

THAILAND

Thailand is a constitutional monarchy with a population of more than 67 million. The king is revered and in the past exerted strong informal influence. A coalition government led by Abhisit Vejjajiva, of the Democratic Party, has been in power since 2008. The most recent national elections for the lower house of parliament, held in 2007, were generally viewed as free and fair, but there were widespread allegations of vote buying. Antigovernment protests that resulted in significant political unrest from March to May in Bangkok and various northeastern provinces, along with continuing internal conflict in the southernmost provinces, led the government to restrict some rights and delegate certain internal security powers to the armed forces. Security forces reported to civilian authorities.

Security forces continued at times to use excessive force against criminal suspects, and there were reports that police tortured, beat, and otherwise abused suspects, detainees, and prisoners, many of whom were held in overcrowded and unsanitary conditions. There were occasional dismissals, arrests, prosecutions, and convictions of security forces in response to this behavior; however, official impunity continued to be a serious problem. A separatist insurgency in the South resulted in numerous human rights abuses, including killings, committed by government security forces, ethnic Malay Muslim insurgents, and local defense volunteers. The government maintained some limits on freedom of speech, the press, and assembly. Human rights workers, particularly those focusing on violence in the South, reported harassment and intimidation. Police corruption was widespread. Trafficking in persons remained a concern. Members of hill tribes without proper documentation continued to face restrictions on their movement, could not own land, and often were the targets of labor violations. Government enforcement of labor laws was inconsistent.

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 that the government or its agents committed any politically motivated killings; however, at year's end government and independent fact-finding commissions were investigating April and May clashes between

security forces and antigovernment protesters in Bangkok and the Northeast that resulted in the deaths of 79 civilians, 11 security force members, and two foreign journalists. Public attention focused in particular on the May 19 deaths of six protesters and volunteer medical personnel in Wat Pathum and the vicinity. Additionally, security forces occasionally used excessive and at times lethal force against criminal suspects and committed or were connected to extrajudicial, arbitrary, and unlawful killings. There were reports of killing, torture, and unlawful detention during the year in connection with the conflict in the southernmost provinces (see section 1.g.).

According to the Ministry of Interior's (MOI) Investigation and Legal Affairs Bureau, from October 1, 2009, to September 30, 819 persons died in official custody. Authorities attributed most of the deaths to natural causes while in prison. Police killed 145 suspects during the arrest process.

Between March and May, antigovernment protesters affiliated with the United Front for Democracy Against Dictatorship (UDD, or red shirts) established two separate protest sites, including the commercial center of Bangkok, while calling for the dissolution of parliament. Ensuing clashes with government security forces left 92 persons dead. However, it remained unclear how many were killed by security forces, by armed factions associated with the protest, or by accident.

On May 30, Sulaiman Naesa died at the Inkhayuthboriharn Army Camp after apparently using a towel to hang himself. Sulaiman's relatives and local human rights groups reported what they considered to be signs of torture on his body, including a wound on the left side of his neck and another wound on his back that appeared to be from a sharp object. The National Human Rights Commission (NHRC) was examining the case at year's end.

On June 26, police shot and killed Manit Toommuang, suspected of drug trafficking and murder, while in police custody. Shortly before being shot, Manit was photographed sitting on a couch in his apartment with his hands handcuffed behind his back. According to police accounts, Manit took a gun from one of the officers and fired once, causing the police to use deadly force in self-defense. The case remained under investigation at year's end.

On August 11, Makhoseng Pohtae, a suspected militant, died in custody due to injuries reportedly received after being tortured by Yala police in the initial months following his arrest in March 2009. An internal investigation by the Southern Border Provinces Police Command found the abusing officers guilty of

misconduct. At year's end the National Counter-Corruption Commission (NCCC) was investigating the case.

On September 2, a Narathiwat court acquitted a police superintendent of all charges related to his involvement in the case of Imam Yapa Koseng, who died while in army custody in 2008. In addition the court rejected the case against five Royal Thai Army (RTA) soldiers from Task Force 39 for their involvement in Yapa's death, stating that the criminal proceedings should be filed with a military court. Two lawsuits remained pending: the potential criminal proceeding against the five military suspects, under consideration by the NCCC since 2008; and the civil lawsuit filed by Yapa's family in March 2009 against the Ministry of Defense, RTA, and Royal Thai Police (RTP), which was suspended pending the resolution of a jurisdictional problem.

A criminal trial continued against three officers in Kalasin Province suspected of involvement in the 2004 killing of Kiattisak Thitboonkhong and the subsequent cover-up. This was one of 10 cases accepted in 2009 by the Department of Special Investigation's (DSI) Special Case Center for investigation related to the 2003 "War on Drugs" campaign, although the killings occurred after 2003. The DSI forwarded eight of the cases to the Office of the Attorney General (OAG) and one to the NCCC. The remaining cases were pending.

According to the Thailand Mine Action Center, during the year there was one death and 23 injuries due to land mines, occurring in Buriram, Chanthaburi, Sakaew, Sisaket, Ubon Ratchatani, Tak, and Trat provinces. The government continued public awareness campaigns, including sending landmine awareness teams to the affected villages and landmine education teams to local schools to inform students of the risk associated with land mines and instruction on how to avoid injuries.

There were at least eight violent incidents between Thai border rangers and Cambodian illegal loggers during the year. For example, on January 10, border rangers shot at a group of Cambodians illegally logging on the Thai side of the border in Sisaket Province. Two Cambodians reportedly were killed during the incident. On March 8, border rangers allegedly shot and killed one individual among a group of Cambodian illegal loggers in Surin Province. On November 6, Thai border rangers allegedly shot and killed two armed Cambodian loggers in Sisaket Province.

b. Disappearance

There were no confirmed reports of politically motivated disappearances; however, nongovernmental organizations (NGOs) reported that several persons remained missing following the dispersal of antigovernment protesters in May. According to the Mirror Foundation, the whereabouts of 17 protesters remained unknown at year's end; there also were multiple media reports of numerous protesters having fled to Cambodia. There were no confirmed reports that individuals disappeared after being questioned by security officials in the southern provinces.

The Working Group on Justice for Peace reported that Doromae Jehlae disappeared on his way to work on March 17 in Pattani Province. His relatives stated that he had been questioned by soldiers in the days prior to his disappearance.

There were no developments in the case of Abduloh Abukaree, who disappeared in December 2009 after failing to return to his home in Narathiwat Province. He was a key witness in a DSI case against high-ranking police officials connected to the disappearance of prominent Muslim attorney and human rights activist Somchai Neelaphajit. There were no developments in the 2008 case of Kamol Laosophaphant, a businessman in Khon Kaen Province who disappeared after going to a police station to lodge criminal complaints against local officials concerning state railway land deals. At year's end the case regarding the disappearance of Somchai Neelaphajit remained before the NCCC, and the appeals court continued to examine the possibility of future prosecutions. Somchai disappeared in 2004 after providing legal representation to criminal suspects who had allegedly been tortured by high-ranking police officials.

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

The constitution specifically prohibits such practices, but there is no law that specifically prohibits torture, and it is not punishable as an offense under criminal law. Additionally, section 17 of the Emergency Decree effectively provides immunity from prosecution to security officials for actions committed during the performance of their duties. NGOs and legal entities continued to report that members of the police and military occasionally tortured and beat suspects to obtain confessions. There were newspaper reports of numerous cases in which citizens accused police and other security officials of using brutality. By year's end there had been one prosecution, although no conviction, of a military official for alleged torture; there also were criminal actions being pursued against RTP officers.

The NHRC, in a report dated September 15, found that torture took place widely and systematically in the deep South. The study, which examined 35 alleged torture cases since 2006, found that beating and intimidation tactics were widely used by state officials. Torture tactics included covering the victims' heads with plastic so they were unable to breathe, applying lit cigarettes to body parts, beating victims with a wooden stick covered by a sponge, and using electric shocks. According to the report, most of the abusers were members of the armed forces or police who arrested and detained suspects under special laws including martial law, the Internal Security Act, and the Emergency Decree.

In May 2009 an army unit stopped Adil Samae and Masaofi Khawaenbgbu for questioning in Yala Province. One of the soldiers began beating the pair before the two escaped. They reported the incident to the police two days later, and on January 26, the case was brought before the Pattani Military Court. On April 26, the court found the soldier guilty of abuse, sentenced him to six months in prison, and fined him 2,000 baht (\$62.50). The prison sentence was later reduced to two years' probation. Following the military court verdict, on May 10, Adil and Masaofi filed a civil lawsuit at the Songkhla Administrative Court against the Ministry of Defense and the Royal Thai Army. At year's end the court was examining the case.

There were no developments in the case of university students Ismael Tae and Amisi Manak, allegedly tortured by security personnel from Yala and Pattani provinces in 2008.

There were no developments in the case of Rayu Korkor, arrested in 2008 with Imam Yapa Koseng and four other men. Rayu alleged that he witnessed Yapa's death at the hands of security officials (see section 1.a.) and that he was tortured. The RTP forwarded the case to the NCCC, and Rayu's relatives also filed a civil lawsuit against the RTA that remained pending at year's end.

Prison and Detention Center Conditions

Prison conditions were poor. Most prisons and detention centers were overcrowded. There were approximately 172,000 prisoners in prisons and detention facilities designed to hold 150,000. Sleeping accommodations were insufficient, medical care was inadequate, and communicable diseases were widespread in some prisons. Seriously ill prisoners at times were transferred to provincial or state hospitals.

Prison authorities sometimes used solitary confinement of not more than one month, as permitted by law, to punish male prisoners who consistently violated prison rules or regulations; the Department of Corrections maintained that the average confinement was approximately seven days. Authorities also used heavy leg irons to control prisoners who were deemed escape risks or harmful to other prisoners.

Approximately 13 percent of the prison population consisted of pretrial detainees, who were not segregated from the general prison population. Men, women, and children often were held together in police station cells pending indictment. Separate detention facilities for juvenile offenders were available in all provinces.

Prisoners and detainees had access to visitors and were permitted religious observance. Authorities permitted prisoners and detainees or their representatives to submit complaints without censorship to ombudsmen but not directly to judicial authorities. The Ministry of Justice (MOJ), through its Department of Corrections, was responsible for investigating and monitoring prison and detention facility conditions, but authorities rarely investigated complaints and did not make public the results of such investigations.

Conditions in immigration detention centers (IDCs) remained poor. The Immigration Police Bureau, reporting to the Office of the Prime Minister, administered the IDCs, which were not subject to many of the regulations that govern the regular prison system. Overcrowding and a lack of basic medical care continued to be serious problems. Juveniles above the age of 14 were detained with adults in IDCs. There also were complaints of inadequate and culturally inappropriate food, especially by Muslim detainees. There were reports that detainees, including children, were not permitted sufficient exercise at some facilities. Unlike in previous years, there were no reports that guards physically abused detainees in IDCs administered by the Immigration Police Bureau.

The government permitted visits to prisons and IDCs by independent human rights observers. Additionally, the government allowed human rights observers to make a single controlled visit to the Inkayuth military camp in Pattani Province, the first visit of its kind in the southernmost provinces. Representatives of the International Committee of the Red Cross (ICRC) were allowed to meet prisoners without third parties present and made repeated visits. By the end of 2009, the ICRC had also received access to all police facilities in the southernmost provinces; however, at year's end the military had not approved ICRC requests to visit prisoners detained

in military detention facilities in the four southernmost provinces, where detainees allegedly were mistreated. Additionally, the ICRC was unable to visit persons affiliated with the March-May antigovernment protests who were arrested and detained in military camps for violating provisions of the Emergency Decree. Representatives of the Office of the UN High Commissioner for Refugees (UNHCR) had access to some detainees at the Suvarnabhumi Airport IDC in Bangkok; however, the access varied on a case-by-case basis. UNHCR officials were able to interview detainees in Suan Phlu IDC, and access continued for third countries to process recognized refugees for resettlement.

Ombudsmen have the power to consider and investigate complaints lodged by any aggrieved citizen. Following an investigation, ombudsmen can refer a case to a court for further review or provide recommendations for further action to the appropriate agency, but they do not have the power to force agencies to comply with their recommendations. They can investigate complaints and petitions received from prisoners and provide recommendations to the Department of Corrections; however, they are not empowered to act on a prisoner's behalf, nor do they involve themselves in a case unless an official complaint is received.

d. Arbitrary Arrest or Detention

The constitution specifically prohibits arbitrary arrest and detention; however, government forces occasionally arrested and detained persons arbitrarily. The Emergency Decree, which gives the government the authority to detain persons without charge for up to 30 days in unofficial places of detention, was used during parts of the year in as many as 27 of the country's 76 provinces. This action was in addition to martial law, which existed in 31 border-region provinces and allows for detention without charge for a maximum of seven days. The Emergency Decree was lifted in Bangkok and three adjoining provinces on December 22, leaving only three southern provinces under the decree at year's end.

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

According to the NHRC subcommittee on civil and political rights, 422 persons were detained for violating the Emergency Decree for actions connected to violent red-shirt antigovernment protests in April and May, some of whom were believed to have been bystanders not participating in the protests or violence. Human rights groups reported that a number of those arrested and detained for six months or longer without having the opportunity in court to answer for their charges committed relatively minor offenses such as violating curfew, participating in the protests, or burning tires. At year's end 158 of the 422 remained in detention.

Role of the Police and Security Apparatus

The RTP has the authority to minimize threats to internal security and suppress criminal activity. It is under the direct supervision of the prime minister and a 20-member police commission. The police commissioner general is appointed by the prime minister and subject to cabinet and royal approval. The Border Patrol Police has special authority and responsibility in border areas to combat insurgent or separatist movements.

The 2008 implementation of the Internal Security Act (ISA) created the Internal Security Operations Command (ISOC) as a state agency under the command of the prime minister, who acts as the ISOC director. It is considered an interagency monitoring body, with both civilian and military representation. The act also includes broad powers for the military. During the year the government invoked the ISA five times in Bangkok to allow security forces to deal with antigovernment protests. The Emergency Decree, which was in effect across large sections of the country during part of the year, including in Bangkok between April and December, provides the government greater powers than the ISA and therefore takes precedence. At year's end Bangkok remained covered by the ISA, which replaced the decree on December 22. The ISA also was in effect in four districts of Songkhla Province throughout the year. Human rights organizations and academics criticized the government for repeatedly utilizing the ISA, with cabinet approval, to respond to alleged threats to national security by restricting fundamental rights.

There were reports that police abused prisoners and detainees, generally with impunity. Complaints of police abuse can be filed directly with the superior of the accused police officer, the Office of the Inspector General, or the police commissioner general. The NHRC, Lawyers' Council of Thailand (LCT), NCCC, Court of Justice, MOJ, and Office of the Prime Minister also accept complaints of police abuse and corruption, as does the Office of the Ombudsman. The NHRC received 78 complaints of police abuse during the year.

When the police department receives a complaint, an internal investigation committee first takes up the matter and may temporarily suspend the officer involved in the complaint during the investigation. Various administrative penalties exist, and serious cases can be referred to a criminal court.

The joint NCCC-OAG committee investigation into the April 2009 attempted killing of People's Alliance for Democracy leader Sondhi Limthongkul continued. At year's end the police officer and two soldiers for whom arrest warrants were issued in July 2009 remained free.

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

The Ministry of Defense requires that service members receive human rights training both as a part of routine training and prior to deployments. This training takes place under the mandate of a 1992 cabinet resolution in response to the political violence in May of that year. The routine training occurs at various levels, including for officers, noncommissioned officers, enlisted personnel, and recruits. Additionally, military service members deploying in support of counterinsurgency operations in the South also received specific human rights training, including training for detailed, situation-specific contingencies.

Arrest Procedures and Treatment While in Detention

With few exceptions, the law requires police to obtain a warrant from a judge prior to making an arrest. In practice the system for issuing arrest warrants was subject to misuse by police officers and a tendency by the courts automatically to approve all requests for 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 police often conducted interrogations without providing access to an attorney. Lawyers working in the southern provinces reported that under the Emergency Decree they were denied adequate access to detained clients, and some individuals in those southern

provinces reported they were denied permission to visit detained family members. Foreign detainees sometimes were pressured to sign confessions without the benefit of a competent translator. The MOJ and OAG sought to provide an attorney to indigent detainees at public expense.

Under normal conditions the law allows police to detain criminal suspects for 48 hours after arrest for investigation. Court permission is required to extend detentions for additional periods (up to a maximum of 84 days for the most serious offenses) to conduct investigations. Lawyers reported that police rarely brought cases to court within the 48-hour period. 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. According to the LCT, pretrial detention of criminal suspects for up to 60 days was not uncommon.

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

Under martial law the military has the authority to detain persons without charge for a maximum of seven days, and under the Emergency Decree a person may be detained for up to 30 days without charge.

On May 24, Suthachai Yimprasert, assistant professor of history at Chulalongkorn University, was arrested for violating the Emergency Decree by distributing leaflets critical of the government's treatment of the red-shirt protesters. He was detained without charge at a military camp in Saraburi Province before being released on June 5.

On June 27, Sombat Boonngammanong was arrested under a provision of the Emergency Decree prohibiting the gathering of more than five persons after he held a small demonstration in Bangkok, during which he tied red ribbons to a signpost while others with him held up photographs of violent actions allegedly related to the military dispersal of red-shirt protesters on May 19. He was held in detention without charge at a Border Patrol Police command office in Pathumthani Province before being released on July 9.

On October 5, police in Ayutthaya Province arrested Amornwan Charoenkij for selling flip-flop shoes printed with the faces of the prime minister and deputy prime

minister, along with a statement that read, "People died at Ratchaprasong." She was arrested for violating provisions of the Emergency Decree, despite the fact that the decree had been lifted in Ayutthaya in July. Amornwan was released on bail, and her case was pending at year's end.

Amnesty

The king issued a royal amnesty proclamation in honor of his 60th wedding anniversary on April 28. By year's end approximately 10,000 prisoners had been pardoned and released as part of this amnesty.

e. Denial of Fair Public Trial

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

Trial Procedures

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

In ordinary criminal courts, defendants enjoy a broad range of legal rights, including access to a lawyer of their choosing; however, indigent defendants are not automatically provided with counsel at public expense. The LCT budget was reduced by more than 15 percent from 2009. The legal aid provided was often done on an intermittent, voluntary, public-service basis and was of low standard. Some NGOs reported that legal aid lawyers pressured their clients into paying additional fees directly to them. The court is required to appoint an attorney in cases where the defendant disputes the charges, is indigent, or is a minor, as well as in cases where the possible punishment is more than five years' imprisonment or death. Most free legal aid came from private groups, including the LCT and the Thai Women Lawyers Association. There is no discovery process; consequently, lawyers

and defendants do not have access to evidence prior to the trial. The law provides for access to courts or administrative bodies to appeal or seek redress, and the government generally respected this right.

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

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters. The law provides for access to courts and administrative bodies to bring lawsuits seeking damages for, or cessation of, a human rights violation, and the government generally respected this right. However, sections 16 and 17 of the Emergency Decree, which was in force in as many as 27 provinces, expressly excludes scrutiny by the Administrative Court or civil or criminal proceedings against government officials, although victims may seek compensation from a government agency instead.

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

The constitution specifically prohibits such actions, and the government generally respected these prohibitions in practice. However, the use of martial law and the Emergency Decree gives government security forces the authority to conduct searches without a warrant, and this authority was used on many occasions. There were numerous complaints from persons claiming that security forces abused this authority, but the decree provides security forces broad immunity from prosecution.

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

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

The internal conflict in the ethnic Malay, Muslim-majority, southernmost provinces (Narathiwat, Pattani, Yala, and portions of Songkhla) continued throughout the year. Insurgents carried out almost daily bombings and attacks that caused deaths and injuries. The Emergency Decree in effect in this area gives military, police, and civilian authorities significant powers to restrict certain basic rights and delegates certain internal security powers to the armed forces. The decree also provides security forces broad immunity from prosecution. The martial law imposed in 2006 remained in effect in Narathiwat, Pattani, and Yala, giving a wide range of powers to security forces.

Killings

Human rights groups accused government forces of extrajudicial killings, arbitrary arrests, and torture of individuals suspected of involvement with separatists. As a result of attacks by suspected insurgents, tension between the local ethnic Malay Muslim and ethnic Thai Buddhist communities remained high, alongside a distrust of security officials.

On March 14, insurgents killed police Colonel Sompian Eksomya, police commander in Bannang Sata, Yala, in an ambush. The insurgents first disabled Sompian's vehicle with a bomb and then fired at the vehicle, killing the colonel and his driver and injuring two other police officers.

On June 6, Doro-mae Da-che, also known as Ustaz Mae, was shot and killed in Bannang Sata. The media and NGOs speculated that the act was in retaliation for the killing of Colonel Sompian.

There was no progress in the case of Laila Paaitae Daoh, a prominent human rights activist in Yala killed by suspected insurgents in March 2009.

On September 2, police dropped charges against former paramilitary ranger Sutthirak Kongsuwan, stating there was insufficient evidence to continue. Sutthirak, wanted on a warrant for the June 2009 attack at the Al Furqon mosque in Narathiwat, turned himself in to authorities on January 14. There was no progress in the case related to the alleged getaway driver.

There were no developments in June 2009 shooting of two Buddhist monks in Yala; one monk was killed and the other seriously wounded.

According to statistics from DeepSouthWatch, between January and October separatist violence resulted in 831 individuals killed and injured in 1,183 incidents. As in previous years, separatists frequently targeted government representatives, including district and municipal officials, as well as Buddhist and Muslim civilians.

Some government-backed civilian defense volunteers, most of them ethnic Thai Buddhists from villages in the South, continued to receive basic training and weapons from security forces. Human rights organizations expressed concerns about vigilantism against ethnic Malay Muslims by these defense volunteers and other civilians.

Physical Abuse, Punishment, and Torture

The government continued to arrest suspected militants, some of them juveniles, and in some cases held them for a month or more under provisions of the Emergency Decree and martial law. Human rights organizations considered the arrests arbitrary, excessive, and needlessly lengthy, and they expressed concerns about detention facility overcrowding. Civil society groups accused the army of torturing some suspected militants at detention facilities.

The three southernmost provinces are covered by two security laws. Martial law allows for detention without charge up to seven days without court or government agency approval in Pattani, Narathiwat, and Yala. The Emergency Decree, in effect in the same areas, allows authorities to arrest and detain suspects for up to 30 days without charge. After the expiration of this period, authorities can begin holding suspects under normal criminal law. Unlike under martial law, these detentions require the consent of a court of law, although human rights NGOs complained that courts did not always exercise their right to review these detentions. In some cases a suspect was held first under martial law for seven days and then detained for an additional 30 days under the Emergency Decree. In December 2009 the ISA was imposed in lieu of martial law and the Emergency Decree in the four districts of Songkhla. The Southern Border Province Police Command stated that 447 persons were arrested in 2009 under the Emergency Decree, with 12 killed during arrest or in related skirmishes. It was unclear whether any persons were detained under martial law alone.

Child Soldiers

There were no reports of persons under the age of 18 conscripted or recruited into governmental armed forces. There were reports that separatist groups recruited teenagers under the age of 18 to carry out attacks. Human rights organizations alleged that separatists used private Islamic schools to indoctrinate ethnic Muslim Malay children with a separatist agenda.

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

Other Conflict-related Abuses

Human rights organizations alleged that the military mailed official letters to village headmen or local district officers in the four southernmost provinces, inviting them to nominate a specific number of "voluntary villagers" to attend a workshop. Credible sources indicated that villagers who attended these training sessions were subject to interrogations and collection of biological data (fingerprints, DNA samples, and photographs).

The Ministry of Education reported that since 2004 insurgents had burned more than 330 schools in the South, 40 of them more than once. During the year insurgents burned six schools in Yala and Pattani; at least three had been burned previously. The government periodically closed schools throughout the region in response to attacks against teachers, students, educational facilities, and parents. The government frequently armed ethnic Thai Buddhist and ethnic Malay Muslim civilians, fortified schools and temples, and provided military escorts to monks and teachers. According to the ministry, 173 teachers, students, and education staff had been killed and 284 others injured due to separatist violence since 2004. During the year 10 students were injured and two were killed; six school personnel were injured and 12 were killed.

Separatist violence included attacks on medical facilities. According to the Ministry of Public Health, 81 public health volunteers had been killed, 50 health volunteers injured, and 25 community health centers burned or bombed in the South since 2004.

While official government statistics were not available, there were reports that more than 30 percent of ethnic Thai Buddhists had fled violence-affected areas to other provinces.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law specifically provide for freedom of speech and of the press with some exceptions, although the government limited these rights during the year.

Freedom of speech and of the press occasionally were curtailed by government interference and the use of provisions authorized under the Emergency Decree. Attempts by the government to hamper freedom of expression on the Internet increased. Television and radio broadcasters also were monitored closely, and the government exerted pressure on broadcast media to cooperate in disseminating constructive and "balanced" news, especially after the April 7 invocation of the decree in response to the onset of civil unrest. Nevertheless, the media and civil society vocally criticized government authorities throughout the year. Print, broadcast, and online media covered news critical of the government and senior-level officials and carried interviews with opposition figures.

The international and independent media were allowed to operate freely, except in coverage of matters deemed a threat to national security or offensive to the monarchy.

By law the government may restrict freedom of speech and of the press to preserve national security, maintain public order, preserve the rights of others, protect public morals, and prevent insults to Buddhism. The law allows police under a court order to restrict or confiscate publications and other materials for disturbing the peace, interfering with public safety, or offending public morals.

By invoking the Emergency Decree, the government can restrict print and broadcast media, online news, and social media networks. 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." It also authorizes the government to censor news considered a threat to national security. These powers were employed beginning in April and continued through the end of the year.

Lese majeste provisions in the criminal code make it a criminal offense punishable by up to 15 years' imprisonment to criticize the king, queen, royal heir apparent, or regent. The provisions allow private citizens to initiate lese majeste complaints

against each other, and there were several cases in which private citizens did so. During a December 2009 speech, Prime Minister Abhisit announced the establishment of a committee to advise the police, DSI, and Ministry of Information and Communication Technology (MICT) on the careful, appropriate, and fair conduct of lese majeste cases. The committee, chaired by Permanent Secretary to the Ministry of Justice Kittipong Kittayarak, held its first meeting on January 12.

On October 20, prosecutors indicted Surachai Danwattananusorn, leader of the antigovernment Red Siam Group, on lese majeste charges relating to a speech he made at a rally in 2008. He remained free on bail awaiting a trial date at year's end.

On November 2, the Metropolitan Police announced that arrest warrants had been issued for two unnamed women shown in a photograph holding placards with lese majeste content during a red-shirt rally near Democracy Monument on October 10. By year's end the two women had not been arrested.

On November 24, former UDD leader Worawut Tanungkorn (Suchart Narkbangsai) was sentenced to three years in prison for comments made during a speech at a red-shirt rally at Sanam Luang in 2008 deemed to be in violation of lese majeste. Worawut was arrested on November 1 after evading arrest for more than two years.

The appeal of political activist Daranee Charnchoengsilpakul, sentenced in August 2009 to 18 years in prison on three counts of lese majeste, was pending at year's end. On August 3, the appeals court denied a request for bail.

The 2008 case against social activists Chotisak Ongsoong and Songkran Pongbunjan, who were charged with lese majeste for not standing for the royal anthem in a movie theater in 2007, remained pending at year's end.

The 2008 lese majeste case against social critic Sulak Sivaraksa remained pending at year's end.

Two separate lese majeste cases filed in 2008 against journalist Jonathan Head, former BBC Bangkok bureau chief, remained pending at the end of the year. The charges originated from remarks Head made in 2007 at panel events at the Foreign Correspondents' Club of Thailand (FCCT), as well as a claim that his reporting over a two-year period "damaged and insulted the reputation of the monarchy."

There was no government ownership or control of print media. Political figures, prominent families, and large media conglomerates owned large stakes in many leading newspapers.

Government entities owned and controlled all radio and broadcast television stations, including the 524 officially registered "regular" AM and FM stations. The armed forces and police owned another 244 radio stations, ostensibly for national security purposes. Other owners of national broadcast media included the government's Public Relations Department and the Mass Communication Organization of Thailand, a former state enterprise of which the government owned a majority share. Nearly all stations were leased to commercial companies.

The 2008 Broadcasting Act governs the regulation of radio and television frequencies. The act provides for three categories of broadcast licenses: public service, community service, and commercial. On December 20, the Frequency Allocation Bill, which establishes a National Broadcasting and Telecommunications Commission to allocate broadcast frequencies and regulate broadcast media, received royal approval and was signed into law; by law the commission must be formed within 180 days.

Radio stations must renew their licenses every seven years. Radio signals are broadcast via government transmitters. Stations are required by law to broadcast 30-minute, government-produced newscasts twice daily. Under new regulations governing community radio operations that took effect in July 2009, community radio operators were granted a 30-day period to register for temporary 300-day trial operating licenses with the National Telecommunications Commission. According to the government, by year's end more than 7,000 community radio operators had registered. The government warned community radio operators who failed to register that they would be considered illegal if they continued to operate and could be charged with unlicensed use of transmitters and radio frequencies. At year's end there were few reports of government action against unlicensed operators, estimated to be numerous.

According to the Thai Journalists Association, the government did not interfere with the freedom of mainstream print newsrooms during the political unrest. However, authorities shut two UDD-sponsored magazines in May during the political unrest, *ThaiRed News* and *Voice of Thaksin*, claiming they were a threat to national security. On June 24, in response to the forced closings, a group of UDD members launched another UDD-leaning news magazine called *Red Power*.

Under the auspices of the Emergency Decree, authorities closed its printing facility in September; however, by November *Red Power* was back on the newsstands, reportedly being printed in a neighboring country.

On April 7, Deputy Prime Minister Suthep Thaugsuban, citing a threat to national security, ordered the closure of the People's Channel (PTV), the satellite television station operated by the UDD. Suthep alleged that PTV was spreading distorted information about the government's handling of the red-shirt protests; the government subsequently distributed clips of PTV broadcasts of protest leaders calling for widespread arson. In addition PTV's related Web sites were blocked.

On April 13, acting under the authority of the Emergency Decree, the government ordered satellite operator Thaicom to terminate the signal of D-station, the satellite television outlet operated by the UDD. Days later police raided D-station operations in Bangkok and seized broadcasting equipment. D-station resumed broadcasting in May.

According to the National Telecommunications Commission, by year's end at least 25 community radio stations had been shut after the government invoked the Emergency Decree in April. In Chiang Mai Province, police searched a community radio station known to support the UDD and seized its transmission equipment; the station resumed broadcasting politically related content in September. Provincial ISOC branches also asked community radio stations to not incite unrest and warned that they would be closed if they failed to comply. In Udon Thani Province, police raided a pro-UDD community radio station and seized its transmission equipment; the director was charged with operating radio equipment without a license and released on bail. Some pro-UDD radio stations later resumed operations, but most if not all reportedly were self-censoring political content. One radio station manager reported that many stations did not have the money to reopen, particularly after their broadcasting equipment was confiscated by government officials and never returned.

On April 16, Taxi Radio FM 106.8, a station affiliated with the red-shirt movement in Bangkok, shut the station after the government reportedly succeeded in jamming the frequency. The station later resumed broadcasting with only sports news and entertainment content; the former station manager reportedly was in hiding.

On June 16, the censorship board banned a television commercial entitled "Thailand, We Apologize," citing its potential to cause unrest. The commercial

featured scenes of riots and arson as well as clashes between protesters and security forces in Bangkok.

There were reports that journalists were subject to harassment, intimidation, and violence due to their reporting, particularly during the period of political unrest in March through May. The deaths of two foreign journalists killed while covering the antigovernment protests in Bangkok in April and May remained under investigation.

On July 27, journalist Kongpop Sawasdi, a reporter for the *Thai Rath* newspaper in Nakhon Pathom Province who also owned the local newspaper *Pathom Post*, was shot and killed at a local restaurant. The journalist had previously written a series of articles investigating a corruption case involving a local politician. On August 17, police announced that seven suspects had been arrested. The case continued at year's end.

The case of Samraeng Khamsanit, a reporter whose car was set on fire in 2008, as well as the shooting cases of *Matichon* reporters Surayud Yongchaiyudh and Atiwat Chainurat in 2008, remained under investigation. All three victims were believed to have been targeted for their politically sensitive reporting.

Print media criticism of political parties, public figures, and the government was common. Journalists generally were free to comment on government activities and institutions without fear of official reprisal; however, they occasionally practiced self-censorship, particularly with regard to the monarchy and national security. Broadcast media was subject to government censorship both directly and indirectly, and self-censorship was evident. Nevertheless, broadcast media reported criticism of the government.

Defamation is a criminal offense, punishable by a fine of up to 200,000 baht (approximately \$6,250) and two years' imprisonment. Criminal courts made several rulings on defamation and libel cases against media figures, political activists, and politicians.

People's Alliance for Democracy leader Sondhi Limthongkul, found guilty in September 2009 of defamation for statements made against a former deputy prime minister during a weekly show presented on ASTV in 2007, continued to appeal his case. Sondhi was sentenced to two years in prison without probation and was released on bail.

On September 2, a criminal court found Sondhi Limthongkul and ASTV program host Sarocha Pornudomsak guilty of defaming former prime minister Thaksin Shinawatra. The charges stemmed from remarks made by Sondhi about Thaksin while visiting supporters in the United States in 2007; the remarks were subsequently broadcast on ASTV. The pair were sentenced to two years in prison, subsequently reduced to six months' probation, and fined 20,000 baht (\$625).

Two issues of *The Economist* magazine had distribution disrupted due to the sensitive nature of their content. The March 20 issue, which included an article about the monarchy entitled "As the Father Fades, His Children Fight," was not made available to subscribers, due to concerns about the sensitivity of its content and the potential risk placed on distributors. The May 22 issue, which included articles entitled "The Battle of Bangkok" and "A Polity Imploding," was shared with distributors; however, the newsstand distributor decided not to place the issue on newsstands. The May 22 issue was distributed to subscribers.

Local television stations came under heavy criticism from UDD members for what they claimed was one-sided coverage of events, and UDD protesters reportedly attacked local television crews during demonstrations in Bangkok.

During antigovernment protests on March 27 and April 4, and again on August 31, state-run NBT Channel 11 was attacked with grenades. The attacks remained under investigation.

On May 19, in the aftermath of the government's move to disperse the protesters from the Bangkok city center, a group of persons believed to be affiliated with the red-shirt protest movement set fire to the building that housed the Channel 3 television station, causing severe damage.

Internet Freedom

The government imposed some restrictions on access to the Internet and reportedly monitored Internet chat rooms. Individuals and groups generally could engage in the peaceful expression of views via the Internet, including by e-mail; however, there were limitations. Internet access was available and used by citizens in urban and rural areas, with an estimated penetration of 31 percent.

The 2007 Computer Crime Act (CCA), which created new computer crime offenses, establishes procedures for the search and seizure of computers and computer data in certain criminal investigations, and it gives the MICT authority to request and enforce the suspension of information disseminated via computer. Under the act a court order is required to ban a Web site; however, this was not always applied in practice. A maximum five-year prison sentence and a 100,000 baht (\$3,125) fine can be imposed for posting false content on the Internet that undermines public security, causes public panic, or hurts others. A maximum 20-year sentence and 300,000 baht (\$9,375) fine can be imposed if an offense results in the death of an individual. It also obliges Internet service providers to preserve all user records for 90 days, in the event that officials wish to access them. In addition any service provider who gives consent to or intentionally supports the publishing of illegal content is also liable. Most prosecutions under the CCA were for content-related offenses. Media activists criticized the law, stating that the offenses were defined too broadly and some penalties were too harsh.

Additionally, the government used provisions of the Emergency Decree to block thousands of Web sites and specific URLs. Unlike the CCA, under the decree authorities are not required to obtain a court order when blocking a Web site or a specific URL. Web site operators whose sites are blocked under the decree are given no warning, and there is no appeals process. Despite the lifting of the decree on December 22, Web sites blocked under such provisions remained inaccessible at year's end.

There was a significant increase in Internet censorship, and the CCA and the Emergency Decree were used to stifle freedom of expression. The government closely monitored and blocked thousands of Web sites that expressed antigovernment sentiment and those that were deemed critical of the monarchy. Many political Web boards and discussion forums chose to self-censor and closely monitored discussions to avoid being blocked. In addition many newspapers disabled or restricted access to their public comments sections to minimize exposure to possible lese majeste charges.

According to a report from i-Law, the government used the CCA to block almost 44,000 specific URLs, approximately 88 percent of which were for lese majeste-related content. The research also revealed that the courts took relatively little time to review a URL before granting the order to block access, often granting the order to block on the same day that MICT made the request. The number of URLs blocked on each court order varied but typically numbered in the hundreds.

On April 1, Thanthawut Thaweewarodomkul, also known by his online name Red Eagle, was arrested in Bangkok and charged with lese majeste under provisions of the CCA. Thanthawut, who denied all charges, was the alleged Web master of a UDD Web site. He was awaiting trial at year's end.

On April 8, the government, under the authority of the Emergency Decree, issued an order to close 36 Web sites that were accused of being a threat to national security. Although most of the blocked sites were pro-UDD Internet forums and blogs, Prachatai.com, a politically neutral Web site known to be critical of the government, was also on the list. Also under the decree, the government blocked access to numerous UDD-affiliated Facebook and Twitter accounts; the majority of these Web sites remained inaccessible at year's end. Additionally, a number of Web sites chose to self-censor, voluntarily discontinuing their services by shutting their Web sites or changing their content.

On April 9, the MICT announced that it had restricted access to 10,000 URLs and other online content deemed inappropriate or a threat to national security. The MICT also announced that it would begin focusing its attention on content posted on social networking sites such as Hi5, Facebook, and Twitter.

On April 30, authorities arrested Wipas Raksakulthai in Rayong Province for posting an alleged lese majeste comment on his Facebook page, the first known social networking-related arrest under the CCA. His case was pending at year's end.

On September 13, the DSI announced via its Web site that an arrest warrant, dated May 24, had been issued for Thanapol Bamrungsri for comments posted on his Facebook page deemed in violation of lese majeste laws. At year's end no arrest had been made.

On September 24, Prachatai.com executive director Chiranuch Premchaiporn was arrested at Suvarnabhumi International Airport on lese majeste charges related to comments posted on her Web site by a user in 2008. She was transported to Khon Kaen Province and was granted bail early on September 25. Her case was pending at the end of the year. Chiranuch was also arrested in March 2009 and charged with violating article 15 of the CCA for allowing material on her Web board considered offensive to the monarchy; her trial in this earlier case was scheduled for February 2011.

Squadron Leader Chanin Khlaikhlung, of the Royal Thai Air Force, surrendered to police on November 17 after his supervisor filed a lese majeste complaint against him for comments about the monarchy posted on his Facebook page. His case remained pending at year's end.

Suwicha Thakhor received a royal pardon and was released from prison on June 28, after serving part of his 10-year sentence following a lese majeste conviction under CCA provisions in April 2009.

Thiranan Vipuchanan, Katha Pajajiriyapong, Somchet Ittiworakul, and Thassaporn Rattawongsa, arrested in November 2009 for allegedly spreading false information on the Internet about the king's medical condition and thus endangering national security, remained free on bail while awaiting the results of a police investigation.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom.

Cultural events may be censored, usually for reasons of public decency. Under the 2008 Film Act, the state is authorized to ban the release of movies that "offend the monarchy, threaten national security, hamper national unity, insult faiths, disrespect honorable figures, challenge morals, or contain explicit sex scenes." Section 25 of the act stipulates that all films to be screened, rented, exchanged, or sold in the country must be screened and approved by the Film and Video Classification Committee. The film *Insects in the Backyard*, which tells the story of a transgendered single father and features scenes with child prostitutes and homosexual sex, was banned by the Culture Ministry's National Film Board for immorality and scenes considered pornographic. Additionally, theater owners and broadcasters frequently censored films before submitting them to the board. As part of the 2008 act, a seven-tiered rating system was introduced in August 2009. Movie theaters also had to apply for operation licenses by September 2009 or pay up to one million baht (\$31,250) in fines. There were no reports that fines were levied or any other restrictions acted upon during the year.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution provides for freedom of assembly, and the government generally respected this right with some exceptions. Martial law, which gives the military authority to restrict freedom of assembly, was in effect in 31 provinces. The Emergency Decree, which covered as many as 27 provinces during the year, also gives the government the authority to limit freedom of assembly.

The provinces of Surat Thani, Phuket, and Phang Nga have provisions that prohibit migrant workers--specifically those from Cambodia, Burma, and Laos--from forming gatherings, among other restrictions, while Samut Sakhon Province prohibits gatherings of more than five persons. The provisions were not strictly enforced. Employers and NGOs could request permission from authorities for migrant workers to hold cultural gatherings and were often not required to do so if the gatherings were on private property.

Throughout the year the UDD network staged protests in Bangkok and other areas of the country. Demonstrations in Bangkok drew as many as 100,000 persons in March. The protests began on March 12 as UDD supporters began to converge on Bangkok. On March 16, protesters collected their own blood and began splashing it on the offices of the prime minister and the ruling party headquarters. On April 3, the demonstrators began occupying the Ratchaprasong intersection, located at the heart of Bangkok's commercial district. On April 7, thousands of protesters stormed parliament, seizing weapons from bodyguards and forcing legislators to flee. In response the government invoked the Emergency Decree, restricting all political gatherings of more than five persons. The restriction was not enforced until May 19.

On April 10, violent clashes occurred between UDD protesters and government security forces on Ratchadamnoen Road near Phan Fah Bridge; live ammunition and military-grade weaponry was used by both sides, according to eyewitness reports and the media. By the following morning, 25 persons had been killed, including 10 protesters, nine civilians, one foreign journalist, and five members of the security forces. The circumstances surrounding the deaths were under investigation at year's end.

On April 21, UDD protesters clashed with progovernment protesters near Silom Road, using bottles, slingshots, and fireworks, causing several injuries. On April 22, a series of M-79 grenade attacks on a mass transit station in Bangkok killed one person and injured more than 50. On April 28, one soldier was killed and 19 persons were wounded as protesters and security forces clashed near Don Muang Airport. The soldier's death was initially reported in the media as a case of

"friendly fire"; however, it remained under investigation. On April 29-30, hundreds of UDD protesters forced their way into Chulalongkorn Hospital, searching for soldiers who they believed were stationed there, causing the hospital to close and transfer patients to other hospitals.

On May 13, two protesters were killed, including Major-General Khattiya Sawasdipol, the self-described military adviser to the UDD, who was shot in the head by a sniper while giving a media interview. On May 14, protesters clashed with police and army units as they began surrounding the protesters' main camp. Small-scale clashes between armed protesters and security forces continued outside the perimeter of the protest encampment, with dozens of deaths and hundreds of injuries reported. On May 19, security forces dispersed the protesters, with casualties reported on both sides, along with a foreign journalist.

At year's end government and independent fact-finding commissions were investigating the April and May clashes between security forces and antigovernment protesters.

Freedom of Association

The constitution specifically provides for freedom of association, although exceptions are made "to protect public interests, to maintain public peace and order or good morals, or to prevent economic monopoly."

The law prohibits the registration of parties with the same name or emblem as that of a dissolved political party. Legal experts maintained that the law was designed to inhibit the reregistration of the Thai Rak Thai political party, which the Constitutional Court dissolved in 2007.

c. Freedom of Religion

For a complete description of religious freedom, please see the *2010 International Religious Freedom Report* at www.state.gov/g/drl/irf/rpt/.

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

The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation. The government generally respected these

rights in practice, with some exceptions for "maintaining the security of the state, public peace and order or public welfare, town and country planning, or youth welfare." The government generally cooperated with humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern, although with restrictions.

Members of hill tribe minorities who were not citizens were issued identity cards that restricted their freedom of movement. Holders of such cards were prohibited from traveling outside their home district without prior permission from the district head and needed permission from the provincial governor to travel outside their home province. Offenders were subject to fines and jail terms. Persons without a card could not travel at all. Human rights organizations reported that police at inland checkpoints often asked for bribes in exchange for allowing stateless persons to move from one district to another.

Refugees residing in the nine camps on the border with Burma were not granted freedom of movement and were legally confined to refugee camps. If caught outside one of the official camps, a refugee is subject to fines, detention, deregistration, and deportation.

Other long-time noncitizen residents, including thousands of ethnic Shan and other nonhill tribe minorities, were required to seek permission from local authorities or the army for foreign and domestic travel.

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

Protection of Refugees

The country is not a signatory to the 1951 Convention relating to the Status of Refugees or its 1967 protocol, and the law does not provide for the granting of asylum or refugee status. Nevertheless, authorities continued the country's longstanding practice of hosting significant numbers of refugees. In practice the government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

Asylum seekers and non-Burmese refugees who reside outside the official refugee camps are considered illegal migrants by law. If captured, they are detained at IDCs

in Bangkok and other provinces. Conditions in many IDCs were poor, often stemming from overcrowding and poor ventilation. Some refugees and asylum seekers held at IDCs suffered from physical and mental health problems. Refugees are unable to work legally in the country. Burmese refugees in the official camps are formally prohibited from working or earning a livelihood outside the camps.

The government allowed undocumented migrant workers from three neighboring countries to work legally in certain sectors of the economy if they registered with authorities and began a process to document their status (see section 7.e.).

Provincial Admissions Boards (PABs), the government's screening process for Burmese asylum seekers, were reactivated in 2009 on a pilot basis in four refugee camps following a four-year hiatus. At year's end the results of the pilot screening were under review by the government, and the planned expansion of the screening process to the remaining five camps during the year had not occurred. While the government generally cooperated with humanitarian organizations in assisting refugees in official camps, cooperation with the UNHCR to protect certain groups remained uneven. The UNHCR was formally forbidden to conduct refugee status determinations or provide its protection mandate to Lao Hmong, North Koreans, and Burmese (including Rohingya) outside the official camps. The UNHCR continued to have access to asylum seekers in the main IDC in Bangkok to conduct status interviews and monitor new arrivals. Several resettlement countries were allowed to conduct processing activities, and NGOs were able to provide health care, nutritional support, and other assistance there as well.

The government continued to allow the UNHCR to monitor the protection situation of more than 144,000 Burmese refugees and asylum seekers living in nine camps along the Burmese border but prohibited the UNHCR from having an assistance role in the camps. NGOs provided basic humanitarian assistance in the camps. Government authorities issued identification cards to registered refugees living in the camps. The government allowed NGOs to provide food, education, shelter, water, sanitation, housing, and other services to Burmese in the camps. An estimated 45,000 Burmese were not registered due to the defunct status of the PABs. Government officials did not distinguish between asylum-seeking Burmese and other undocumented Burmese migrants outside the designated camps, regarding all as illegal migrants. Generally, those arrested were taken to the border and deported.

The government continued to facilitate third-country resettlement of camp refugees, and during the year 11,107 Burmese were resettled from camps to other countries.

The government convened a special "fast track" PAB screening process for certain persons affected by the 2007 repression of prodemocracy protesters in Burma. By the end of 2007, the special PAB had approved 98 persons for refugee status and allowed their third-country resettlement. During the year special "fast track" PAB screenings were initiated for two humanitarian cases. The PAB approved 11 persons, permitting them to seek third-country resettlement.

Many Burmese asylum seekers--mostly those seeking refuge from border skirmishes--were returned to Burma by army border units before they could reach the established refugee camps. During the year thousands of asylum seekers entered the country and the refugee camps. In July officials confirmed that 922 ethnic Karen had crossed into Tak Province seeking asylum in anticipation of fighting between Democratic Karen Buddhist Army factions after a breakdown in negotiations with the Burmese government. After two days the army facilitated their return to Burma with the promise that the asylum seekers could return if fighting erupted.

From November 7 until the end of the year, approximately 30,000 ethnic Karen and other Burmese entered the country at Mae Sot, Phop Pra, and Three Pagodas Pass to flee fighting between the Democratic Karen Buddhist Army, often aligned with other ethnic armies, and the Burmese army. In the months prior to the Burmese elections, the UNHCR and NGOs working in and around the official camps had conducted contingency planning at the request of the RTA. While fighting was underway, fleeing populations generally were permitted to remain in the country at designated sites outside the official camps. The UNHCR, NGOs, and community-based organizations were able to provide food, water, shelter, health, and sanitation services to most populations. When the fighting ceased, the Thai army facilitated the return of the displaced Burmese to Burma with the promise that they could cross again if fighting resumed. Some small groups of refugees remained in Thailand, waiting for conditions to improve before returning to Burma. Some NGOs reported both coerced and forced returns by the Thai army. The UNHCR confirmed that forced returns occurred at Wah Lay on December 25.

In late 2008 and early 2009, 79 Rohingya and Bangladeshi migrants who arrived by sea were caught and detained in an IDC. In July 2009 two died of illness while in detention. On February 28, 28 Bangladeshi migrants from this group were repatriated, and one Rohingya was deported to Burma. During the year one person died of illness in detention and one was released. At year's end 46 members of the

group remained in indefinite detention at Suan Phlu IDC. NGO groups had regular access to the detained Rohingya.

The Immigration Police conducted sweeps in Bangkok and the southern region of the country from October to December, arresting and detaining 208 Sri Lankan Tamils, including women and children. Of this group, 195 were UNHCR-designated persons of concern. At least 119 remained in detention at year's end. In December the Immigration Police conducted similar operations in Bangkok in a Pakistani Ahmadi community and detained 84 persons, including 54 women and children; all were refugees or asylum seekers.

Stateless Persons

A significant number of stateless persons, many of whom are known as highlanders or members of hill tribes, resided in the country, concentrated in the northern region. Others migrated from Burma but are not ethnic Burmese and do not have Burmese citizenship. Still others fall into neither category. According to the 2009 UNHCR statistics of stateless persons in the world, there were approximately 3.5 million stateless persons in the country. This total included approximately one million members of hill tribes and displaced persons holding various registration cards issued by government agencies; one million registered illegal migrant workers from Burma, Laos, and Cambodia; 148,000 refugees from Burma residing in camps along the Thai-Burma border; and 1.5 million to two million unregistered illegal migrant workers.

Citizenship is not automatically conferred by birth within the country. By law citizenship is based either on birth to one or both Thai parents, marriage to a Thai man, or naturalization. It can also be acquired by means of special government-designated criteria implemented by the MOI with approval from the cabinet. Finally, it can be granted as a result of the 2008 nationality law (see also section 6, Children). Progress was made in removing some of the significant obstacles to establishing citizenship--specifically, the requirements for certain documentary evidence and witnesses. The labyrinth of citizenship-related laws and regulations and the existence of substantial gray areas within and among them continued to lead to their uneven application as well as extortion by corrupt local officials.

The 2008 nationality law provides citizenship eligibility to certain categories of previously ineligible highlanders, streamlining citizenship registration and easing evidentiary requirements. A subcommittee of the National Security Council approved granting of permanent residency permits and naturalization for

approximately 200,000 registered stateless persons residing in the country for 20 to 30 years. An additional 500,000 unregistered stateless persons were pending consideration by the same subcommittee.

The 2008 Civil Registration Act stipulates that every child born in the country will receive an official birth certificate, regardless of the parents' legal status. Some stateless persons born in the country who may have been able to prove citizenship eligibility often waived that right to classify themselves as "migrants," thereby gaining access to public health care and certain jobs unavailable to stateless persons. In doing so these individuals lost any claim for citizenship eligibility that they previously held. The nationality law allows these individuals to reclaim their eligibility provided they relinquish migrant worker status and take certain steps, such as surrendering work permits.

Previously, implementation of the Civil Registration Act was not uniform, often depending on local authorities' knowledge, ability, and willingness to follow the law; however, the government, with support from the UNHCR, UN Children's Fund (UNICEF), and UN Educational, Scientific, and Cultural Organization (UNESCO), launched a nationwide campaign for universal birth registration for refugee children in camps. Ministerial regulations and guidelines were issued to address gaps in knowledge and understanding to implement this policy effectively. Additionally, the government approved the withdrawal of the country's reservation on article 7 of the Convention on the Rights of the Child regarding birth registration and nationality.

The 2005 national strategy permits individuals who lack legal status and entered the country before January 1995 to remain in the country temporarily and apply for legal status, including citizenship. However, at year's end some implementing regulations remained under development.

Stateless highland women encountered more barriers to citizenship than did men. Tribal customs and traditions subjected women to a social status that limited their access to postprimary education and political opportunities that would have contributed to knowledge of the citizenship process. Many stateless highland women had few economic opportunities outside the home and therefore could not afford the bribes sometimes demanded for processing citizenship applications. Highlanders claimed to have paid district officials 3,000 to 49,000 baht (\$94 to \$1,530), although there is no official processing cost for citizenship. NGOs reported that some local officials pressed women into offering sexual favors in exchange for accelerating their citizenship registration.

Many stateless highlanders lived in poverty. As noncitizens they could not vote, own land, or travel outside their home district or province without prior permission. Stateless persons also had difficulty accessing credit and government services, such as health care. The law also prohibits stateless persons from participating in certain occupations reserved for citizens, most notably farming; however, in practice officials permitted noncitizen highlanders to undertake subsistence agriculture. Without legal status, stateless persons were also subject to arrest, deportation, extortion, and other forms of abuse. UNESCO officials asserted that lack of legal status was the single greatest risk factor for trafficking or other exploitation of highlanders, such as by being forced into the drug trade or other sectors of the underground economy, as a result of being precluded from many legitimate economic opportunities.

Any stateless person wishing to travel outside the country must have an exit permit. The Ministry of Foreign Affairs issued exit permits to stateless persons to study abroad. Other long-time noncitizen residents, including thousands of ethnic Shan and other nonhill tribe minorities, were required to seek permission from local authorities or the army for foreign and domestic travel.

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

The constitution provides citizens the right to change their government peacefully through periodic, free, and fair elections based on universal, compulsory suffrage. The constitution provides for the election of all members of the 480-seat House of Representatives and 76 members of the 150-seat Senate. It also provides for the appointment of 74 additional Senate members by members of the judiciary and other regulatory bodies.

Elections and Political Participation

The 2007 national election for the House of Representatives generally was considered free and fair; however, there were allegations of widespread vote buying, minor procedural irregularities, and scattered but unconfirmed reports of intimidation by local military and government officials. International observers stated that the martial law in effect in parts of the country during the election was inconsistent with international norms.

During the year five by-elections were held. The Election Commission of Thailand (ECT) reported 62 complaints of election fraud related to campaign promises or vote buying. There were no reports of election-related violence during the year.

In the parliament all 150 allotted seats for senators were filled. Of the 480 allotted seats for the House of Representatives, five were not filled due to party dissolutions. In September 2009 the ECT disqualified 16 representatives for unconstitutional stock holdings that created conflicts of interest and sent their cases to the Constitutional Court for a final ruling. On November 3, the Constitutional Court upheld the disqualification of six of the 16 representatives. December 12 by-elections filled the seats vacated by the court ruling.

Political parties could operate without restriction or outside interference. During the year the ECT dissolved nine parties for inability to maintain compliance with the election law, and six parties requested to be dissolved.

There were 85 women in the 630-seat bicameral parliament. Women chaired six of the Senate's 22 standing committees but none in the lower house. Women held three of the 36 cabinet positions. The constitution encourages political parties to consider a "close proximity of equal numbers" of both genders. Women have the right to vote and run for positions, but there were relatively few elected female officials.

Few members of ethnic minorities held positions of authority in national politics. Muslims from the South held significant elected positions, although they continued to be underrepresented in appointed local and provincial government positions. There were 30 Muslim and seven Christian members of parliament.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, government implementation of the law was weak, and officials sometimes engaged in corrupt practices with impunity.

Corruption remained widespread among members of the police force. There were numerous incidents of police charged with sexual harassment, theft, and malfeasance. There were reports that police tortured, beat, and otherwise abused detainees and prisoners, generally with impunity. Police officers were arrested for drug trafficking, were reportedly involved with intellectual property rights violations, and were convicted on extortion charges.

On February 26, the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions (SCCDP) issued its verdict in the 76 billion baht (\$2.38 billion) asset confiscation case against former prime minister Thaksin Shinawatra, ordering 46 billion baht (\$1.44 billion) to be confiscated on abuse of power grounds. Thaksin appealed the verdict on March 26. On August 11, the court ruled in favor of the prosecution, closing the case. A July 2009 warrant for the arrest of Thaksin continued in force, and the SCCDP case against him regarding the Export-Import Bank of Thailand's loan to Burma of four billion baht (\$125 million) remained suspended. Thaksin continued to reside outside the country.

On December 21, Vice-Minister of Commerce Veerasak Jinarat was dismissed from his position by order of the prime minister in response to a report from the NCCC implicating him in financial improprieties with a rice sale scheme. The NCCC was investigating the case at year's end.

On December 29, a criminal court sentenced Wassana Permlarp, former chairman of the Election Commission, and two other former election commissioners to two years in prison for malfeasance in office for exploiting their positions on the commission to increase their salaries in 2004.

The OAG decided not to pursue charges against one of two former senior Anti-Money Laundering Office (AMLO) administrators found guilty in May 2009 by the NCCC of abuse of power while they held their positions in 2001-02. At year's end the OAG was considering whether to pursue charges against the other official, former AMLO secretary general Phiraphan Premphuti.

The case against Wisit Tantisunthorn, former secretary general of the Civil Servants' Pension Fund Board and found guilty in 2009 of insider trading, was forwarded to the NCCC for further action and remained pending at year's end.

Thaksin's wife, her brother, and her secretary were sentenced in 2008 to prison terms ranging from two to three years for tax evasion. They were released on bail and appealed their sentence in 2008; the appeal continued to be examined at year's end.

The NCCC and OAG continued to investigate allegations of corruption committed by the Thaksin government. The findings by the NCCC and OAG triggered multiple cases at the SCCDP. The NCCC brought several other cases to court and

reported that there were 6,407 cases pending investigation in June. In the year prior to June, 2,779 cases were received, of which 1,104 were completed; 154 of those cases required further action, including disciplinary actions, impeachments, and referrals to the courts, the OAG, or a joint NCCC-OAG committee.

In August the OAG decided not to indict three of seven prominent former government ministers and other high-ranking officials on charges of malfeasance related to a 2007 purchase of fire trucks. The OAG cited insufficient evidence for their decision. The NCCC stated it would pursue cases against the seven accused without going through the OAG. All seven cases were pending at year's end.

In addition to the NCCC and OAG, other entities playing a role in combating corruption included the Anti-Money Laundering Office, Supreme Court, Ombudsman's Office, Administrative Court, and MOJ.

Public officials were subject to financial disclosure laws.

The constitution provides access to public information, and there were no reports that government agencies denied citizens' requests for information. If a government agency denies a request, a petition may be made to the Official Information Commission, and petitioners may appeal the commission's preliminary ruling to an appellate panel. According to the commission, the vast majority of petitions were approved. There were 453 petitions received and 251 appeals during the year. Requests for public information may be denied for reasons of national security and public safety.

On August 12, a foreign court sentenced film producers Gerald and Patricia Green to six months in prison for paying a Thai tourism official \$1.8 million in bribes to secure the rights to manage the Bangkok International Film Festival. At year's end no charges had been filed against the official who allegedly received the bribe, although the NCCC was examining the case.

The November 2009 and 2008 reports of the UN Group of Experts (UNGOE) on the Democratic Republic of the Congo (DRC) presented information indicating that Thailand Smelting and Refining Company, Ltd. (Thaisarco), which was based in Thailand and owned by Amalgamated Metals Corporation (AMC), a United Kingdom-based company, purchased minerals from suppliers who sourced their minerals from mines in eastern DRC controlled by the Democratic Liberation Forces of Rwanda, whose leaders continued to include architects of the 1994 Rwandan genocide and which has committed numerous, serious human rights

abuses in eastern DRC and Rwanda. In addition, according to the UNGOE Report of November 2009, Thaisarco purchased minerals from DRC-based companies, including World Mining Company (WMC). The UNGOE obtained documents showing that WMC received shipments of cassiterite from a mining zone where production was controlled by DRC Armed Forces soldiers under the command of Lieutenant Colonel Innocent Zimurinda. During the year the UN Security Council sanctioned Zimurinda for having unlawfully used and recruited child soldiers. AMC announced in September 2009 that it had ceased purchasing minerals from the DRC.

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

A wide variety of domestic and international human rights organizations generally operated without government restriction, investigating and publishing their findings on human rights cases. However, NGOs that dealt with sensitive political matters, such as opposition to government-sponsored development projects or border matters, faced periodic harassment. Human rights workers focusing on violence in the southern provinces were particularly vulnerable to harassment and intimidation by government agents and militant groups. Very few NGOs were accorded tax-exempt status, which sometimes hampered the ability of domestic human rights organizations to secure adequate funding.

At year's end police had not identified any suspects in the April 2009 shooting of Phetchaburi environmentalist and community leader Phongthep Hongthong. Police report that the case was suspended until a suspect could be identified.

In April the person arrested for the July 2009 shooting of environmentalist and community leader Kittinarong Koetrot in Phetchaburi Province was sentenced to 34 years and four months in prison.

Security remained a concern for several groups who were unable to register as NGOs with the government. In September 2009 police visited the offices of at least 12 Burmese exile groups on several "immigration raids." The groups targeted included the Human Rights Education Institute of Burma and the Burmese Women's Union. Ten women from the union were detained but later released after paying 5,000 baht (\$156) each. As a result of these raids, many offices remained closed for several weeks.

The seven-member NHRC is tasked with producing two annual reports on the human rights situation in the country. In June Chairwoman Amara Pongsapich announced the formation of a committee to look into various incidents related to the March-May street protests in Bangkok, but at year's end it had not produced a public report. The NHRC received 748 cases during the year, but modest staffing and resources hampered progress.

The parliament had two committees that addressed human rights problems: the House Standing Committee on Legal Affairs, Justice, and Human Rights; and the Senate Standing Committee on Human Rights, Rights and Liberties, and Consumer Protection. Human rights advocates generally believed the committees were well intended but lacked the enforcement capability required to be truly effective. They also were described as reactive, difficult to access, and hampered by the political affiliations of their chairmen.

Following the dispersal of the antigovernment protests in May, Prime Minister Abhisit Vejjajiva, as part of a proposed reconciliation plan, formed three commissions to investigate events leading up to and including the March-May protests for the purposes of national reconciliation. The National Reform Committee, chaired by former prime minister Anand Panyarachun, was tasked with creating a plan for national reforms across the country. The Assembly for National Reform, chaired by Prawase Wasi, was responsible for mobilizing persons from all sectors of society to participate in national reform. The Truth and Reconciliation Commission, chaired by Khanit na Nakhorn, was charged with uncovering the facts related to the deadly violence in April and May.

The government denied visas to two human rights activists from France who were invited to present a human rights report on Vietnam at the FCCT on September 13. The government also pressured the FCCT to cancel the event, claiming that it had a long-standing policy of not allowing persons or organizations to use the country as a place to conduct activities detrimental to other countries.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

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

Women

Rape is illegal, although the government did not always enforce the law effectively. The criminal code permits authorities to prosecute spousal rape, and prosecutions occurred. According to the police, 4,255 rape cases were reported during the year, with nine additional cases in which the victim was killed. Suspects were arrested in 2,397 of the former category of cases and in all nine of the cases that resulted in the victim's death. The Health Ministry reported that an estimated 25,750 women and children were abused between January and November, including approximately 12,000 women more than 18 years old and 13,000 children. The ministry reported that the majority of the abused children were girls, with most of the cases involving sexual abuse.

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

The law specifies a range of penalties for rape or forcible sexual assault, depending on the age of the victim, severity of assault, and physical and mental condition of the victim after the assault; penalties range from four years' imprisonment to life as well as fines. The law also provides that any individual convicted twice for the same criminal rape offense in three years is liable to receive increased penalties for recidivism, which include monetary fines and harsher jail sentences. The amount of the penalty depends on such factors as the severity of the injury or the death of the victim and generally varies from 30,000 baht (\$940) to 150,000 baht (\$4,700).

Domestic violence against women was a significant problem. The 2007 Protection of Victims of Domestic Violence Act imposes a fine of up to 6,000 baht (\$190) or up to six months' imprisonment for violators and provides authorities, with court approval, the power to prohibit offenders from remaining in their homes or contacting family members during trial. The law implements measures designed to facilitate the reporting of domestic violence complaints and reconciliation between the victim and the perpetrator. Additionally, the law restricts media reporting on domestic violence cases in the judicial system.

Some domestic violence crimes, particularly cases where the victim was seriously injured, were prosecuted under provisions for assault or violence against a person

where harsher penalties could be levied. Domestic violence frequently went unreported, and police often were reluctant to pursue reports of domestic violence. NGO-supported programs included emergency hotlines, temporary shelters, and counseling services to increase awareness of domestic violence, HIV/AIDS, and other matters involving women. The government's crisis centers, located in some state-run hospitals, cared for abused women and children, although several centers faced budget difficulties. State-run hospitals referred victims to external organizations when services at a hospital were not available. The Ministry of Social Development and Human Security (MSDHS) reported that 673 cases of domestic violence were recorded during the year in 67 of the country's 76 provinces.

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

Sex tourism was a problem. According to the MSDHS, there are no laws that specifically address sex tourism. However, the criminal code, laws on prostitution, and laws combating trafficking in persons contain provisions to combat sex tourism.

Sexual harassment is illegal in both the public and private sectors. The law for public-sector employees specifies fines of not more than 20,000 baht (\$625) for individuals convicted of sexually harassment. Private-sector employees must file criminal charges if they have a sexual harassment claim. The punishment depends on the degree of harassment and age of the victim. Abuse categorized as an indecent act may result in imprisonment of up to 15 years and a fine of up to 30,000 baht (\$940). The Civil Servant Regulations Act prohibits sexual harassment and stipulates five levels of punishment: probation, docked salary, salary decrease, discharge from service, and termination. NGOs claimed that the legal definition of harassment was vague and prosecution of harassment claims difficult.

In September the Public Prosecutor's Office dismissed for insufficient evidence a case in which a female naval lieutenant claimed to have been sexually harassed by a senior army general. On June 29, the Defense Ministry also concluded its own investigation into the allegation, finding that the complainant was unable to provide sufficient information and evidence for a prosecution to proceed. The lieutenant also received an official reprimand for not following military procedure,

since she had made her case public and filed the complaint with civilian courts. At year's end the alleged victim was considering refiling the case.

Couples and individuals could decide freely and responsibly the number, spacing, and timing of children, and they had the information and means to do so free from discrimination. The publicly funded medical system provided access to contraceptive services and information, prenatal care, skilled attendance during childbirth, and essential obstetric and postpartum care. Women had equal access to diagnosis and treatment for sexually transmitted infections, including HIV.

According to data from the Population Reference Bureau, approximately 70 percent of married women and girls ages 15 to 49 used contraception. Although statistics were unavailable, the percentage of unmarried women, men, adolescents, ethnic minorities, and migrant workers who had access to contraception was estimated to be less. Approximately 97 percent of births were attended by skilled health personnel, and the lifetime risk for death during childbirth was one in 500. Prenatal and postnatal care was estimated to be accessible to more than 90 percent of mothers and babies.

Military academies (except for the nursing academy) did not accept female students, although a significant number of instructors at the military academies were women. After the military reorganization in September, 42 women held the rank of general or above across all branches of the military and within the Ministry of Defense. The Police Cadet Academy for commissioned officers accepts female cadets, and 70 of 280 new cadets were women. According to the MSDHS, in 2007 women held 22 percent of managerial positions in publicly listed companies and 35 percent in commercial companies. In 2008 women held 16 percent of high-level administrative positions in the government sector. According to the Office of the Civil Service Commission, women held 24 percent of executive-level positions. Women were able to own and manage businesses freely. Government regulations require employers to pay equal wages and benefits for equal work, regardless of gender. Nonetheless, discrimination in hiring was common, and women were concentrated in lower-paying jobs. In practice women received lower pay for equal work in many sectors of the economy.

The government's Office of Women's Affairs and Family Development promotes the legal rights of women, notably through the suboffice of the Bureau of Gender Equality Promotion.

Children

Citizenship is not automatically conferred by birth within the country. By law citizenship is based either on birth to one or both Thai parents, marriage to a Thai man, or naturalization. It can also be acquired by means of special government-designated criteria implemented by the MOI with the approval of the cabinet. Finally, it can be granted as a result of the 2008 nationality law. Additionally, the government approved the withdrawal of the country's reservation on article 7 of the Convention on the Rights of the Child regarding birth registration and nationality (see section 2.d.).

According to NGOs, highlanders and other stateless individuals on occasion did not register births with the authorities because administrative complexities, misinformed and unscrupulous local officials, language barriers, and restricted mobility made it difficult to do so (see section 2.d.).

Primary education was compulsory, free, and universal. Violence in the southern provinces, especially that aimed at public school teachers, sporadically forced the temporary closure of public schools and disrupted the educational process in those areas. Many NGOs reported that most children of registered migrant workers, particularly in Chiang Mai and Mae Sot, were permitted to attend public schools; however, language barriers, distance from school, and frequent relocations to follow parents to new job sites prevented some migrant children from attending school. These children remained without access to community services provided to children attending public schools, such as day-care centers, government-subsidized free milk, and lunch privileges. Migrant workers who could afford it often chose to send their children to private nurseries or day-care centers at their own expense.

The law provides for the protection of children from abuse, and laws on rape and abandonment carry harsher penalties if the victim is a child. The law imposes a jail term of seven to 20 years' imprisonment and a fine of up to 40,000 baht (\$1,250) for sexual intercourse with a victim under the age of 13. If the victim is under the age of 15, the penalty is four to 20 years' imprisonment and a fine of up to 40,000 baht (\$1,250).

A 2009 private university-sponsored poll of persons ages 12 to 24 in the Bangkok area found that 12.9 percent had encountered sexual harassment. Police were reluctant to investigate abuse cases, and rules of evidence made prosecution of child abuse difficult. The law is designed to protect witnesses, victims, and offenders under the age of 18, and procedures with a judge's consent allow children to testify on videotape in private surroundings in the presence of a

psychologist, psychiatrist, or social worker. However, many judges declined to use videotaped testimony, citing technical problems and the inability to question accusers and defendants directly in court. Some children's advocates claimed that minor female sexual abuse victims received better physical and psychological care than male victims did. 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.

Child prostitution remained a problem. According to government officials, academics, and NGO representatives, children (both boys and girls), especially among migrant populations, were sometimes forced, coerced, or lured into prostitution. While it was widely believed there were fewer incidences of citizens forced into prostitution, children from poor families remained vulnerable, and there were some incidences of parents who forced their children into prostitution. Pedophilia continued, by citizens and foreign sex tourists.

The 1996 Prostitution Prevention and Suppression Act imposes heavy penalties on whoever procures, lures, compels, or threatens children under 18 years old for the purpose of prostitution. Section 8 of the act provides that a customer who has sexual intercourse with a prostitute under the age of 15 shall be subject to two to six years in prison and a fine of up to 120,000 baht (\$3,750); if the prostitute is between the ages of 15 and 18, the prison term is one to three years, and the fine is up to 60,000 baht (\$1,875). Parents who allow a child to enter into prostitution also are punishable and can have their parental rights revoked. Those who procure children for prostitution face strict penalties, and the punishment is more severe if the minors involved are under 15. The penal code prohibits the production, distribution, and import or export of child pornography. The penalty is imprisonment of not more than three years and a fine of not more than 6,000 baht (\$190). The law also imposes heavy penalties on persons who sexually exploit children, both boys and girls, younger than 18 years old. It defines punishments for pimping, trafficking for labor exploitation, and human smuggling.

A 2005 study widely cited by NGOs and state agencies estimated there were 20,000 street children in major urban centers. However, the government and NGOs could provide shelter to only 10,000 children each year. Generally, the children were referred to government-provided shelters, but many, especially foreign illegal migrants, reportedly avoided the shelters due to fear of being deported. Ultimately the government either sent citizen street children to school, to occupational training centers, or to their families with social worker supervision. Some street children from other countries were repatriated.

Street children were often omitted from national reports on child labor matters, and national statistics on street children often included only citizens.

The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.htm as well as country-specific information at http://travel.state.gov/abduction/country/country_3781.html.

Anti-Semitism

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

Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

Persons with Disabilities

The constitution prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in education, access to health care, or the provision of other state services; however, government enforcement was not effective. The law also mandates that persons with disabilities have access to information, communications, and newly constructed buildings, but these provisions were not uniformly enforced. Activists continued to work to amend laws that allow employment discrimination against persons with disabilities.

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

The Community Based Rehabilitation Program remained active in all provinces. The Community Learning Center for People with Disabilities project expanded to 30 provinces. A National People with Disabilities Day is recognized annually on November 14.

The government maintained 43 special schools for students with disabilities. The Ministry of Education reported that there were 76 centers nationwide offering special education programs for preschool-age children, one in each province. All state schools nationwide, approximately 30,000, are required by law to accept students with disabilities. There also were nine government-operated and at least 23 NGO-operated training centers for persons with disabilities, including both full-time and part-time or seasonal centers. The government operated 111 state shelters specifically for persons with disabilities, including two day-care centers for autistic children. In addition there were private associations providing occasional training for persons with disabilities. There were reports of schools turning away students with disabilities, although the government claimed that such incidents occurred because schools did not have appropriate facilities to accommodate such students.

Some persons with disabilities who found employment were subjected to wage discrimination. Government regulations require private firms either to hire one person with a disability for every 200 other workers or contribute to a fund that benefits persons with disabilities, but this provision was not uniformly enforced. Government officials estimated that as many as 50 percent of firms complied with the law; the chairman of the Council of Disabled People of Thailand believed the number to be 35 to 45 percent, mostly due to inadequate government follow-up with companies. Some state enterprises had discriminatory hiring policies.

National/Racial/Ethnic Minorities

Two groups--former belligerents in the Chinese civil war and their descendants living in the country since the end of the civil war, and children of Vietnamese immigrants who resided in 13 northeastern provinces--lived under laws and regulations that could restrict their movement, residence, education, and occupation. The Chinese are required to live in the three northern provinces of Chiang Mai, Chiang Rai, and Mae Hong Son. According to the MOI, none were granted citizenship during the year.

Indigenous People

Members of hill tribes who were not citizens continued to face restrictions on their movement, could not own land, had difficulty accessing credit from banks, and although protected by labor laws, often were subjected to labor violations. They also were barred from state welfare services such as universal health care.

The 2008 Nationality Act provides citizenship eligibility to certain categories of highlanders who were not previously eligible (see section 2.d.). Although the government supported efforts to register citizens and educate eligible hill tribe persons about their rights, activists reported that widespread corruption and inefficiency, especially among highland village headmen and district and subdistrict officials, contributed to a backlog of pending citizenship applications as well as improperly denied applications.

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

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

There are no laws that criminalize sexual orientation. Lesbian, gay, bisexual, and transgender (LGBT) groups were able to register with the government, although there were some restrictions on the language that can be used in registering their group names. They reported that police treated LGBT victims of crime as any other person except in the case of sexual crimes, where there was a tendency to downplay sexual abuse or not take harassment seriously.

There was continued discrimination based on sexual orientation and gender identity. The Thai Red Cross would not accept blood donations from gay men. Some life insurance companies refused to issue policies to gay persons, although four major insurance companies agreed to sell life insurance policies to LGBT citizens with full transfer of benefits to same-sex partners. According to military sources, the armed forces did not draft gay or transgendered persons because of the assumed detrimental effect on the military's strength, image, and discipline. The official rejection rationale recorded in military documentation was "Type 3--Sickness That Cannot Be Cured Within 30 Days," as opposed to the previously utilized "Type 4--Permanently Disabled or Mentally Ill." The law does not permit transgendered individuals to change their gender on identification documents. Some major businesses did not allow transgendered persons to use their preferred bathrooms. NGOs also alleged that some nightclubs, bars, hotels, and factories denied entry or employment to gays, lesbians, and transgendered individuals.

Other Societal Violence or Discrimination

Persons with HIV/AIDS faced the psychological stigma associated with rejection by family, friends, colleagues, teachers, and the community, although intensive

educational outreach efforts may have reduced this stigma in some communities. There were reports that some employers refused to hire persons who tested HIV-positive following employer-mandated blood screening. According to the Thailand Business Coalition on AIDS, an estimated 8,000 businesses pledged not to require HIV/AIDS tests for employees or discharge infected employees and vowed to hold regular awareness campaigns, with 1,150 pledging during the year.

The NHRC was investigating a complaint filed in September 2009 about the so-called AIDS temple, Wat Phrabat Namphu, which sheltered many dying AIDS patients. AIDS activists objected to the temple's practice of displaying corpses of AIDS patients as a cautionary tale, although temple officials stated that the patients gave consent. On July 1, the NHRC held a meeting with Wat Phrabat Namphu and struck a preliminary agreement whereby the temple would be permitted to display corpses provided that no personal information on the deceased individuals, including names, was included. The NHRC made a follow-up visit to the temple on December 20, and a final recommendation was pending at year's end.

Section 7 Worker Rights

a. The Right of Association

The law allows private sector workers to form and join trade unions of their choosing without prior authorization. Enforcement of labor laws was inconsistent, and in some instances the 1975 Labor Relations Act and the 1998 and 2008 Labor Protection Acts (LPA) were not effective in protecting workers who participated in union activities. The law allows unions to conduct their activities without government interference. It also permits workers to strike, and this right was exercised in practice.

The labor law does not allow civil servants, including public schoolteachers, soldiers, and police, to form or register a union. They can form and register associations, but these associations do not have the right to bargain collectively. Labor activists and some civil servants interpreted the 2007 constitution as broadening the freedom of association to include granting civil servants the right to form a union. While efforts by a small number of civil servants to organize a union or unions were underway, the related labor laws had not been amended to allow civil servants to do so.

The State Enterprise Labor Relations Act (SELRA) gives state-owned enterprise workers the right to form unions. These unions generally operated independently of

the government. The law restricts affiliations between state enterprise unions and private-sector unions. However, unofficial contacts at the union level between public- and private-sector workers continued, and the government did not interfere with these relationships.

Noncitizen migrant workers, whether registered or illegally present, do not have the right to form unions or serve as union officials; however, registered migrants may be members of unions organized and led by Thai citizens. A few registered migrants joined unions, but the number that did so was low, due in part to language barriers and the fact that migrant workers and Thai workers often worked in different industries. A substantial number of migrant workers worked in factories near border-crossing points, where there were reports of frequent violations of labor laws and where few inspections were carried out to verify compliance with the law.

The labor force consisted of 38.4 million persons. Less than 2 percent of the total work force but nearly 10 percent of industrial workers and more than 59 percent of state enterprise workers were unionized. At the end of 2009, there were 44 state enterprise unions with 167,510 members and 1,194 private labor unions with 338,550 members. Compared with 2008, the number of private labor unions decreased, and membership in both state enterprise and private unions decreased slightly.

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

The Supreme Court denied Jitra Kotchadet's case against garment maker Triumph International for dismissing her without cause in 2008.

In February former employees of a Triumph subsidiary company agreed to move their protest from the Ministry of Labor (MOL) building, where they had protested since October 2009, in exchange for 250 sewing machines and vocational training. These workers had been dismissed in June 2009. As part of this agreement, the government also promised to help the group secure loans from financial institutions and provide transportation for the workers to go home. The company blamed the

global economic situation and a drop in demand for the layoffs; union leaders argued the layoffs were an attempt to purge the firm of active union members, many of whom had protested Jitra's dismissal in 2008.

In September 900 Burmese migrant workers staged a nine-day strike at the Dechapanich Fishing Net Factory in Khon Kaen after factory management fired six workers and refused to return their legal documents to the fired workers. Workers demanded the return of all passports, worker identity cards, and work permits. They also demanded compensation for daily overtime earned since February. The striking workers were threatened with cancellation of their visas and deportation, but the employer eventually complied with the workers' demands. Ultimately, the migrant workers all resigned from the factory and found new jobs in Bangkok.

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 in the past and did not do so during the year. The law also forbids strikes in "essential services," which are defined much more broadly than under International Labor Organization (ILO) criteria and include sectors such as telecommunications, electricity, water supply, and public transportation. The law 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. Strike action in the private sector was constrained by the legal requirement to call a general meeting of trade union members and have a strike approved by at least 50 percent of all union members. During the year there were strikes against various companies, generally after negotiations over compensation had reached an impasse. In one instance, while negotiations were still underway, management of an international automotive company ordered a lockout, stating that workers were damaging equipment and vehicles on the production line.

The SELRA prohibits lockouts by state enterprises and strikes by state enterprise workers. However, in the past a large number of state enterprise workers took sick leave or vacation on the same day, leading to the closing of business operations. No legal action was taken against those workers.

During 2009 there were 101 labor disputes, nearly double the 2008 figure. MOL statistics showed three lockouts by employers involving 156 employees and two strikes that involved 456 employees. The majority of union demands in 2009 were related to wages and other benefits.

b. The Right to Organize and Bargain Collectively

The law provides for the right of citizen private-sector workers to organize and bargain collectively. 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; however, many disagreements were settled successfully.

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

Employers reportedly discriminated against workers seeking to organize unions. While the law protects workers who submit demands relating to working conditions, it does not protect workers from employer reprisal for union activities prior to the registration of the union; employers could exploit this loophole to defeat efforts at union organization. During the year there were reported cases of workers being dismissed from their jobs for engaging in union activities. In some cases the labor courts ordered workers reinstated if grounds for their dismissal were proven inaccurate. Reinstatement of some of these workers subsequently occurred.

A system of labor courts exercises judicial review over most aspects of labor law for the private sector; however, there was reported abuse in the system. Problems 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. In private-sector labor disputes that cannot be resolved through negotiations or voluntary arbitration and that may affect the national economy or public order, the law authorizes the MOL to refer them to the Labor Relations Committee for settlement. Although the legal authority seldom was used, international standards allow for this type of provision only if the private sector

activity in question involves essential services--those whose interruption would endanger the life, personal safety, or health of the whole or part of the population.

Redress of grievances for state enterprise workers was 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 approach limited any disincentive for employers to fire union organizers and activists.

Labor brokerage firms used a "contract labor system" under which workers signed an annual contract. Although contract laborers performed the same work as direct-hire workers, often they were paid less and received fewer, or no, benefits. Contract laborers are covered under the law, and according to the 2008 Labor Protection Act, businesses must provide contract laborers "fair benefits and welfare without discrimination." Regardless of whether the contract labor employee was outsourced and collected wages from a separate company, according to the act the contracting business is the overall employer. Plaintiffs filed lawsuits in an attempt to seek clarification of their obligations under the new law; the labor court ruled in each case that the law requires equal pay and benefits for subcontract and regular employees.

The law requires that members of a union be "employees working for the same employer" or "employees in the same description of work." Such provisions, coupled with requirements that the union represent a certain percentage of the workforce, could hamper collective bargaining efforts where contract workers are not considered part of the potential bargaining unit but make up a substantial portion of the workforce.

There are no special laws or exemptions from regular labor laws in export processing zones. However, employers' associations reportedly cooperated to discourage union organization in the zones. Union organization was common at major international firms in large industrial estates.

c. Prohibition of Forced or Compulsory Labor

The constitution prohibits forced or compulsory labor except in the case of national emergency, war, or martial law, or to avoid imminent public calamity. The 2008 Antitrafficking in Persons Act prohibits all forms of human trafficking, including forced labor of men, women, and children. Despite efforts by the government to

enforce and raise awareness of the law, problems of forced labor of men, women, and children persist in a small proportion of the economy, particularly in those sectors where foreign migrant labor is common.

Employers often kept possession of migrant workers' registration and travel documents, which restricted their travel outside the work premises. Reportedly, some migrant workers requested that employers keep their documentation for safekeeping.

There continued to be reports of sweatshops or abusive treatment in a few sectors, particularly on seagoing trawlers, in garment factories, and in shrimp and seafood processing facilities. Mistreatment at times included the prevention of workers, primarily foreign migrants, from leaving the premises. The large number of migrants from Burma, Cambodia, and Laos created opportunities for abuse.

Sarawut Ayuken, sentenced to death in August 2009 for the 2007 murder of a Karen migrant worker, remained in prison awaiting the decision of the appeals court, along with two other defendants involved in the case.

In January the criminal court convicted a Burmese broker, arrested in October 2009, of violating the Anti-Human Trafficking Act and the Immigration Act in a case involving 18 Burmese forced to work on fishing boats in Chonburi Province. The broker was sentenced to four years' imprisonment; the boat foreman was sentenced to 30 months in prison and a fine of 82,500 baht (\$2,600). Due to lack of evidence, charges were dropped against a third individual involved in the case.

Two persons convicted in November 2009 for trafficking workers to the Anoma Samut Sakhon shrimp processing factory remained free while awaiting the result of their appeal.

On December 9, a criminal court convicted the three defendants in the forced labor-related case involving the Ranya Paew shrimp processing factory. A 2006 raid on the factory resulted in the identification of 66 victims of trafficking. Each of the defendants was sentenced to 20 years in prison, the maximum penalty. At year's end the defendants remained free while awaiting the result of their appeal.

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

d. Prohibition of Child Labor and Minimum Age for Employment

In general, sufficient legal protections exist for children in the formal economic sector. The LPA is the primary law regulating employment of children under the age of 18. Employment of children under the age of 15 is prohibited. An exception exists for children 13 to 15 years old who have parental permission to perform agricultural work during school breaks or nonschool hours as long as the employers provide a safe work environment. Employers may not require children under the age of 18 to work overtime or on a holiday and may not require work between 10 p.m. and 6 a.m. without MOL approval. Children under 18 must not be employed in hazardous work, which includes any activity involving metalwork, hazardous chemicals, poisonous materials, radiation, and harmful temperatures or noise levels; exposure to toxic microorganisms; operation of heavy equipment; underground or underwater work; and work in places where alcohol is sold or in massage parlors. The maximum penalty for violating these prohibitions is one year in prison, fines up to 200,000 baht (\$6,250), or both. The LPA provides limited coverage to workers in some informal sectors, such as fishing and domestic employment. The law allows for issuance of ministerial regulations to address sectors not covered in the law; such regulations increased protections for child workers in domestic and agricultural sector work.

Child labor remained a problem, particularly in agriculture, the garment industry, seafood processing, fishing-related industries, and the informal sector. There was reason to believe that some garments, pornography, shrimp, and sugarcane were produced and processed by child labor in violation of international standards. In urban areas most underage workers worked in the service sector, including in gasoline stations, small-scale industry, and restaurants. Observers believed that while the prevalence decreased, some children (usually foreign) were exploited in street selling, begging, domestic service, and agriculture work, sometimes in a system of debt bondage. Many of these foreign children, predominantly migrants from Burma, Cambodia, and Laos, were in the country illegally, which increased their vulnerability to exploitation. There were reports of street children who were bought, rented, or forcibly "borrowed" from their parent or guardians to beg alongside women in the street.

Outside urban areas, children worked in agriculture, garment, and fishing-related industries. Child labor was less evident in larger, export-oriented factories and registered processing facilities. NGOs reported greater child labor in garment factories along the Burmese border, in Mae Sot Province. There was no comprehensive survey of child labor throughout the country.

The Social Security Office under the MOL reported that there were 65,536 children ages 15 to 18 years old formally working and registered in the social security system in 2009. This figure was an almost 40 percent decrease from 2008 and may be a result of the extension of free education from nine years to 12 years in the 2007 constitution and the 2009 government policy that extended free education, including coverage of fees, books, and uniforms, further to 15 years. Other MOL statistics showed that 2,774 children between 15 and 17 years old worked legitimately in 2009. This increase (more than 2,065 in 2008) was more indicative of increased efforts by the MOL to inspect facilities than an increase in child labor. The number of all child laborers, legal and illegal, was likely much larger when taking into consideration child laborers in the informal sector, including unregistered migrant children. According to a study funded by the MOL and the ILO, labor abuse of child citizens was declining, and such children made up less than 1 percent of the workforce.

The MOL is the primary agency charged with enforcing child labor laws and policies. Labor inspectors, widely considered to be too few, were believed to be reactive, rather than proactive, and normally complaints-driven. In an effort to improve labor law enforcement, the MOL Department of Labor Protection and Welfare inspection plan for the year prioritized labor inspections of small factories (fewer than 49 workers), which were believed to be high risk for the use of child labor. In line with prevailing cultural norms, the inclination of labor inspectors when dealing with violators was to negotiate promises of better future behavior rather than seek prosecution and punishment. The legal requirement for a warrant hampered inspection of private homes to monitor the welfare of child domestic workers.

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

e. Acceptable Conditions of Work

The minimum wage ranged from 151 baht to 206 baht per day (\$4.72 to \$6.44), depending on the cost of living in various provinces. The minimum wage was not adequate to provide a decent standard of living for a worker and nuclear family. On December 14, the cabinet approved an increase in the minimum wage. Beginning on January 1, 2011, the minimum wage was set to range from 159 baht to 221 baht (\$4.97 to \$6.91) per day.

The government sets wages for state enterprise employees under the SELRA. Wages for civil servants are determined by the Office of Civil Service Commission. However, the 2008 Civil Servant Act gives each ministry or department more flexibility in setting civil servant salary levels.

The MOL is responsible for ensuring that employers adhere to minimum wage requirements (applicable to the formal sector); however, enforcement of minimum wage laws was mixed. Some formal sector workers nationwide received less than the minimum wage, especially those in rural provinces. Labor protections apply to undocumented workers; however, many unskilled and semiskilled migrant workers worked for wages that were at times significantly less than the minimum wage.

The LPA mandates a maximum workweek of 48 hours, or eight hours a day over six days, with a limit on overtime of 36 hours per week. Employees engaged in "dangerous" work, such as chemical, mining, or other industries involving heavy machinery, legally may work a maximum of 42 hours per week and are not permitted overtime. Petrochemical industry employees cannot work more than 12 hours per day and can work continuously only for a period not exceeding 28 days. Protections existing in the LPA do not apply universally to all sectors. Household domestic workers, for example, are covered by only a few sections of the LPA.

Provisions of the LPA include protection for pregnant workers, prohibiting them from working on night shifts, overtime, and holidays, with dangerous machinery, or on boats. In some cases, a pregnant employee who works in a nonphysically demanding office position may work overtime, if the employee consents. Despite the act's prohibition against dismissing pregnant workers, there were reports that employers intentionally laid off workers who became pregnant.

The MOL promulgates health and safety regulations regarding conditions of work and is responsible for their enforcement; however, the inspection department enforced these standards inconsistently due to a lack of human and financial resources. There is no law affording job protection to employees who remove themselves from dangerous work situations. According to the MOL's Department of Labor Protection and Welfare, consumer goods production, hotels, restaurants, and the construction industry had the highest incidence of legal violations regarding workers' safety.

During 2009 there were 149,436 reported incidents of diseases and injuries from industrial accidents. This included 106,598 minor disabilities (resulting in no more

than three days of missed work) and 42,838 disabilities resulting in more than three days of missed work (including permanent disabilities and deaths). However, the rate of incidents occurring in the informal and agricultural sectors and among migrant workers was believed to be higher. Occupational diseases rarely were diagnosed or compensated, and few doctors or clinics specialized in them. Many of the young migrant women employed along the Burma border had limited and substandard medical care options. In medium-sized and large factories, government health and safety standards often were applied, but overall enforcement of safety standards was lax. In the informal sector, health and safety protections were substandard.

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.

On November 8, in the first workplace health and safety case to go to the Supreme Court, the court ruled that the Bangkok Weaving Factory must pay almost eight million baht (\$250,000) in compensation to 37 ailing former workers. The court ruled that the company failed to provide a safe working environment, which resulted in the staff developing byssinosis, a respiratory disorder common among textile workers.

The government allowed undocumented migrant workers from three neighboring countries to work legally in certain sectors of the economy if they registered with authorities and began a process to document their status, namely the verification of their nationality, by March 2. However, on January 19, the government extended the deadline for an additional two years.

Migrants from Laos and Cambodia may complete their citizenship verification at locations throughout Thailand. Generally, Burmese migrants must travel to one of three processing centers in border locations inside Burma, reportedly due to Burmese government insistence that registration take place within Burma. The Burmese government, however, temporarily allowed citizenship verification to take place on the Thai side of the border in Ranong Province from July through the end of the year to alleviate the need for some migrants to make a boat crossing into Burma during the monsoon season. Following the July closure of the Thai-Burma Friendship Bridge between Mae Sot and Myawaddy, migrants could no longer complete processing at Myawaddy. Workers could conduct processing at the third processing center located in Tachilek, across the border from the Thai town of Mae Sai.

In September 2009 three workers' rights and labor organizations submitted a letter to the UN special rapporteur on the human rights of migrants, requesting an investigation into the migrant worker nationality verification process for Burmese migrants due to concern for the safety of migrants. On February 2, the UN special rapporteur on the human rights of migrants, along with the special rapporteur on contemporary forms of racism, racial discrimination, xenophobia, and related intolerance, sent a letter of concern to the government.

According to information compiled by the International Organization for Migration with the assistance of the MOL, between January and February 932,255 migrants (812,984 from Burma) renewed their work permits and were eligible for nationality verification processing. By December 388,506 individuals had completed the process. Migrant children of registered migrants are entitled to register for residential permits if their parents have residential permits.

Migrant workers, regardless of their legal status, remained vulnerable to poor working conditions. Reports indicated that they were routinely paid well below the minimum wage, worked long hours and in unhealthy conditions, and (because of their generally illegal status) were at risk of arrest and deportation. Civil society observers continued to criticize the government's handling of migrant workers due to the workers' perceived vulnerability to exploitation. There were several reports of migrant workers forced to make extorted payments to local-level officials. There also were reports that migrant worker deportees were coerced to make payments to officials in Burma, who allegedly shared payments with local Thai officials. NGOs complained that a June 2 order to deport undocumented migrants exacerbated the problem. Concerns also were raised regarding a September ministerial regulation that brought into effect a section of the 2008 Alien Working Act requiring affected workers from Cambodia, Laos, and Burma to contribute a set amount to a repatriation fund. In response to criticisms by civil society and government concern that the financial burden of the fund as organized could push workers underground, the government delayed planned implementation of the fund until March 2012. Until reaching the potential implementation date in 2012, the MOL planned to study how to address the financial burden concerns.

Irregular migrant workers that complete the new amnesty and related nationality verification process have access to the Workmen's Compensation Fund (WCF) and Social Security Office (SSO) funds. However, migrant workers faced discrimination by an SSO policy that denies migrants registered but with disabilities access to the WCF.

The March report of the ILO Committee of Experts asked the government to review the SSO policy and "to instruct the SSO to take positive and urgent measures lifting restrictive conditions and facilitating access of migrant workers to the WCF irrespective of their nationality." This action followed a 2009 complaint alleging that the government was denying Burmese migrant workers access to the WCF following work accidents in violation of ILO convention 19.

In July the family of Hsai Htun, an unregistered Shan migrant from Burma who died in 2007 as a result of a work accident, appealed a lower court's decision to revoke an SSO order that directed the employer to pay compensation. At year's end the Supreme Court had not ruled on the appeal, and the family had not received compensation.

In some provinces local regulations prohibit migrant workers from owning mobile telephones, leaving a worksite at night between the hours of 8 p.m. and 6 a.m., gathering in assemblies of more than five persons, and organizing or taking part in cultural events. However, the regulations were rarely enforced. There were reports that security officials harassed NGO personnel who were trying to assist illegal migrant workers.

Problems encountered by Thai citizens working overseas highlighted the problem of exploitative labor supply agencies that charged heavy and illegal recruitment fees sometimes equal to a worker's first- and second-year earnings. In many cases recruited workers did not receive the benefits they were promised and incurred significant debt. Local moneylenders, mostly informal, contributed to this practice by offering exorbitant loans to allow workers to pay recruitment fees, some of which were as high as 500,000 baht (\$15,625), according to an NGO study. The Department of Employment issued regulations limiting the maximum charges for recruitment fees to ensure that the fees are not excessive; however, effective enforcement of the rules was difficult.