal nature of the work and the high incidence of part-time prostitutes made precise numbers difficult to assess. In 2000 the Commission on Women's Affairs estimated that approximately 20 percent of prostitutes were children. 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 (see section 5, Trafficking). The law makes child prostitution illegal and subjects customers who patronize child prostitutes to criminal sanctions (see section 5, Children). NGOs and government agencies provided shelter, rehabilitation, and reintegration programs for children and women involved in the sex industry.

Sex tourism was a problem (see section 5, Trafficking).

The law makes sexual harassment illegal but covers only persons working in the formal sector. NGOs claimed that the legal definition of harassment was vague and made the prosecution of harassment claims difficult. During the year, the Civil Service Commission's sexual harassment and bullying hot line received 448 complaints during a 4-month period. All complaints were investigated, but none were brought to court during the year. Some complaints may have been settled out of court. Initiation rites and hazing of incoming college students, including instances of possible sexual harassment, became a major national issue during the year. A nationwide, government-sponsored poll of high school students found that 5 percent of boys and 3 percent of girls had encountered sexual harassment.

The law 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 publicly has

acknowledged another woman as his wife.

Women had equal access to higher education, and more than half of university graduates were women. However, 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. Women constituted 48 percent of the labor force and held an increasing share of professional positions. Women composed 52 percent of professional and technical workers but only 26 percent of administrators and managers. Women also 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.

The National Human Rights Commission Act specifies that at least one-third of the members of the NHRC be women; during the year, 5 of the 11 commissioners were women. The Women and Constitution Network, 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 for the implementation of a new law on domestic violence.

## Children

The constitution provides children equal protection under the law. Education is compulsory for 9 years, and school tuition is free for 12 years. In general girls and boys attended primary and secondary schools in equal numbers. An estimated 96 percent of children completed grade 6, 80 percent completed grade 9, and 79 percent completed grade 12. There has been a sharp increase in graduation rates from junior and senior high school in the past two years. Girls are prohibited by religious practice from enrolling in religious schools restricted to Buddhist monks or novices.

Children were tried in the same courts as adults and detained with adults in some regions of the country. There were 82 Juvenile Observation and Protection Centers for underage offenders located in 64 of the country's 76 provinces. An additional 12 centers were scheduled to be opened in 2006.

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 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 allow children to testify on videotape in private surroundings in the presence of a psychologist, psychiatrist, or other social worker with a judge's consent. 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 (see section 5, Trafficking). Pedophilia continued, both by citizens and by foreign sex tourists. The government, university researchers, and NGOs estimated that there were as many as 30 thousand to 40 thousand prostitutes under 18 years of age, 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 18. Parents who allow a child to enter into prostitution also are punishable. During the year there were a few arrests and no 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.

Child labor remained a problem (see section 6.d.).

There were believed to be approximately 20 thousand street children in major urban centers. The government implemented new guidelines to improve the processing of child trafficking victims from Cambodia and Burma, including child beggars. The children were referred to government-provided shelters, but many reportedly avoided the shelters due to fear of being detained and expelled from the country. Street children were repatriated to Cambodia during the year. According to the government, citizen 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, although the majority were noncitizens.

Street children were often exploited by organized gangs 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 less than a dollar a day. There were reports of street children who were bought, rented, or forcibly "borrowed" from their parents or guardians in order 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 open to further exploitation.

There were many local NGOs that worked to promote children's rights. Employers' organizations, such as the Employers' Confederation of Thailand, also were involved in child labor issues. These organizations received good working support from the government.

## Trafficking in Persons

The law prohibits trafficking in persons; however, the country was a source, transit, and destination for trafficking in women and children for a variety of purposes, including indentured servitude, forced labor, and prostitution. Some local officials, immigration officers, and police reportedly either were involved in trafficking directly or took bribes to ignore it. Penalties vary according to the age of the victim and the method of trafficking. In general the law provides for imprisonment of a year to life and fines of \$50 to \$1 thousand (2 thousand to 40

thousand baht). For offenses against children between 15 and 18 years of age, the potential punishment is 3 to 15 years of imprisonment and a fine of \$150 to \$1 thousand (6 thousand to 40 thousand baht). For offenses against children under 15 years of age, the penalty ranges from 5 to 20 years' imprisonment and a fine of \$250 to \$1 thousand (10 thousand to 40 thousand 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.

In general the government cooperated with governments of other countries in the investigation of transnational crimes, including trafficking. The country has signed bilateral antitrafficking memorandums of understanding (MOUs) with Cambodia and Laos. Receiving countries generally initiated trafficking case investigations. The government continued to investigate rings associated with smuggling female citizens abroad. During the year a low-ranking policeman was sentenced to 10 years in prison for his role in trafficking a 14-year-old girl to Malaysia for sexual exploitation. In another case a Cambodian woman was sentenced to 85 years in prison for her part in trafficking eight women to a prostitution venue in Malaysia.

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.

Some portion (thought by the UN, NGOs, and the government to be a minority) of the estimated 200 thousand to 300 thousand sex industry workers in the country were either underage or in involuntary servitude or debt bondage. Women and children (particularly girls) tended to be the most frequent trafficking victims. Anecdotal evidence suggested that the trafficking of men, women, and children into such fields as commercial fisheries or sweatshop work was significant. Young migrant women and girls, particularly from Laos, were found employed in indentured servitude and under physical constraint in sweatshops that restricted their freedom. NGOs assisted some victims to obtain back wages from abusive employers.

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, Bahrain, Australia, South Africa, Europe, and the United States chiefly for sexual exploitation but also for sweatshop labor. Men were trafficked into the country for commercial fisheries 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), and Laos for labor and sexual exploitation. Boys and girls were trafficked chiefly from Burma and Cambodia primarily for sexual exploitation and to work in begging gangs. The government improved the screening of trafficking victims from Cambodia and Burma through cooperation between the Royal Thai Police and the International Organization for Migration. Law enforcement officials identified victims of trafficking and referred them to one of six regional government shelters.

Entire families occasionally were trafficked for labor in sweatshops. 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 UN Economic and Social Council and NGOs believed that 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 were found in disproportionately large numbers in situations entailing severe forms of trafficking. At least 10 hill tribe women lacking citizenship were found among a group of more than 90 women and girls trafficked to Malaysia for prostitution, including several who were coerced. In June the government agreed in principle to repatriate the women if they could prove their prior residency in the country. Although the government reportedly received such proof, it has not initiated repatriation procedures and the women remained incarcerated in Malaysia.

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. There were credible reports that low-ranking police and immigration officials transported women destined for brothels from the border to Bangkok and other areas of the country.

The trafficking of Thai prostitutes abroad, and that of Chinese nationals using the country as a transit point, was done by sophisticated and well-financed international criminal syndicates that sometimes cooperated with each other.

The majority of 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.

Female citizens were trafficked to Japan for sexual exploitation. Traffickers promised victims lucrative legitimate employment or made false promises regarding wages, working conditions, or the nature of the work. According to Human Rights Watch, upon the victims' arrival in Japan, the traffickers confiscated their passports, demanded repayment for their "purchase," charged the victims for living expenses and care, and fined them for misbehavior. Traffickers often restricted the women's movements, threatened them and their families, isolated them, and used violence to punish them for disobedience.

Because foreign women frequently were unable to speak the language and were considered illegal immigrants, they were particularly vulnerable to physical abuse and exploitation. Some women were lured into the country with promises of jobs as waitresses or domestic helpers but ended up working as prostitutes. Reports of labor trafficking were also 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.

Illegal immigrants had no rights to legal counsel or health care if arrested. The amnesty provisions available under UNHCR auspices did not apply to such women. In May 2004 a series of MOUs between 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 agreements 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 become the responsibility of the public welfare department. However, implementation of the MOUs has been erratic, due to insufficient training of law enforcement officials and their unfamiliarity with the law.

Official corruption facilitating the most severe forms of trafficking in persons was generally at the low- and mid-levels. Police personnel were poorly paid and were accustomed to taking bribes to supplement their income. 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. Corrupt immigration officials assisted (both indirectly and directly) the movement of Burmese, Lao, and Chinese women and girls into the country. 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 (ILO-IPEC) to implement antitrafficking 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. Through September the main government shelter in Bangkok received 298 women and children from neighboring countries and 193 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.

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. Trafficking victims 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 local industries, especially the hotel industry, to encourage youths (particularly girls) to find employment outside of 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 constitution mandates access to public buildings for persons with disabilities, but laws implementing the provisions have not been fully enacted. The regulation that makes compliance mandatory was not enforced during the year. During the year a law was enacted providing that newly constructed building have facilities for persons with disabilities. Activists continued to work to amend laws that allow employment discrimination against persons with disabilities. Persons with disabilities were legally precluded from working as police officers and as persons providing medicinal massages, although the ministry of health has stated that it welcomes the registration of persons with disabilities as medical masseurs. On February 14, a court upheld the right of Sirimit Boonmul, a physically disabled lawyer, to take the test to apply for a job as a state attorney. The state attorney commission had rejected Sirimit's job application in 2001, arguing he was physically incapable of doing the job, and the courts upheld the commission's decision in 2002 and 2003.

There were an estimated 500 thousand persons with physical disabilities, approximately 800 thousand sight-impaired persons, and an estimated 500 thousand hearing-impaired persons in the country. Estimates for the number of persons with mental disabilities in Thailand ranged from 600 thousand to 1.4 million.

Persons with disabilities who register with the government are entitled to free medical examinations, wheelchairs, and crutches. As of August 31, 403,719 persons had registered as disabled. The government provided five-year interest-free small business loans for persons with disabilities. In 2004 4,820 persons with disabilities were granted loans totaling \$2.4 million (96 million baht).

During 2004 an estimated 163 thousand children with disabilities attended school. The government reported that 12,500 students were enrolled in the 43 special schools for students with disabilities; the remaining students were enrolled in regular public schools. Nationwide, there were 9 government-operated and 15 NGO-operated training centers for persons with disabilities. In April the minister of education received a petition requesting that the government guarantee educational opportunities for persons with disabilities. There were reports of schools turning away students with disabilities. A 2002 report by the National Statistics Office said that 23 percent of registered persons with disabilities had graduated from junior high school.

Many persons with disabilities who found employment were subjected to wage discrimination. The law requires private firms 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 has never

been enforced. Government officials estimated that between 20 and 30 percent of firms disregarded the law. Some state enterprises had discriminatory hiring policies.

#### National/Racial/Ethnic Minorities

Former belligerents in the Chinese civil war and their descendants, who have sheltered in Thailand 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 (see section 2.d.). During the year approximately 2,500 of the Vietnamese and their descendants and an unknown number of Chinese and some of their descendants were granted full citizenship.

Violence in the South exacerbated social prejudices against Muslims; however, there have been no outbreaks of communal violence between the two communities. Many Muslims complained of societal discrimination both by Buddhist citizens and by the central government. Many Muslims complained that Thai-language newspapers present a negative image of Muslims and of their communities, associating them with terrorists. There were also complaints that the media identified Muslim citizens as "Muslims" rather than as "Thai Muslims" and thereby insinuated that Thai Muslims were not really Thai.

Insurgent groups in the South spread propaganda against Buddhists in the form of threatening pamphlets and flyers. There were also reports that some religious schools in the South preached hatred for non-Muslims, as well as Muslims who cooperated with the government and security forces (see section 2.c.).

#### 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. Freedom of movement was often dependent on their residency status, which was identifiable by the color of their identity cards (see section 2. d.). Citizenship is not automatically granted to children born to persons living illegally or without status in the country. Lack of citizenship makes hill tribe persons vulnerable to abuses and exploitation, such as trafficking (see section 5, Trafficking). They sometimes were denied adequate education and health care. Those residing in national parks or wildlife sanctuaries were subject to eviction (see section 1.f.). As noncitizen residents, they also were barred from participating in the political process (see section 3).

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. Approximately one-half of potentially eligible candidates have received citizenship under the regulations. Although the government was supportive of efforts to register citizens and to 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.

During the year there were major demonstrations in Bangkok against the proposed Community Forest Bill, which limits settlement on land designated "community forest," and which could displace thousands of persons, including large numbers of hill tribes people.

In July 2004 41 persons were arrested for illegally trespassing on national forest land. Those arrested were members of the Palaung hill tribe minority group and did not have citizenship. They reportedly have been released on bail (see section 1.f).

On September 8, a court in Chiang Mai Province affirmed the citizenship claims of 1,243 persons after a 3-year court case. In 2002 the Mae Ai district office had revoked Thai citizenship, stating that irregularities in the issuance of their identification documents invalidated their claims. The group, mostly of Burmese or hill tribe origin, were unable to access state services during this time. Of the 1,243, 105 had had their citizenship reinstated in 2004, after genetic testing.

Hill tribe members continued to face societal discrimination arising from the belief that they were involved in drug trafficking and environmental degradation. Hill tribes occasionally were subjected to indiscriminate searches of villages for illegal drugs (see section 1.f.).

#### Other Societal Abuses and Discrimination

HIV/AIDS was estimated to have infected approximately 1.5 percent of the population. During the year the government took measures to improve its support of persons with HIV/AIDS. For the first time the government began providing anti-retroviral drugs as part of the country's universal health care plan. The plan was projected to benefit 100 thousand HIV/AIDS sufferers. In September the government also approved a \$83 million (3.41 billion baht) program for increased public education concerning HIV/AIDS, including funds targeted at high-risk groups such as sex workers, young persons and gay males. The government provided funds to HIV/AIDS support groups and continued public debate at the highest levels of political leadership. Societal discrimination against persons with AIDS most often was found in the form of a psychological stigma associated with rejection by family, friends, and community. In previous years local AIDS hot lines received reports that some employers refused to hire persons who tested positive following employer-mandated blood screening.

#### Section 6 Worker Rights

##### a. The Right of Association

The law allows all private sector workers to form and join trade unions of their choosing without prior authorization; however, the law provides inadequate protection to workers who participate in union activities. The law prohibits antiunion actions by employers; however, it also

requires that union committee members be full-time employees of the company, which makes them vulnerable to employers seeking to discipline workers who serve as union officials or who attempt to form unions. 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. During the year employers used loopholes in the Labor Relations Act to fire union leaders prior to government certification of unions. Trade union leaders can be dismissed for any reason, provided severance payment is made. In such circumstances the law does not provide for reinstatement. The labor court reinstated employees in some cases where dismissal was found to result from union activity and was illegal. However, because the reinstatement process was lengthy and cost prohibitive for the employee, most cases were settled out of court through severance payments to the employee. There were no punitive sanctions for employers.

Union officials must be full-time employees of the company or state enterprise. This prohibition against permanent union staff limited the ability of unions to organize and be politically active. The Labor Relations Act also 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 this interfered with the ability to train union members and develop expertise in collective bargaining, and led to rapid turnover in union leaders.

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. 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.

State enterprise employees can join organizations of workers in the private sector, but only at the level of confederations. This restriction 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.

Civil servants including public schoolteachers 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, did 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. In 2004 the Ministry of Labor implemented a registration program which gave temporary work status to approximately 1.28 million foreign workers, most of whom were from Burma and were residing illegally in the country. Few, if any, of the registered migrants joined unions. During the year a substantial number of migrant workers worked in factories near border crossing points, where labor laws were routinely violated and few inspections were attempted to verify compliance with the law.

#### 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 did not keep pace with inflation. The government sets wages for state enterprise employees under the State Enterprise Labor Relations Act (SELRA) (see section 6.e.). 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 is defined much more broadly than in the International Labor Organization (ILO) criteria, and includes 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 was one legal strike involving 93 workers, and there was one lockout involving 100 workers.

A system of labor courts exercises judicial review over most aspects of labor law for the private sector; however, there is documented abuse in the system including evidence that awards to workers are 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 and the Parliamentary Committee on Labor and Social Welfare. 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.

In recent years labor brokerage firms have used a "contract labor system" under which workers sign an annual contract which entitles them to no fringe benefits. According to an expert from the Ministry of Labor, there were 381 such firms deploying more than 110 thousand workers. These workers lack 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.

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. There continued to be credible reports of NGO personnel being assaulted while trying to assist migrant workers.

#### c. Prohibition of Forced or Compulsory Labor

The law 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. During the year there continued to be reports of sweatshops in which employers prevented workers, primarily foreign migrants, from leaving the premises. There were no estimates of the number of such sweatshops, but the growing number of migrants from Burma, Cambodia, and Laos increased the opportunities for such abuse. NGOs and the ILO reported that thousands of underage boys and girls were brought into the country for labor on farms or in sweatshops, and very young children were used to work in street begging gangs.

Forced and compulsory labor by children occurred (see section 6.d.).

#### 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. However, 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 in late 2004 and during the year the minister of labor increased protections for child workers in domestic and agricultural sector work. The minimum working age is coordinated with the mandatory national educational requirement. The government drafted a national strategy on eliminating the worst forms of child labor during public hearings in 2003. Appointment of a national-level implementing subcommittee was still pending as of year's end. The strategy commits the government to strengthening child labor laws and enforcement procedures. Child labor remained a problem, particularly in small-scale industry and agricultural sectors. Contradictory statistical surveys by various government agencies, which largely ignored foreign children and those in illegal industries, made an estimate of the scope of the phenomenon difficult.

The law permits the employment of children between the ages of 15 and 18 only in "light work," where the lifting of heavy loads and exposure to toxic materials or dangerous equipment or situations is limited. The law prohibits employment of children at night (from 10 p.m. to 6 a.m.) or in places in which alcohol is served. It was estimated that approximately one million children worked on family farms. NGOs reported that 2 to 4 percent of children between the ages of 6 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. A police raid in February discovered 12 migrant workers between the ages of 13 and 17 working in a small Bangkok garment factory. 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 shop-house factories. A 2002 survey by the national statistics office reported 10,728 children were employed in domestic work. NGOs reported child domestic workers were predominantly foreign, migrating 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.

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. In November 2004 the government implemented guidelines to improve the screening of trafficking victims among child beggars and street vendors from Cambodia or Burma (see section 5). 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. During the year there were 2,354 labor inspection officers, including labor ministry officials and policemen who registered as labor inspection officers. Enforcement of child labor laws was not rigorous, and 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. Inspection of private homes to monitor the welfare of child domestic workers was hampered by the legal requirement to obtain a warrant. In 2004 1,241 child labor inspections and investigations were performed; 21 of the workplaces inspected revealed serious violations, such as employing underage workers or exceeding legal work hour limits.

In July 2004 the government registered 79,200 migrant children 15 years of age and younger, the first time minors had been given temporary residence permits under migrant labor policy. Government officials stated the new measure would permit foreign children access to the public school system. NGOs reported that this new provision was implemented only if the employer of the migrant parent provided evidence

regarding the parent's status to school authorities. In most cases the employer did not do so.

#### e. Acceptable Conditions of Work

The minimum wage ranged from \$3.47 to \$4.52 (139 baht to 181 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. With extended family members' financial contributions the minimum wage provided the basis for a marginally adequate overall standard of living. The official poverty rate was 77 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, nationwide, academics estimated one-third of formal sector workers 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 being forced to work overtime, with punishments and dismissals for workers who refuse.

Working conditions varied widely. The official rate of injury from industrial accidents remained relatively constant over the last 10 years at 4.5 percent of the total work force. The Ministry of Labor stated that the average annual rate of work-related deaths was 15 per 100 thousand workers. 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. Stress-related disorders and complications resulting from botched abortions were reported by medical workers treating the 50 thousand young migrant women employed in textile factories along the Burma border. 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 by prohibiting them from working on night shifts, overtime, holidays, or working with dangerous machinery or on boats. Employers of migrant women often fired workers 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.

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 especially 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. According to Human Rights Watch, as many as 10 thousand Burmese migrants were "informally deported" every month.

Enforcement of workplace laws and regulations is the responsibility of the Ministry of Labor's Department of Labor Protection and Welfare. The department has fewer than 700 fulltime inspectors to monitor more than 340 thousand workplaces. Although the department has undertaken initiatives to hire additional inspectors and to deputize local government officials, the shortage of human and other resources significantly impeded effective enforcement of labor laws.

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