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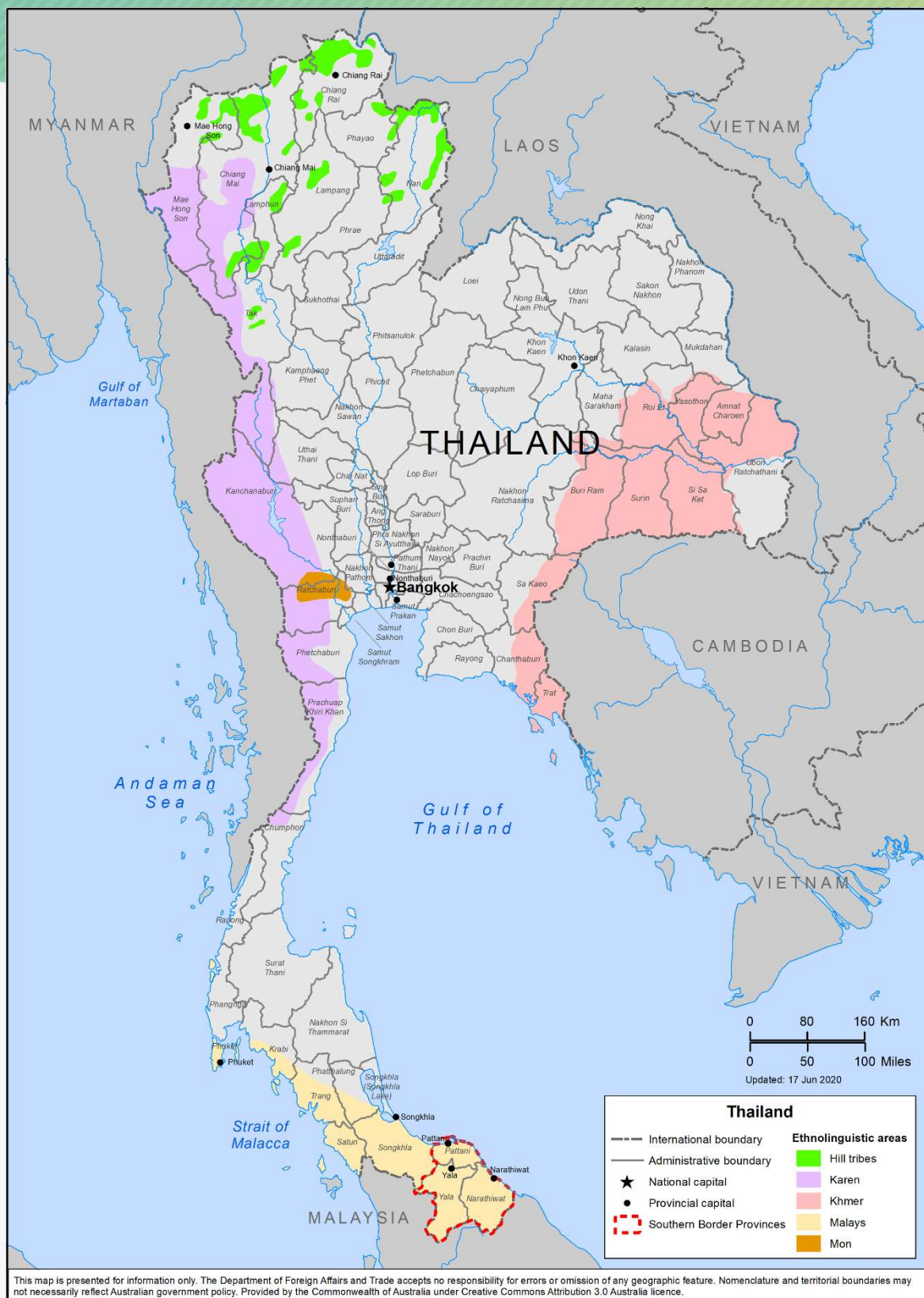
Department of Foreign Affairs and Trade



DFAT COUNTRY INFORMATION REPORT THAILAND

10 July 2020

MAP



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ACRONYMS

ASEAN	Association of South East Asian Nations
AUD	Australian dollar
BRN	Barisan Revolusi Nasional (separatist insurgent group)
CAC	Convention Against Corruption
CAT	Convention Against Torture
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CIB	Central Investigation Bureau
CPB	Crown Property Bureau
CPED	International Convention for the Protection of All Persons from Enforced Disappearance
CRC	Convention on the Rights of the Child
CRES	Centre for the Resolution of Emergency Situations
CRPD	Convention on the Rights of Persons with Disabilities
CSO	Civil Society Organisation
DSI	Department of Special Investigation
ECT	Election Commission of Thailand
FFP	Future Forward Party
FGM/C	Female Genital Mutilation/ Cutting
GDP	Gross Domestic Product
HEI	Higher Education Institution
HNCPO	Head of National Council for Peace and Order
HRW	Human Rights Watch
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP2	Optional Protocol to ICCPR aiming to the abolition of the death penalty
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social, and Cultural Rights
ICMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families

IDC	Immigration Detention Centre
IED	Improvised Explosive Device
ISOC 4	Internal Security Operations Command Region 4
ISP	Internet Service Provider
MOE	Ministry of Education
MOI	Ministry of Interior
MOJ	Ministry of Justice
NBTC	National Broadcasting and Telecommunications Commission
NCPO	National Council for Peace and Order (a military junta that governed from May 2014 until July 2019)
NGO	Non-government organisation
NHRCT	National Human Rights Commission of Thailand
OECD	Organisation for Economic Cooperation and Development
OHCHR	Office of the United Nations High Commissioner for Human Rights
OP-CAT	Optional Protocol to CAT
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution, and child pornography
OTF	Organisation for Thai Federation
PISA	Programme for International Student Assessment
PPA	The Organic Act on Political Parties (2017)
PPD	Provincial Police Division
RAD	Religious Affairs Department
RTAF	Royal Thai Armed Forces
RTP	Royal Thai Police
SBPs	Southern Border Provinces (the three provinces of Narathiwat, Pattani and Yala)
SRS	Sexual Reassignment Surgery
THB	Thai baht (currency)
UCS	Universal Coverage Scheme
UDD	United Front for Democracy Against Dictatorship
UNHCR	Office of the United Nations High Commissioner for Refugees
UNICEF	United Nations International Children's Emergency Fund
UPR	Universal Periodic Review
WHO	World Health Organization

GLOSSARY

<i>'Attitude adjustment' session</i>	A practice whereby authorities detain political opponents and pressure them to abandon their activities, including through interrogations and lectures from military officials
<i>Haj</i>	Muslim pilgrimage to Mecca
<i>Hijab</i>	A head covering worn by Muslim women
<i>Hill tribes</i>	Culturally and linguistically distinct ethnic minority populations in the mountainous areas of northern and western Thailand
<i>Kathoey</i>	Transgender women
<i>Lèse-majesté</i>	Criminal offence of defaming, insulting, or threatening the monarch
<i>MARA Patani</i>	Umbrella organisation for insurgent groups in the SBPs
<i>Sharia</i>	Islamic law

Terms used in this report

high risk	DFAT is aware of a strong pattern of incidents
moderate risk	DFAT is aware of sufficient incidents to suggest a pattern of behaviour
low risk	DFAT is aware of incidents but has insufficient evidence to conclude they form a pattern

official discrimination

1. legal or regulatory measures applying to a particular group that impede access to state protection or services that are available to other sections of the population (examples might include but are not limited to difficulties in obtaining personal registrations or identity papers, difficulties in having papers recognised, arbitrary arrest and detention)
2. behaviour by state employees towards a particular group that impedes access to state protection or services otherwise available, including by failure to implement legislative or administrative measures

societal discrimination

1. behaviour by members of society (including family members, employers or service providers) that impedes access by a particular group to goods or services normally available to other sections of society (examples could include but are not limited to refusal to rent property, refusal to sell goods or services, or employment discrimination)
2. ostracism or exclusion by members of society (including family, acquaintances, employers, colleagues or service providers)

1. PURPOSE AND SCOPE

1.1 This Country Information Report has been prepared by the Department of Foreign Affairs and Trade (DFAT) for protection status determination purposes only. It provides DFAT's best judgment and assessment at time of writing and is distinct from Australian government policy with respect to Thailand.

1.2 The report provides a general, rather than an exhaustive, country overview. It has been prepared with regard to the current caseload for decision makers in Australia without reference to individual applications for protection visas. The report does not contain policy guidance for decision makers.

1.3 Ministerial Direction Number 84 of 24 June 2019, issued under s 499 of the *Migration Act* (1958), states that:

Where the Department of Foreign Affairs and Trade has prepared [a] country information assessment expressly for protection status determination purposes, and that assessment is available to the decision maker, the decision maker must take into account that assessment, where relevant, in making their decision. The decision maker is not precluded from considering other relevant information about the country.

1.4 This report is based on DFAT's on-the-ground knowledge and discussions with a range of sources in Thailand. It takes into account relevant information from government and non-government reports, including (but not limited to): those produced by the US Department of State, the World Bank, Transparency International, Amnesty International, Human Rights Watch, Freedom House, Reporters Without Borders, and the Committee to Protect Journalists; various United Nations agencies; and credible news sources. Where DFAT does not refer to a specific source of a report or allegation, this may be to protect the source.

1.5 This is the first Country Information Report on Thailand that DFAT has produced for protection status determination purposes.

2. BACKGROUND INFORMATION

RECENT HISTORY

2.1 Formerly known as Siam, Thailand is the only Southeast Asian country never to have been colonised by a foreign power. The origins of contemporary Thailand date back to 1932, when a revolution saw the country transition from an absolute monarchy to a constitutional monarchy with a parliamentary government. In 1946 King Bhumibol (Rama IX), who reigned until his death in October 2016, ascended to the throne, and the country's first democratic elections took place the same year. The military seized power in 1947 and has played a central role in Thai politics off and on since (Thailand has had 12 military coups since 1932).

2.2 Thailand experienced rapid economic and social development under military rule, particularly during the 1960s. A Western ally, Thailand participated militarily in the Vietnam War and hosted a number of American military bases and recreational facilities. US military spending helped fuel the rapid growth of Thailand's economy, particularly its service, transportation and construction industries, and Thailand's population grew considerably as the standard of living rose. Economic development was unevenly distributed across the country, and large numbers of rural Thais migrated to Bangkok and other cities in search of economic opportunity during this period. The lack of political freedoms under military rule led to political unrest, with a student-centred opposition movement demanding a constitution and return to civilian rule. In October 1973, the military suppressed a large demonstration in Bangkok, killing 77 and injuring more than 800. King Bhumibol withdrew his support for Thailand's military rulers in the aftermath, resulting in them leaving the country. Military rule resumed in 1976 following the killing of student protestors at Thammasat University, and continued throughout the 1980s. A civilian government was elected in 1988, only to be overthrown by a military coup in 1991. Mass demonstrations in Bangkok in 1992 – and their violent suppression by security forces – led to the resignations of the coup leaders, and the restoration of civilian government, which lasted throughout the 1990s.

2.3 Contemporary Thai politics has been characterised by divisions between supporters ('red-shirts') and opponents ('yellow-shirts') of Thaksin Shinawatra, who became Prime Minister in 2001. Although popular with Thailand's urban and rural poor for his social programs, opponents criticised his perceived authoritarian style, the increase in human rights abuses and corruption that occurred during his time in power and – according to some detractors – his disrespect for the monarchy. The military removed Thaksin from power in a bloodless coup in September 2006, but his party won the next general election in December 2007 (Thaksin himself went into exile after the 2006 coup and remains abroad). Political polarisation between Thaksin supporters and opponents led to protracted protests, occasional deadly clashes, and political paralysis in the years following (see [Protesters and Demonstrators](#)). Elections in July 2011 returned the pro-Thaksin forces to power under the leadership of his sister Yingluck, but mass protests and street battles broke out again in 2013. The military staged a bloodless coup in May 2014, bringing to power a military junta known as the National Council for Peace and Order (NCPO) headed by General Prayut Chan-ocha.

2.4 The NCPO remained in power for five years before being formally dissolved on 17 July 2019 following [The 2019 General Election](#). While the widespread demonstrations, political instability and

associated political violence that had characterised the preceding years largely ceased under NCPO rule, the NCPO period also saw reductions in political and social freedoms. Despite the nominal return to civilian rule following the 2019 elections, Prime Minister Prayut and other ex-NCPO figures remain in power and Thai politics and society remain deeply polarised. Further political and social uncertainty has resulted from the ascension of a new monarch, King Vajiralongkorn (Rama X), whose governing style differs from that of his long-serving father (see [Critics of the Monarchy](#)).

DEMOGRAPHY

2.5 Thailand has an estimated population of 69.6 million. Bangkok is the capital and largest city, with approximately 10.35 million people. Other major cities include Samut Prakan (1.29 million), Chiang Mai (1.15 million), Songkla (954,000), Nonthaburi (950,000) and Pathum Thani (901,000). Thailand has an even divide between its urban and rural populations, with a 1.73 per cent annual rate of urbanisation. The highest population density is found in and around Bangkok, but there are also significant population clusters in the north, northeast and south of the country.

2.6 There is a diverse range of ethnic groups within Thailand (see also [Race/Nationality](#)). The largest group is ethnic Thai, who make up approximately three-quarters of the population. The next largest are Thai Chinese, at around 14 per cent; with Thai Malays comprising around 3 per cent. The remainder of the population falls into small minority groups, including hill tribes, Khmers and Mons. The Thai Malay population is concentrated in the southern border provinces (SBPs) with Malaysia; while the Thai Khmer population is concentrated along the Cambodian border area. The official language is Thai, which over 90 per cent of the population use in their home and work lives. There are significant regional variations between Thai dialects, however, with some dialects mutually incomprehensible.

2.7 Thailand hosts a large refugee population, predominantly from Myanmar. As of October 2019, approximately 93,000 Myanmar refugees resided in nine camps along the Thailand-Myanmar border, managed by the Office of the United Nations High Commissioner for Refugees (UNHCR). Camp-based refugees have no legal right to work, and must obtain permission to leave the camps, including for medical treatment. There is a facilitated voluntary repatriation process enabling refugees to return to Myanmar, but only 1,039 had chosen to do so between 2016 and September 2019, though the process appeared to be gaining traction. Local human rights observers cite safety concerns, lack of economic opportunity upon return, and lack of education and health services as reasons for the low uptake. A further 4,500 refugees of multiple nationalities reportedly reside in the Bangkok urban area, and there are between 300-350 refugees residing in immigration detention centres (IDCs; see [Detention and Prison](#)).

2.8 Thailand is not a signatory to the 1951 Refugee Convention and does not have specific asylum legislation. Consequently, refugees and asylum seekers who do not otherwise have a legal right to stay in Thailand are treated as illegal migrants. The Cabinet approved on 24 December 2019 the establishment of a screening mechanism to distinguish between people who need international protection and economic migrants. This follows the Cabinet's January 2017 approval of a proposal to finalise and implement such a mechanism. Humanitarian organisations have welcomed the move, which is due to be enacted in mid-2020, and expressed hope that it will regularise the stay of persons in need of international protection in Thailand and clarify the immigration status of all residents.

Stateless Persons

2.9 An estimated 470,000 persons, mainly residing in the northern region and in the border area with Myanmar, including the members of hill tribes, are likely stateless or at risk of becoming stateless. This group

includes persons from Myanmar who do not have evidence of citizenship, ethnic minorities registered with civil authorities, and previously undocumented minorities (see also [Race/Nationality](#) and [Birth Certificates and Registration Procedures](#)).

2.10 By law, stateless persons may not vote or own land, and their travel is restricted (see [Internal Relocation](#)). Stateless persons may not participate in certain occupations reserved for citizens, including farming (although authorities do reportedly permit some ethnic minority groups to undertake subsistence agriculture). Although labour laws give stateless persons the right to equal treatment as employees, employers often violate these rights by paying them less than their citizen co-workers and less than the minimum wage. Stateless persons also reportedly have difficulty accessing credit and government services such as universal health care (see [Health](#)). Although [Education](#) is technically accessible for all undocumented and stateless children, it is usually of poor quality. School administrators reportedly place the term 'non-Thai citizen' on stateless children's high school certificates, which severely limits their economic opportunities. Some public universities reportedly charge higher tuition rates for stateless and undocumented students than for citizens or prohibit their enrolment.

2.11 As part of a pledge to attain zero statelessness by 2024, the government approved in 2016 a Cabinet resolution that provides a pathway to Thai nationality for approximately 80,000 stateless children and young adults. The resolution covers persons born in Thailand whose parents are ethnic minorities, who are registered with authorities, and who have resided in the country for at least 15 years. The resolution also applies to stateless youths certified by a state agency to have lived in Thailand for at least 10 years and whose parentage is unknown. In April 2019, the government enacted an amendment to the Civil Registration Act providing a pathway for foundlings to apply for a birth certificate and obtain a Thai national identification card. If the person proves continuous residence in the country for 10 or more years and meets other qualifications, the person is eligible to apply for Thai nationality. NGOs estimate that it will take the government decades to provide nationality for the current caseload.

ECONOMIC OVERVIEW

2.12 Thailand has experienced rapid economic and social development in recent decades. The World Bank has classified Thailand as an upper-middle income economy since 2011, recognising its achievements in increasing Gross National Income per capita, significantly reducing poverty (from 67 per cent in 1986 to 7.8 per cent in 2017, as measured by the upper-middle income class poverty line of USD5.50 per day), and successfully withstanding the 2008 Global Financial Crisis. Thailand has the second largest economy in Southeast Asia, behind only Indonesia.

2.13 The major economic sectors are services, manufacturing and agriculture. The services sector continues to expand, contributing 56.3 per cent of Gross Domestic Product (GDP) in 2018. Tourism is a major industry, and is the main source of foreign currency. According to official statistics, 38.28 million tourists visited Thailand in 2018, making the country one of the world's top 10 travel destinations. China provides the largest number of tourists of any single country (27.5 per cent). The manufacturing sector accounts for 35 per cent of GDP and is well-diversified. The main industries are electronics, steel and automotive, with Thailand being an assembly hub for international car brands. Electrical components and appliances, computers, cement production, furniture and plastic products are also important sectors. The textile sector has declined in importance but remains significant. Although agriculture's contribution to GDP is declining (8.7 per cent in 2018), it continues to employ around one-third of the labour force (see [Employment](#)). Thailand is one of the leading producers and exporters of rice, with other major crops including rubber, sugar, corn, jute, cotton and tobacco. Fishing also constitutes an important activity, and Thailand is a major exporter of farmed shrimp.

2.14 Despite Thailand's considerable economic achievements, there are a number of points of vulnerability. Ongoing bilateral trade disputes between the United States and China have affected overall trade levels, including those flowing through regional supply chains. The ongoing influence of the military in the recently-elected government, and political uncertainty, continue to dampen business confidence. Thailand has deep-rooted structural problems around human capital and competition, and many observers have called for reform to the Education system to address the workforce skills deficit. The economy's dependence on tourism means that any dip in tourist numbers represents a key economic vulnerability. Border closures and lockdowns associated with the 2020 novel coronavirus (COVID-19) pandemic have flattened Thailand's tourist trade. Another risk comes from persistent high levels of household debt, equating to 78 per cent of GDP, with some analysts concerned that anaemic wage growth will curtail consumers' ability to repay debt. A slowing economy (just 2.4 per cent growth in the 3rd quarter of 2019, and a reduced forecast from 3.3 per cent to 2.8 per cent for 2019 overall) risks Thailand's appeal as an investment destination. Gross foreign flows were USD28.9 billion in the first half of 2019, compared to USD30.4 billion in the same period in 2018. These economic projections pre-dated COVID-19. Thailand's economy is acutely vulnerable to the effects of COVID-19, given its reliance on external markets and tourism (the latter accounting for over 20 per cent of Thailand's GDP in normal times). COVID-related restrictions and reduced global demand have impacted negatively on the country's main economic growth drivers, and the IMF has forecast that Thailand's economy may contract by 6.7 per cent in 2020, the worst of any of its ASEAN peers.

2.15 The current government was elected in March 2019 on an economic platform that included pledges to increase welfare, raise the minimum wage, improve healthcare, assist agriculture workers, boost education and introduce minor tax reform. Special stimulus measures in response to the COVID-19 pandemic were introduced in April 2020, which provide financial support to individuals and businesses, additional support for temporary and contract workers and the self-employed, and funding for community infrastructure.

Employment

2.16 Thailand's official unemployment rate of 0.7 per cent in January 2020 is among the lowest in the world. Analysts attribute this figure to: a low birth rate, which means a decreasing number of people join the workforce annually; a lack of social insurance in the form of unemployment benefits that creates a high incentive to find work of any nature; and the practice of considering those working in Thailand's large informal sector to be employed (this includes street vendors, motorcycle taxis, and other self-employed people, and accounts for more than half of the total workforce). Official unemployment figures also do not take into account the large number of undocumented migrant workers in the country: there are an estimated 4.9 million non-Thai individuals residing and working in Thailand, including approximately 3.9 million low-skilled workers from Cambodia, Laos and Myanmar, many of whom have an irregular status. In reality, there is considerable unemployment and underemployment in Thailand, including off-season unemployment in the agriculture sector.

2.17 More than half of the active labour force is estimated to work in the services sector. The agricultural sector, comprised mostly of small-scale farms, employs about one-third of the labour force. The remainder is employed in industry.

Corruption

2.18 Thailand is a signatory to the United Nations *Convention Against Corruption* (CAC). Section 63 of the Constitution commits the State to educating citizens on the dangers resulting from dishonest acts and wrongful conduct in both public and private sectors, and to providing efficient measures and mechanisms to rigorously prevent and eliminate corruption. The *Organic Act on Counter Corruption* (1999), the *Offences Relating to the Submission of Bids to State Agencies Act* (1999), and the Criminal Code are the major legislative tools covering corruption offences. The Criminal Code criminalises embezzlement, trading in influence, and both active and passive bribery of public officials. Penalties for actively bribing an individual include imprisonment of up to five years and a maximum fine of THB10,000 (AUD 480). Passive bribery can (theoretically) incur the death penalty or life imprisonment, and/or a fine of up to THB40,000 (AUD1,920).

2.19 Chapter XII, Part 4 of the Constitution (Articles 232-237) outlines the composition, functions, and mandate of the National Anti-Corruption Commission (NACC). The NACC is empowered and mandated to investigate and prepare opinions into allegations of corruption against politicians, judges, or government officials. Financial disclosure laws and regulations require elected and appointed public officials to disclose assets and income according to standardised tests, although NCPO members were not required to comply with these rules during the period of military rule.

2.20 Despite the strong legal framework and institutions established to combat corruption, GAN Integrity analysts report that there are high risks of corruption in most sectors. A national survey in 2017 found that almost 80 per cent of Thais believed most or all of the police force was corrupt, while half of Thais felt that most or all local government councillors were corrupt. Irregular payments are reportedly common when dealing with public services, with corruption among public officials fuelled by low wages and a cultural inclination towards giving and accepting gifts as a natural part of doing business. International observers report that businesses and individuals commonly pay irregular payments and bribes in order to obtain favourable judicial decisions.

2.21 According to international and domestic observers, many Thais see recent high-level prosecutions against the Shinawatra family and the Thaksin and Yingluck administrations as being politically motivated. Thaksin Shinawatra, now in self-exile overseas, was convicted of corruption charges in 2008. In August 2017, the Supreme Court found 20 defendants guilty of corruption-related crimes, sentencing the former commerce minister to 42 years' imprisonment for malfeasance in administering government-to-government deals involving Chinese companies. The same court subsequently found Yingluck guilty *in absentia* of dereliction of duty for failing to address the corruption of officials in her government, and sentenced her to five years in prison. Thailand continues to pursue Yingluck's extradition from the United Kingdom. While enforcement of anti-corruption laws increased under the NCPO, corruption reportedly worsened during the period of military rule.

Health

2.22 Section 47 of the Constitution guarantees citizens the right to receive public health services provided by the State, and for 'indigent' persons (those without means) to receive such services free of charge. Section 55 commits the State to providing efficient universal public health services, to providing public education on health promotion and disease prevention (including through promoting traditional Thai medicine), and to continuously improving the standard and quality of public health services. The Ministry of Public Health is the national health authority responsible for formulating, implementing, monitoring and evaluating health policy. The Ministry and a number of autonomous health agencies form a complex interdependent governing structure where non-state actors and civic groups also play an increasing role.

2.23 All sub-districts, districts and provinces have health centres, district hospitals and provincial hospitals respectively. The public sector dominates health delivery systems, accounting for 75 per cent of total hospitals and 79 per cent of beds. Most private hospitals are small, with 69 per cent having fewer than 100 beds. Private non-profit charity-run hospitals account for a negligible share of beds. Large private hospitals include some hospital chains registered in the stock market, located in Bangkok, and offering services to mostly international patients. According to the Global Health Security Index, Thailand's health sector is the world's sixth-best prepared for a pandemic. The private system is of international standard and superior to its regional neighbours', although the public system is less well-resourced. Thailand is self-reliant in healthcare workforce production with high quality standards. The healthcare workforce density per 1000 population is slightly above the 2.28 indicative World Health Organization (WHO) benchmark of doctors, nurses, and midwives. Thailand has taken a number of measures to ensure adequate healthcare servicing to rural populations, including recruiting students from rural backgrounds, a curriculum that reflects rural health problems, mandatory rural service by all graduating doctors, nurses, dental health officers and dentists, and financial and non-financial incentives such as social recognition.

2.24 Thailand has been internationally recognised for its successful implementation of universal health coverage through its Universal Coverage Scheme (UCS), introduced in 2002. Also known as the '30 baht scheme' (the initial cost of a consultation, now free), the UCS provides basic coverage to approximately three-quarters of the population, with the remainder covered by either the Civil Servant Medical Benefit Scheme (for civil servants and their dependants) or the Social Health Insurance Scheme (for private sector employees). The UCS accounts for 17 per cent of the country's healthcare expenditure. Funded through taxes, it places the biggest cost burden on those who are able to afford it. Consequently, the biggest beneficiaries of the scheme have been those with the lowest incomes, in particular women of childbearing age. Thailand has performed better in terms of maternal and child health than other southeast Asian countries. In 2018, the neonatal mortality rate was estimated at five per 1000 live births (compared to a regional average of 20.2); the under-five mortality rate at 9.1 per 1000 live births (compared to a regional average of 33.6), and the maternal mortality rate at 37 per 100,000 live births (compared to a regional average of 152). The UNFPA estimated life expectancy at birth in Thailand in 2020 was 72 for males and 79 for females.

HIV/AIDS

2.25 Thailand has one of the highest HIV prevalences among 40 countries in the Indo-Pacific, accounting for nine per cent of the region's total population of people living with HIV. Civil society reports that approximately 480,000 people in Thailand were living with HIV in 2018, with 18,000 people dying of AIDS-related illnesses. Thailand's HIV epidemic is concentrated among gay men, sex workers, transgender people and drug users. Sexual partners of these populations, migrants and prisoners are also vulnerable to HIV infection. There were approximately 6,400 new HIV infections in 2018, most of whom are understood to have occurred either through unprotected sex (estimated at 90 per cent of all new infections) or unsafe drug injecting use. HIV prevalence is declining due to successful HIV prevention programs, including the distribution of about 40 million free condoms per year. Between 2005 and 2016, AIDS-related deaths declined by almost two-thirds. As a result of HIV testing programs, 91 per cent of people living with HIV in 2016 were aware of their status. Approximately 75 per cent of all people living with HIV were on treatment, with 71 per cent being virally suppressed. However, HIV-related stigma and experiences of discrimination in healthcare remain barriers that prevent some people from testing for HIV. Criminalisation is also an issue, particularly for people who use drugs and who fear arrest or detention.

Mental Health

2.26 The *Mental Health Act* (2008) brought mental healthcare costs under the Universal Coverage Scheme (UCS) and established a Department of Mental Health (DMH). The DMH has undertaken numerous

awareness-raising campaigns to reduce stigma attached to mental health, including through creating mass media networks for the dissemination of knowledge and research on mental health. There remains a general lack of societal understanding about mental health issues, however, and considerable stigma persists. Buddhist- and animist-influenced understandings of mental illness are reportedly common, with many attributing mental health symptoms to spiritual possession. In response, the DMH has worked with local monks on programs to recognise and treat people with mental health conditions, in addition to cooperating in programs that integrate Buddhist concepts of mindfulness and meditation with Western treatments.

2.27 Despite considerable need, limited expenditure and a lack of staff have restricted access to mental health services, particularly for those living in rural and regional areas. As of 2017, Thailand had 9,436 mental health professionals, a rate of 14.36 per 100,000 population (compared to 214.81 in Australia); 19 dedicated mental hospitals (with 3,527 inpatients); 104 psychiatric units in general hospitals; one forensic inpatient unit; two residential care facilities; 830 mental health outpatient facilities attached to hospitals; and 62 outpatient facilities specifically for children and adolescents. The WHO ranked Thailand 32nd overall and first in the ASEAN region in its annual suicide rate report for 2018, with the equivalent of 10,000 deaths by suicide per year. The suicide rate for men was four times higher than for women, with the most vulnerable group being men aged 35 and 36. Suicide rates were highest in the north of the country, with fewer cases in the centre and south.

Substance Abuse and Treatment

2.28 Substance abuse has been a critical social and public health problem in Thailand for decades. The periodic National Household Survey on Substance and Alcohol Use in Thailand shows that substance abuse has increased over time, with the number of substance abusers increasing from 2.5 million in 2007 to 2.9 million in 2016 (most recent available figure). The most prevalent substances of abuse include *kratom* (a psychotropic derivative taken from the leaves of an evergreen tree), methamphetamine, methamphetamine hydrochloride crystal (ice), and cannabis (Thailand is a major transit country for heroin trafficking but heroin use is not particularly prevalent, see also [Security situation](#)). According to the WHO, Thailand has the highest alcohol consumption per capita in Southeast Asia. In 2017, Thais aged 15 and above consumed an average of 7.2 litres of pure alcohol per year, above the global average of 6.4 litres. Although national data does not include the number of deaths caused by each substance, the magnitude of social and economic loss and health consequences of substance abuse is severe.

2.29 Policy makers have traditionally taken a law enforcement-centred approach to substance abuse, focusing on criminal prosecution of drug suppliers, dealers and users. In more recent years, however, strategies for demand reduction have incorporated a harm reduction approach, focusing on reducing the number of substance abusers/addicts, and encouraging and motivating addicts who were patients in need of treatment. Government organisations, non-government organisations (NGOs) and health activists have worked to develop community-based policies and strategies for the prevention of substance abuse, with efforts centred on schools, communities, the workplace and special groups. Activities and campaigns have included work to encourage families and communities to adopt a positive attitude towards those who have successfully undergone treatment and rehabilitation, in order to create a positive environment for patients reintegrating into society.

2.30 Drug treatment procedures under the public health system include screening and identifying drug users or addicts; providing information, advice, or brief intervention to those judged to be at low to moderate risk; and treatment, rehabilitation and relapse prevention. In addition to hospitals and health clinics, military camps, temples and mosques are used as alternative drug treatment and rehabilitation centres. Experts have expressed concern that the treatments for drug users/addicts do not differ by drug type, methods of drug use, or quantity of use (treatment for new drug users or regular users is similar). In addition, the lack of follow-up programs means that the efficiency of each drug treatment system has not

been evaluated. A number of high-end private drug rehabilitation centres operate in Thailand, catering primarily to a Western clientele. These are beyond the means of most ordinary Thais.

Education

2.31 Section 54 of the Constitution commits the State to providing each child with twelve years of free compulsory education, and to providing persons with insufficient means with financial support for educational expenses. General education policy is under the purview of the national Ministry of Education (MOE), which oversees basic (primary and secondary), vocational and higher education. While the MOE has responsibility for the majority of public and private educational institutions, some specialised higher education institutions may be under the jurisdiction of other government departments (such as the Ministry of Health). Various decentralisation efforts have given greater autonomy to local administrative units to provide education at all levels of study according to local needs.

2.32 Education is free and compulsory for all children aged six to 15. Primary education lasts for six grades. Secondary education is divided into lower and higher secondary levels consisting of three grades each, with only the lower level compulsory. Entrance to the best schools at secondary level is highly competitive. At the end of lower secondary education, students take exams, which determine whether they will proceed to the higher secondary level. In addition to the public education system, the Office of the Private Education Commission regulates the activities of over 150 private schools located across the country. After completing the compulsory lower secondary education program, students can also choose a vocational route and attend a specialist school. Numerous Thai governments have tried to increase enrolments in secondary vocational education and training to develop and upskill the labour force outside of university education, with little success.

2.33 The number of higher education institutions (HEIs) has grown from just a handful in the 1970s to over 150 at present, with a similar increase in the number of tertiary students. HEIs are heavily concentrated in Bangkok. There are a variety of different types of HEIs, including multi-disciplinary research universities, specialised institutions and community colleges. Thai universities are generally not considered world class, and their standing in standard global university rankings is still nascent. University admissions have generally been based on both higher secondary school results and results in standardised university entrance examinations. The government introduced a new admissions process in 2018 aimed at making the process fairer, including through reducing the importance of examinations.

2.34 Thailand has made significant progress in expanding participation in education in recent decades. Net enrolment increased from around 75 per cent in the mid-1970s to just under 91 per cent in 2015 (the most recent year for which UN data is available), while the youth literacy rate stood at 98.1 per cent in 2015. Female and male enrolment ratios at the primary and secondary levels are very close, and the proportion of girls has generally exceeded the proportion of boys at both the secondary and tertiary levels. Nevertheless, observers note persistent quality problems in Thai education. There are significant achievement gaps between children in urban and rural areas at all levels of basic education. Poor rural populations and some minority communities have markedly lower enrolment and graduation rates than the overall population. In the 2018 comparative international Programme for International Student Assessment (PISA) run by the Organisation for Economic Cooperation and Development (OECD), Thailand ranked 66th out of 79 countries, below the OECD average. Thailand's 2018 scores in all three PISA subjects (science, reading and mathematics) were lower than its test scores from 2000, when the PISA study was launched.

POLITICAL SYSTEM

2.35 Thailand is a constitutional monarchy, with King Vajiralongkorn (Rama X) the current Head of State. Although the monarchy has limited formal power, it is highly influential over Thai politics, the military and the legal system (see also [Critics of the Monarchy](#)). Article 3 of the Constitution, first promulgated in 2017, states that sovereign power belongs to the Thai people, and that the King as Head of State shall exercise such power through the National Assembly, the Council of Ministers and the Courts in accordance with the provisions of the Constitution. Although King Vajiralongkorn's coronation took place in May 2019, the government retrospectively declared his reign to have begun on 13 October 2016 upon the death of his father King Bhumibol (Rama IX), who had been monarch since June 1946.

2.36 Chapter VII of the Constitution sets out the role and functions of the National Assembly, which consists of a Westminster-style House of Representatives and Senate. The House of Representatives consists of 500 members, of whom 350 are elected on a single-member constituency basis and 150 from party lists of political members. Voters cast a single vote for their constituency member, which is then also used in the calculation of the party list seats. The House of Representatives has a four-year term.

2.37 The Senate consists of 250 appointed members, who may not be members of political parties and who are selected based on their societal standing, knowledge and expertise. Fifty seats are reserved for representatives of ten professional and social groups, including bureaucrats, teachers, judges, farmers and private companies, while six places are reserved for the armed forces leaders, the supreme commander, the defence permanent secretary and the national police chief. The NCPO appointed all of the current Senators, releasing its list in May 2019 following [The 2019 General Election](#). Political opponents and commentators strongly criticised the list for its purported lack of political balance and transparency. A large percentage of those appointed were aligned with the NCPO, including 105 nominees with military or police ranks, 15 former NCPO cabinet ministers, 126 former members of the National Assembly, National Reform Council, or National Reform Steering Assembly, and the brothers of a number of senior NCPO figures.

2.38 At a sub-national level, Thailand is divided into 76 provinces and two special administrative areas (Bangkok and Pattaya). The Ministry of Interior (MOI) appoints provincial governors, while the citizens of Bangkok and Pattaya directly elect their Governors, who head the Bangkok Metropolitan Administration and the Council of Pattaya respectively. Provinces are further subdivided into districts, led by centrally appointed district chiefs. Local government subunits include subdistricts, municipalities and village communities, in which citizens directly elect their leaders.

The 2019 General Election

2.39 The 24 March 2019 general election was Thailand's first in eight years, the first since the May 2014 coup, and the first to be held under the current Constitution. The elections, administered by the Election Commission of Thailand (ECT), had been the subject of numerous delays, beginning shortly after the coup. Seventy-seven parties contested the election, including the former governing Pheu Thai Party (removed from power in the May 2014 coup) and the Democrat Party, previously the main opposition party. A number of new parties campaigned on either a pro- or anti-NCPO stance. The most prominent of the pro-NCPO parties was the Palang Pracharath Party, while the most significant anti-NCPO party was the youth-oriented FFP, led by Thanathorn Juangroongruangkit (see [Opposition Politicians](#)).

2.40 On 7 March 2019, the Constitutional Court dissolved the anti-NCPO (and Thaksin-aligned) Thai Raksa Chart party over its nomination of Princess Ubolratana as its prime-ministerial candidate. The court also banned party executives from running in an election for 10 years, or from setting up or standing as executives of any new party for ten years. In its judgment, the court emphasised the importance of the

traditional separation of palace and politics to preserve the neutrality of the monarchy and maintain national unity. The court's decision followed a declaration by King Vajiralongkorn on 8 February 2019 – the same day as the party announced the nomination – that the nomination of the princess was inappropriate and breached time-honoured royal traditions. The King issued a further statement on the eve of the election, which urged citizens to vote for 'good people' to govern the country. Some observers interpreted the statement as a call for citizens to support the pro-NCPO parties.

2.41 Although fraud or intimidation were not in evidence, some election monitors were critical of the integrity of the election process. In its pre-election report, Human Rights Watch (HRW) said that the NCPO had failed to create conditions for a free and fair election, pointing to repressive laws restricting freedom of speech, association, and assembly; media censorship; lack of equal access to the media; the outsized role of the NCPO-appointed Senate in forming a government; and the lack of independence and impartiality of the ECT. Following the election, the Open Forum for Democracy Foundation determined that the poll was 'not free and fair', declaring that the election commission had been unprepared for overseas advance voting; that ECT members were inexperienced; that polling station staff were poorly trained and did not follow regulations strictly; and that there had been insufficient voluntary observers at polling stations to detect potential fraud. While crediting the ECT for a well-managed process on election day, the Asian Network for Free Elections reported that the election process demonstrated fundamental democratic shortcomings. In particular, overly restrictive regulations on the validity of ballot marks contributed to a very high number of invalid ballots (2.8 million); while the 'deeply flawed' organisation and tally of ballots led to the announcement of inaccurate preliminary results on election night, damaging the perceived integrity of the election.

2.42 The ECT did not release formal results for the election until early May 2019, after the Constitutional Court ruled that it could proceed with a controversial formula for allocating party list seats among all parties, including minor parties that critics claimed were ineligible to receive votes under the Constitution. The court's decision meant that seven seats that would otherwise have gone to FFP went instead to small parties likely to join a pro-NCPO coalition. On 5 June 2019, a joint sitting of the new parliament voted 500-244 to nominate Prayut as an 'elected' prime minister over FFP leader Thanathorn Juangroongruangkit (see [Opposition Politicians](#)), with the NCPO-appointed Senate voting as a bloc. On 21 February 2020, the Constitutional Court upheld a party financing-related ECT complaint against the FFP, ordering the dissolution of the party and the banning of its executives from politics (see [Opposition Politicians](#)).

HUMAN RIGHTS FRAMEWORK

2.43 Thailand is a State Party to most of the major international human rights instruments, including: the Convention Against Torture (CAT); the International Covenant on Civil and Political Rights (ICCPR); the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); the International Covenant on Economic, Social, and Cultural Rights (ICESCR); the Convention on the Rights of the Child (CRC), and its two Optional Protocols on the involvement of children in armed conflict (OP-CRC-AC) and on the sale of children, child prostitution, and child pornography (OP-CRC-SC); and the Convention on the Rights of Persons with Disabilities (CRPD). Thailand has signed but not ratified the Convention for the Protection of All Persons from Enforced Disappearance (CPED). Thailand is not a signatory to the Optional Protocol of CAT (OP-CAT), the Second Optional Protocol to ICCPR aiming to the abolition of the death penalty (ICCPR-OP2), or the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICMW).

2.44 The UN Working Group on Business and Human Rights visited Thailand in April 2018 and released its report in May 2019. According to the UN, however, 20 other official visit requests from UN special procedures remain outstanding, including by the UN working group on disappearances; the UN special rapporteur on the freedoms of expression, assembly and association; and the UN special rapporteur on the situations of human rights defenders, migrants and internally displaced persons.

2.45 Thailand was last subject to the Universal Periodic Review in May 2016. Thailand received a total of 249 recommendations, of which it immediately accepted 181 and deferred decision on the remaining 68. Thailand later supported six more recommendations including on investigation of all torture allegations by an independent body; on taking steps towards the abolition of the death penalty; and on revising laws to further address gender-based violence. Thailand's next UPR is scheduled for October 2021.

National Human Rights Institution

2.46 Chapter XII, Part 6 of the Constitution (Sections 246-247) outlines the composition, functions and mandate of the National Human Rights Commission of Thailand (NHRCT), whose seven Commissioners are appointed by the King upon advice from the Senate. The NHRCT's duties and powers include: examining and reporting human rights violations, and suggesting suitable measures and redress; reporting to the National Assembly and Council of Ministers on the human rights situation within the country; making recommendations to the government on protecting and promoting human rights; defending Thailand's human rights situation from external criticism; and promoting awareness of the importance of human rights within all sectors of society. The *National Human Rights Commission of Thailand Act* (1999; amended in 2017) governs the NHRCT's activities. This law was amended in 2017 to prohibit Commissioners from engaging with the media while they were in the field.

2.47 The Global Alliance of National Human Rights Institutions recommended in October 2014 that the NHRCT be downgraded to 'B' status, signifying that the NHRCT was not fully compliant with the 'Paris Principles' relating to the status of NHRIs. These principles include: being vested with competence to promote and protect human rights; having a broad and well-defined mandate; having a reporting and advocacy role with government and/or parliament; and having a guarantee of independence from government. HRW considers that 'the downgrade stemmed from the government's manipulation of the selection process for commissioners, and serious questions about the commission's pro-government political bias'. The Global Alliance confirmed the NHRCT's 'B' ranking in its most recent review in November 2015. The NHRCT's status is next due to be reviewed in 2020.

2.48 Human rights groups have criticised the NHRCT for not filing lawsuits against human rights violators on its own behalf, or on behalf of complainants. They have also expressed concern that the NHRCT has become increasingly politicised, particularly following the amendment to its governing law. Commissioners who are perceived as being non-compliant with the government's agenda have reportedly faced restrictions on access to resources, including sub-committees. In August 2019, two well-respected Commissioners resigned in protest two months before the scheduled end of their term, stating that regulations and internal pressure had constrained their ability to perform their duties independently. The NHRCT had commenced disciplinary proceedings against one of the Commissioners in April 2019 for alleged political partisanship, focusing on her role in observing legal proceedings and documenting rights violations against opposition politicians and critics of the NCPO.

2.49 The Office of the Ombudsman is a separate independent agency empowered to consider and investigate all complaints filed by citizens, including in relation to human rights. Following an investigation, the office may refer a case to a court for further review, or may provide recommendations for further action to the appropriate agency. Although the office examines all petitions received, it does not have the power to

compel agencies to comply with its recommendations. From October 2018 through September 2019, the office received 2,609 new petitions, of which 637 related to allegations of police abuses.

The 2017 Constitution

2.50 Since becoming a constitutional monarchy in 1932, Thailand has had 20 charters or constitutions. Many have been adopted following military coups, with military regimes abrogating existing constitutions and promulgating new ones. Following the May 2014 coup, the NCPO suspended the 2007 Constitution and promulgated an interim constitution, which granted it broad authority to circumscribe some fundamental human rights, according to HRW. After the National Reform Council rejected a draft constitution without explanation in September 2015, extending the NCPO's rule, the NCPO announced it would hold a referendum on a new proposed constitution in August 2016.

2.51 In preparation for the referendum, the National Assembly passed an *Organic Act on the Referendum for the Draft Constitution* (2016). Section 61 of the Act made it a criminal offence to 'instigate trouble in order to cause disorder in the voting', with penalties including up to 10 years' imprisonment, a fine of up to THB200,000 (AUD9,640), and revocation of the right to vote for up to five years. The law specified that 'texts, pictures, sound in newspaper, radio, television, electronic media or any other channels that distorted from the fact or had violent, aggressive, rude, inciting, or threatening characteristics aiming to induce eligible voters to refrain from voting, to vote in a certain way, or to abstain from voting' would be considered 'instigating trouble' under the law. Authorities used the law to arrest dozens of activists seeking to highlight their concerns about the draft constitution or to encourage others to vote against it in the referendum. The draft was ultimately approved by more than 60 per cent of those voting in the referendum. In the time between the August 2016 referendum and the Constitution coming into effect in April 2017, six changes were made that considerably strengthened the powers of the monarchy (see also [Critics of the Monarchy](#)).

2.52 The Constitution retains the explicit acknowledgement and commitment to the protection of human rights made in earlier constitutions. Some analysts have criticised it, however, for the lack of broad consultation involved in its preparation and implementation; for consolidating decrees issued by the NCPO and confirming their immunity; for creating a permanent place for the military in government and normalising the military's intervention in politics; and for weakening the democratic system of governance through creating a permanent unelected upper house.

SECURITY SITUATION

2.53 The security situation in Thailand is unpredictable and varies according to location, partly due to the uncertain political situation. While most of the country is generally peaceful, a long-running separatist insurgency in southern Thailand has caused numerous deaths and injuries (see [Insurgency in Southern Border Provinces \(SBPs\)](#)). Political demonstrations and protests in Bangkok have turned violent in the past but large-scale street-based protests have been rare since the 2014 coup. Petty crime is common. There is a risk of land mines and unexploded ordnance near the Thai-Cambodian border.

2.54 Many border areas of Thailand are used as trafficking routes for both the import and export of illegal substances for international markets, including opium, heroin, methamphetamine, cannabis, and *yaba* (a methamphetamine-type stimulant). Such border areas are dangerous due to violence associated with the drug trade. There have been numerous credible reports of some military and police personnel being involved in the drug trade and related violence. A 'war on drugs' waged during the Thaksin Shinawatra era in the mid-2000s caused thousands of deaths while failing to have a significant impact on drug trafficking routes or the drug trade overall (see also [Extra-Judicial Killings](#)).

2.55 While large-scale attacks are rare, terrorism is an ongoing concern in Thailand. The country's relatively permissive visa requirements and porous borders make it vulnerable to exploitation as a transit hub for terrorists moving in and out of the region. In recent years, there have been a number of terrorism-related incidents that have caused deaths and injuries, including:

- In August 2019, a series of explosions occurred in public places throughout Bangkok, including outside several government buildings. The bombings, which caused seven injuries, coincided with an ASEAN summit taking place in Bangkok, and are believed to be linked with the conflict in the SBPs;
- In March 2019, several improvised explosive devices (IEDs) exploded in Phatthalung and Satun provinces, but did not cause any casualties;
- In May 2017, IED attacks at a Bangkok military hospital and the National Theatre injured 26 people;
- In August 2016, around 24 incidents with IEDs, arson, and other suspicious events killed four people and injured over 30. Several IEDs were detonated in popular tourist destinations, including Phuket, Phang Nag, Trang and Surat Thani;
- In August 2015, a bomb blast at Bangkok's Erawan Shrine killed 20 and injured 125. The bombing was allegedly carried out by Uighur people smugglers, but remains unsolved.


2.56 On the weekend of 8-9 February 2020, a rogue soldier carried out a mass shooting in and around a shopping mall in the northeastern city of Nakhon Ratchasima, killing 29 people and injuring 57 before being shot by security forces. The mass shooting was the worst such event in Thailand's history, although events of this nature are rare.

Trafficking of Persons

2.57 According to the US Department of State, Thailand is a destination, source, and transit country for human trafficking for both Thai nationals and foreigners. Traffickers reportedly subject victims to forced labour and sex trafficking in Thailand and abroad. Women, children, lesbian, gay, bisexual, transgender and intersex (LGBTI) individuals, ethnic minorities and stateless persons are particularly vulnerable. Children from Thailand, Myanmar, Laos and Cambodia have been victims of sex trafficking in brothels, massage parlours, bars, karaoke lounges, hotels and private residences. Labour traffickers exploit migrant workers in commercial fishing and related industries, the poultry industry, manufacturing, construction, agriculture, domestic work and street begging. Labour traffickers often exploit migrants through debt-based coercion and fraudulent promises of well-paid employment, while some migrants are kidnapped and held for ransom. Traffickers use Thailand as a transit country for victims from a number of countries, including China, North Korea, Vietnam, Bangladesh, India and Myanmar. DFAT does not have any specific information in relation to migration routes of North Korean asylum seekers transiting through Thailand.

2.58 In upgrading Thailand from Tier 3 to Tier 2 in its 2018 Trafficking in Persons Report, the US Department of State reported that the government had increased its efforts to eliminate trafficking, including through identifying more victims, sentencing convicted traffickers and complicit officials to significant prison terms, and developing manuals in partnership with civil society to standardise anti-trafficking training and policies. Thailand retained its Tier 2 ranking in the US Department of State's 2020 report. According to the Thai government, officials rescued a record 1,807 victims of human trafficking in 2019, an increase from 622 in 2018. Around half of those rescued in 2019 were women, most of whom had been labour trafficked. Nearly three-quarters were migrants from Myanmar bound for neighbouring Malaysia.

2.59 Government-operated shelters provide victims of trafficking access to counselling, legal assistance, medical care, civil compensation, financial aid, witness protection, education or vocational training, and employment. The government operates 76 short-stay shelters and nine long-term regional trafficking



shelters, including four dedicated to adult male victims and families, four for female victims, and one for male child victims. Undocumented foreign victims of trafficking are reportedly required to remain in shelters while the government processes their applications for permits to stay and work in Thailand, and victims are not permitted to leave or carry personal communication devices without permission. Thai law permits foreign victims of trafficking and witnesses to stay and work in Thailand for up to two years upon the completion of legal proceedings against their traffickers. NGOs report, though, that the required shelter stays have deterred some victims from cooperating with law enforcement.

2.60 According to international observers, Corruption continues to undermine anti-trafficking efforts, with some government officials and police directly complicit in trafficking crimes, including through accepting bribes or loans from business owners and brothels that exploit victims. Corrupt immigration officials reportedly facilitate trafficking by accepting bribes from brokers and smugglers along Thai borders. Credible reports indicate that corrupt officials protect brothels, other commercial sex venues, and fishing vessel owners from raids and inspections, and collude with traffickers. Some government officials reportedly profit from bribes and direct involvement in extortion from and exploitation of migrants. While there have been an increasing number of prosecutions in trafficking cases, in-country sources report that it is common for a low-level functionary to be paid to bear responsibility for the real perpetrators.

3. REFUGEE CONVENTION CLAIMS

RACE/NATIONALITY

3.1 Section 27 of the Constitution prohibits unjust discrimination on the grounds of differences in race. Section 70 commits the State to promoting and providing protection for different ethnic groups to have the right to live in the society according to their traditional culture, custom and ways of life on a voluntary basis, peacefully and without interference, insofar as doing so is not contrary to public order or good morals, or does not endanger the security of the State, health, or sanitation.

3.2 Thailand has traditionally emphasised Thai ethnic identity as a key element of nationhood, and followed policies of assimilation in relation to its ethnic minorities. For example, although many Thais trace their ancestry to Chinese migrants from the late 19th and early 20th centuries, from the 1920s to the 1950s Chinese were required to take Thai surnames in order to obtain citizenship. NGOs have claimed that local authorities in some areas have failed to register the births in Thailand of children of mostly minority ethnic origin due to a reluctance to grant nationality through birth registration to ‘non-Thais’ (see [Birth Certificates and Registration Procedures](#)). As noted in [Stateless Persons](#), there is a high rate of statelessness among many ethnic minority communities in rural and border areas, which negatively affects their freedom of movement and access to justice.

3.3 In its May 2019 report, the UN Working Group on Human Rights and Business found that people from ethnic minorities lived in a lower socioeconomic bracket overall than other Thais. Those living in the northeastern region were found to be the poorest population, suffering lower education levels and health standards. The Working Group reported that ethnic minorities, including hill tribes, were disproportionately affected by large-scale development projects, with a significant negative impact on the environment, their right to health, and their livelihoods and cultural way of life. Of particular concern to the committee was the lack of meaningful consultation before the approval of development projects and the subsequent redesignation of land, which often resulted in ethnic minorities being criminalised, harassed and intimidated (see also [Civil Society Activists](#)).

3.4 While the traditional emphasis on Thai ethnic identity inevitably favours the ethnic Thai majority, DFAT assesses that ethnic minorities with Thai citizenship face a low risk of official and societal discrimination. Ethnic minority groups residing in areas impacted by large-scale development projects face a moderate level of official discrimination in that they are unlikely to be consulted before such projects commence, and are unlikely to receive redress through official channels for negative impacts on their health and livelihoods caused by such projects. Ethnic minority groups without Thai citizenship (as described in [Stateless Persons](#)) face a high level of official discrimination in that they are unable to access the full range of rights and services available to others born in Thailand.

RELIGION

3.5 While there is no official state religion, Article 7 of the Constitution requires the King to be a Buddhist and declares he is the ‘upholder of religions’. Section 27 prohibits unjust discrimination on the

grounds of differences in religious belief. Section 31 guarantees citizens the right to enjoy full liberty to profess a religion and to exercise or practice a form of worship in accordance with his/her religious principles, provided that it shall not be adverse to the duties of the Thai people, and shall not endanger the safety of the State, or be contrary to public order or good morals.

3.6 Section 67 commits the State to supporting and protecting Buddhism and other religions, noting that Buddhism is the religion observed by the majority of Thai people. It commits the State to having measures and means to prevent Buddhism from being undermined in any form, and to encouraging Buddhists to participate in implementing such measures or mechanisms. The Sangha Supreme Council serves as Thai Buddhism's governing body. In July 2018, the National Legislative Assembly amended the law to give the King full authority to unilaterally appoint or remove council members irrespective of rank, and without consent or consultation with the supreme patriarch.

3.7 Thai law officially recognises five religious groups: Buddhists, Muslims, Brahmin-Hindus, Sikhs and Christians. The Buddhist population is estimated as ranging from 85 to 95 per cent of the total population, while the Muslim population is estimated at being between 5 and 10 per cent. Groups that together constitute less than 5 per cent of the population include animists, Christians, Confucians, Hindus, Jews, Sikhs and Taoists. DFAT does not have any other particular information in relation to these groups, and is not aware of any reports of official or societal discrimination against them.

3.8 The Criminal Code prohibits the insult or disturbance of religious places or services of all officially recognised religious groups. Penalties range from imprisonment from one to seven years, a fine of THB2,000 (AUD95) to THB14,000 (AUD675), or both. The *Sangha Act* (1962; amended 1992) specifically prohibits the defamation or insult of Buddhism and Buddhist clergy, punishing violators with up to one year's imprisonment, fines of up to THB20,000 (AUD950), or both.

3.9 Religious groups associated with one of the five umbrella groups may register to receive state benefits that include access to state subsidies, exemption from property and income taxes, and preferential allocation of resident visas for the registered organisations' foreign officials. The National Buddhism Bureau, an independent state agency under the direct supervision of the prime minister, has responsibility for registering Buddhist groups, while the Religious Affairs Department (RAD) has responsibility for registering other religious groups.

3.10 A new religious denomination within one of the five recognised religious groups may register only if it meets the following qualifications: the national census indicates it has at least 5,000 adherents; it possesses a uniquely recognisable theology; it is not politically active; and it obtains formal approval in a RAD-organised meeting of representatives from the concerned ministries and the five recognised umbrella religious groups. To register with the RAD, a religious group's leader must also submit documentation on its objectives and procedures, any relationship to a foreign country, a list of executive members and senior officials, and locations of administrative, religious and teaching sites. The government has not recognised any new religious groups since 1984. However, civil society groups report that unregistered religious groups are able to operate freely despite their lack of official recognition.

3.11 Article 96 of the Constitution prohibits Buddhist priests, novices, monks and other clergy from voting in an election or running for seats in the House of Representatives or Senate. This prohibition disenfranchises an estimated 335,000 people. Christian clergy are prohibited from voting if they are in formal religious dress. With the exception of the Grand Mufti, Muslim imams are not regarded as priests or clergy and are permitted to vote in elections and assume political positions. Buddhist monks have petitioned the Election Commission to amend the laws restricting monks' political rights. In August 2018, however, the Sangha Supreme Council issued an order that reiterated the prohibition against monks and novices participating in political activity, and which also prohibited the use of temple land for political activities, rallies, meetings or seminars.

3.12 Religious education is compulsory for all students at primary and secondary levels without exception. The curriculum is required to contain information about all of the five recognised umbrella religious groups. Individual schools, working in conjunction with their local administrative boards, are authorised to arrange additional religious studies courses. There are two private Christian universities open to the public with religious curricula, and ten Catholic grade schools for whom the Ministry of Education oversees curriculum and registration. The Sangha Supreme Council and the Central Islamic Committee of Thailand respectively create special curricula for Buddhist and Islamic studies required in public schools. International observers report that more instruction time is presently dedicated to teaching Buddhism than other religions.

3.13 Religious groups from all faiths are reportedly able to proselytise without official interference. According to the National Buddhism Bureau, there are 5,350 Buddhist missionaries working nationwide, particularly among the country's tribal populations in border areas. Per government regulations, all Buddhist missionaries must pass training and educational programs before being certified by the Sangha Supreme Council. No foreign monks are permitted to serve as Buddhist missionaries within Thailand. There are 11 registered foreign missionary groups with visas operating within Thailand: six Christian, one Muslim, two Hindu, and two Sikh groups. Unlike Buddhist missionaries, the government does not provide funding to those proselytising for other religions. The majority of registered foreign missionaries are Christian (1,357). International observers report that many foreign missionaries enter Thailand on tourist visas and proselytise without official authorisation. DFAT is not aware of any cases in which doing so has resulted in official sanction.

3.14 While Thailand's constitutional and legal structure inevitably favours the Buddhist majority, DFAT assesses that members of religious minority communities face a low risk of official discrimination.

Muslims

3.15 Islam is the dominant religion in Thailand's southernmost provinces (Narathiwat, Pattani and Yala) and in Satun province. While the majority of Muslims in those provinces are ethnic Malay, Thailand's Muslim population also includes ethnic Thais and descendants of immigrants from South Asia, China, Cambodia and Indonesia. The overwhelming majority (99 per cent) of Muslims are Sunni.

3.16 The Central Islamic Council of Thailand, whose members are Muslims appointed by royal proclamation, advises the Ministries of Education and Interior on Islamic issues. The government provides funding for Islamic educational institutions, the construction of mosques, and participation in the *hajj*. There are several hundred primary and secondary Islamic schools throughout the country. The government recognises 40 elected Provincial Islamic Committees nationwide. Their responsibilities include providing advice to provincial governors on Islamic issues; deciding on the establishment, relocation, merger, and dissolution of mosques; appointing persons to serve as imams; and issuing announcements and approvals of Islamic religious activities.

3.17 The law officially lays out the administrative structure of Muslim communities in the SBPs. The Ministry of Justice (MOJ) allows Muslim residents of the SBPs to access *sharia* as a special legal process, outside the national civil code, in relation to personal status matters such as marriage, divorce, and inheritance. Provincial courts apply this law, and a *sharia* expert advises the judge. Committee members in the SBPs act as advisers to government officials in dealing with the area's ethno-nationalist and religious tensions.

3.18 Muslim identity is one of a range of factors in the conflict in the SBPs. However, the conflict is drawn more along ethnic than religious lines, and there is little tension between Buddhists and Muslims outside the SBPs. Human rights observers have reported signs of growing polarisation from both sides, however,

particularly among younger generations. Human rights observers report that Buddhist groups in the SBPs have become increasingly assertive, including through making calls for Buddhist-only communal facilities. There have also been a number of reported cases of Buddhist teachers walking out of schools in protest at Muslim girls attending in *hijab* (Islamic dress). While neither side of the conflict has considered religious leaders legitimate targets, a spate of reprisal killings occurred in late 2018 and early 2019 in which a number of Buddhist monks and Muslim imams were targeted. DFAT understands that this was an unusual occurrence and not representative of a broader ongoing trend.

3.19 DFAT is not aware of any cases in which non-Malay Muslims residing outside of the SBPs have experienced significant societal or official discrimination on the basis of their religion, and assesses that they face the same risk of discrimination as that outlined in paragraph 3.14. While ethnic, religious, and political issues frequently overlap in relation to the insurgency in the SBPs, DFAT assesses that in most cases religion is a contributing factor rather than the primary factor. Assessments on Muslims residing in the SBPs are included in Insurgency in Southern Border Provinces (SBPs).

POLITICAL OPINION (ACTUAL OR IMPUTED)

3.20 Article 34 of the Constitution guarantees the right to express opinions, make speeches, write, print, publicise and express by other means, but allows for this right to be restricted by law for the purpose of maintaining state security, public safety, public order or good morals, or for protecting the health of the people. Article 44 guarantees the right to assemble peacefully, but allows for this right to be restricted by law for the purpose of maintaining state security, public safety, public order or good morals, or for protecting the rights or liberties of other persons.

3.21 In the years following the 2014 coup, a range of laws and decrees has collectively served to limit significantly the freedoms of expression and assembly. Human rights observers have criticised these laws for being overly broad and vaguely worded, and have expressed concern about the broad scope of their application. The key laws and decrees are listed in the following paragraphs.

3.22 Head of NCPO (HNCPO) order 3/2015, issued in April 2015 under the interim constitution, consolidated many of the orders issued prior to the lifting of martial law. Section 12 of the order prohibits political gatherings of five or more persons, providing for punishment of up to six months' imprisonment or a fine of up to THB10,000 (AUD487) for unauthorised gatherings. Section 12 provides, however, for any case brought under the provision to be considered closed if the individual concerned agrees to receive, and undergoes, up to seven days of 'corrective training'. According to documentation provided by a leading domestic human rights NGO, authorities used HNCPO order 3/2015 (and its predecessor, NCPO announcement 7/2014) to file at least 43 cases against a total of 431 defendants from the time of the coup until January 2019, with most cases targeting pro-democracy protesters. In December 2018, the HNCPO issued order 22/2018, which lifted the ban on political gatherings and certain other political activities in advance of the forthcoming elections. Section 1(7) of HNCPO order 22/2018 nullified section 12 of HNCPO order 3/2015, but noted that the nullification did not impact the prosecution of cases, proceedings, or actions already in progress. Although military courts and courts of justice have dismissed most pending cases under HNCPO order 3/2015 (citing HNCPO order 22/2018), human rights observers report that some cases related to pro-democracy protests are still ongoing (see Protesters and Demonstrators).

3.23 The *Public Assembly Act* (2015) requires those wishing to hold a public assembly to notify authorities at least 24 hours in advance of the time, place and objective of the assembly. Failure to provide such notice is an offence punishable with a fine of up to THB10,000 (AUD487). The law also prohibits holding public assemblies within 150 metres of specified royal palaces, courts, Government House or the National Assembly, with violations punishable by up to six months' imprisonment and a fine of up to THB10,000

(AUD487) for unauthorised gatherings. Sections 15 and 16 impose vaguely worded duties on both organisers and participants, including a duty not to cause ‘unreasonable inconvenience’ to any person. Violations are punishable with a fine of up to THB10,000 (AUD487). Human Rights Watch claims that, while the Public Assembly Act has been invoked with far less frequency than HNCPO order 3/2015, it has been used as an additional charge against pro-democracy protesters and against environmental activists, and has been increasingly cited since the nullification of HNCPO order 3/2015.

3.24 Article 116 of the Criminal Code (‘the Sedition Law’) provides for a penalty of up to seven years’ imprisonment for anyone who uses words or writings in order to: 1) bring about a change in the laws of the country or the government by use of force or violence; 2) raise unrest and dissatisfaction among the people in a manner likely to cause disturbance in the country; or 3) cause the people to transgress the laws of the country. Although this law was rarely used before the coup, since May 2014 authorities have consistently used this provision against critics of the government and military. Human rights groups report that the NCPO charged at least 117 people with sedition between May 2014 and May 2019, with almost any criticism of military rule or the NCPO treated as a basis for charges. Among other things, authorities have brought sedition charges against activists critical of the coup and those calling for elections, lawyers who have provided legal assistance to peaceful protesters, the administrators of a satirical Facebook page, and opposition politicians who have criticised the NCPO’s performance. Given the possible severity of a conviction under Article 116, the filing of sedition charges against government critics has reportedly had a considerable nullifying effect on critical speech.

3.25 Section 14(1) of the *Computer-Related Crime Act* (2007; amended 2017) provides for a penalty of up to five years’ imprisonment and a fine of up to THB100,000 (AUD4,820) for anyone who puts into a computer system ‘false’ or ‘distorted’ information ‘in a manner that is likely to cause damage to the public’; while Section 14(2) provides the same possible sentence for anyone who puts into a computer system ‘false computer data in a manner that is likely to damage the national security or cause panic in the public’. It is also an offence to forward or share any content that violates Article 14. The 2017 amendments broadened the provision to cover the input of such information ‘in a manner that is likely to damage the *maintenance of national security, public safety, national economic security or public infrastructure serving national public interest* or cause panic in the public’. Authorities have used the law against pro-democracy activists, opposition political figures, critics of the government, and a range of ordinary citizens discussing matters of public concern on the internet (see relevant sections).

3.26 Sections 326 to 333 of the Criminal Code criminalise defamation. Section 326 states that whoever imputes anything to another person before a third person in a manner likely to impair the reputation of such other person or to expose such other person in a manner to be hated and scorned is said to commit defamation and shall be punished with up to one year’s imprisonment or fined up to THB20,000 (AUD965) or both. If the defamation is committed by means of a document, video, drawing, or any other means, it is punishable by up to two years’ imprisonment. Under Section 330, truth is a defence to charges of defamation, but a defendant is not allowed to prove the truth of the statement if ‘such imputation concerns personal matters, and such proof will not be of benefit to the public’. Authorities have repeatedly used criminal defamation charges against those highlighting abuses by the military or raising allegations of corruption. In practice, the burden of court cases in defamation cases effectively lies with the defendant. Some private companies have also used criminal defamation charges against journalists, civil society activists, and workers seeking to highlight labour or environmental abuses (see relevant sections).

3.27 DFAT assesses that, notwithstanding the existence of constitutional protections guaranteeing the freedoms of expression, opinion and assembly, the ability of Thai citizens to criticise the government and express dissent publicly (either individually or collectively) is circumscribed in practice. Authorities have demonstrated a willingness to use broad interpretations of national security legislation, or the threat of prosecution under such legislation, to prevent political demonstrations from occurring or to discourage the

expression of matters of public interest online. The criminalisation of defamation, and placing of the burden of proof upon the defendant, also acts as a significant deterrent to those wishing to exercise their freedom of expression.

GROUPS OF INTEREST

Critics of the Monarchy

3.28 The existence of the institution of monarchy in Thailand goes back to the 13th century. Although Thailand officially ceased to be an absolute monarchy in December 1932 (see [Recent history](#)), the monarchy has continued to be a prominent national institution and one held in high esteem by most Thais. This reverence has been enshrined in all of Thailand's recent constitutions: the current (2017) constitution recognises the King's authority to be final arbiter in a political crisis (a traditional royal prerogative), including through installing an interim or unity government to defuse political conflict, while Section 6 states that the King shall be enthroned in a position of revered worship and shall not be violated, and that no person shall expose the King to any sort of accusation or action. DFAT understands that Thai authorities maintain a list of academics from foreign countries who have spoken against the Thai Government or Royals, and that individuals on this list are targeted for interviews on entry and exit to Thailand.

3.29 In-country sources report that a number of symbolic and practical actions undertaken since King Vajiralongkorn ascended to the throne have strengthened and centralised the monarchy's role in relation to the country's economy, politics and military. In June 2017, the government amended a 1936 law to give the King full control of the Crown Property Bureau (CPB) (formerly managed by the Finance Ministry) and transfer CPB-managed assets into the King's name. The CPB manages land holdings estimated to be worth more than USD30 billion, including much of Bangkok's prime real estate, meaning that big businesses with property interests are required to court favour with the palace. Whereas King Bhumibol generally exercised political influence from behind the scenes, King Vajiralongkorn has been more forthright, particularly through issuing several direct statements ahead of [The 2019 General Election](#). There has also been a notable strengthening of the monarchy's influence over the [Military](#) (for example, in October 2019, King Rama X issued a royal decree transferring command of two army units from the military chain-of-command to the Royal Security Command) and a number of symbolic actions taken to de-emphasise Thailand's revolutionary and democratic history in public spaces, including the replacement of a historic plaque commemorating the 1932 revolution with one paying deference to the monarchy, and the demolition of a monument celebrating the revolutionary government's victory over royalist counter-revolutionaries.

3.30 Section 112 of the Criminal Code (widely known as the 'lèse-majesté law') provides for a penalty of up to 15 years' imprisonment for anyone who 'defames, insults, or threatens the King, the Queen, the Heir-apparent, or the Regent'. The law does not provide a definition as to what constitutes an insult to the monarchy, which has given authorities leeway to interpret it in a very broad way. The law permits citizens to file lèse-majesté complaints against each other. Courts have rarely granted bail in Section 112 cases, meaning defendants have been detained during the entire pre-trial and trial period, although there are indications this is being relaxed, with bail granted in some cases. The imprisonment penalty for breaches of Section 112 applies to each individual charge, meaning those charged with multiple offences have faced extremely long prison terms. In June 2017, for example, an activist was sentenced to 70 years' imprisonment in the heaviest sentence ever handed down (although his sentence was later halved when he confessed to the crime). The activist had posted photographs and videos of the royal family on a Facebook account that purported to be from a different user. The combination of long pre-trial detention, lengthy prison terms, low

rate of acquittals and substantial sentence reductions for confessions results in defendants facing heavy pressure to confess rather than trying to contest the charges at trial.

3.31 In the years following the 2014 coup, Thai authorities applied Section 112 broadly and prosecuted cases aggressively. In a media interview in December 2015, for example, the chief of the NCPO's Legal Office said that commenting, sharing, or pressing 'Like' on Facebook content that authorities considered offensive to the monarchy would be prosecuted under Section 112. According to human rights advocates, at least 169 persons were prosecuted under Section 112 between May 2014 and May 2019. In one notable case in August 2017, a political activist was sentenced to five years' imprisonment (later reduced to two and a half years after he pleaded guilty) for posting on his Facebook page a BBC Thai language profile of King Vajiralongkorn. In some cases, the accused committed the alleged offence prior to the 2014 coup but authorities only filed charges afterwards. In one such case, an eminent 85-year-old historian was summoned in October 2017 to face charges based on classroom comments he made in a 2014 lecture about the historical accuracy of a 16th century elephant battle involving a Thai king (a battle commemorated annually as Thai Armed Forces Day). The historian, who had been charged under Section 112 on four previous occasions, was cleared of the charges in December 2017 following an audience with the King.

3.32 According to the Department of Corrections, as of August 2018, 65 persons were awaiting trial or imprisoned on Section 112 charges, including a number of persons convicted for corruption-related offences for misuse of royal title to further business interests. Despite a September 2016 order that ended the practice of trying violations of Section 112 in military courts, human rights observers report that such trials continued to occur after this date. Many Section 112 cases were reportedly conducted in secret, with authorities prohibiting public disclosure of the content of the alleged offences. Sentences for Section 112 offences also increased: before the coup, sentences were generally five years per count, but post-coup military courts instead generally imposed sentences of ten years per count unless the defendant pleaded guilty.

3.33 In a February 2018 directive, the Attorney-General instructed all public prosecutors to review all pending prosecutions under Section 112. Under the new guidelines, only the Office of the Attorney-General can make a final determination on whether or not to prosecute a Section 112 case, which previously had also been within the power of public prosecutors. While authorities subsequently dropped a number of Section 112 prosecutions, many of those already prosecuted under the law remain imprisoned serving long sentences.

3.34 While there have been no new charges brought under Section 112 since the issuing of the February 2018 directive, the law remains unchanged and available for future use. Human rights groups have also expressed concern that authorities have continued to target perceived opponents of the monarchy through utilising other serious charges, particularly the Computer-Related Crimes Act and Section 116 of the Criminal Code, and criminal defamation (see also Political Opinion (actual or imputed)). In some cases, authorities have brought new charges against individuals who have already been acquitted or have had earlier Section 112 charges dismissed. In one such case in March 2018, after a one-day trial the Bangkok Criminal Court sentenced a 23-year-old woman to two years' imprisonment for breaching the Computer-Related Crimes Act for sharing on her Facebook page audio clips deemed defamatory to the monarchy. The woman had earlier successfully appealed a conviction and prison sentence handed down by the Yala Provincial Court under Article 112 for the same offence.

3.35 Human rights observers have expressed concern that the monarchy's increasing presence in public life will result in further formal and informal restrictions on freedom of expression in relation to matters of legitimate public interest, including restricting discussion on Thailand's politics, economy and military. Noting the very low evidentiary threshold on Section 112 and other serious charges relating to criticism of the monarchy, and the established willingness of authorities to use them against political opponents, DFAT

assesses it as likely that authorities will continue to use criminal charges other than section 112 to suppress critics. Those facing such charges have a limited ability to defend themselves.

Anti-Monarchy Political Activists in Exile

3.36 Human rights observers have expressed concern about a spate of incidents in recent years involving the targeting of anti-monarchy political activists in exile in neighbouring countries, including through illegal forced repatriation, enforced disappearance, torture, and extrajudicial killing (see also relevant sections). An anti-government activist was forcibly disappeared in Cambodia in June 2020. Three anti-monarchy activists belonging to the outlawed anti-monarchy Organisation for Thai Federation (OTF) disappeared in Laos in late 2018, with the murdered and mutilated bodies of two discovered in the Mekong River in northeast Thailand in late December 2018. The third activist remains unaccounted for. The earlier disappearances of a further two anti-monarchy activists in Laos in June 2016 and July 2017 respectively also remain unsolved.

3.37 On two separate occasions in May 2019, neighbouring countries repatriated anti-monarchy activists at the request of Thai authorities. Vietnamese authorities returned three activists on 8 May 2019, after detaining them in early 2019 for illegally crossing the Laos-Vietnam border. Thai authorities had accused the three of committing lèse-majesté while exiled in Laos by operating online anti-monarchy radio programs and mobilising OTF supporters to demonstrate against the monarchy by wearing black t-shirts in Bangkok and other provinces. The three reportedly fled Laos following the earlier disappearance of their fellow activists. Neither Vietnamese nor Thai authorities have acknowledged their detention. Their fate and whereabouts remain unknown, although in-country sources believe they were likely killed while in detention.

3.38 In May 2019, Malaysian authorities forcibly repatriated a further anti-monarchist activist associated with the OTF. UNHCR had registered the activist as an asylum seeker and designated her a 'person of concern'. The activist had fled to Malaysia in January 2019 and claimed to have been arrested in Thailand several times between September and December 2018, including being held in incommunicado detention. The threats allegedly intensified after she participated in peaceful anti-monarchy activities during the birthday memorial in December 2018 for the late King Bhumibol, including handing out leaflets criticising the monarchy in a Bangkok shopping mall while wearing a black t-shirt with the OTF logo. Thai authorities had issued an arrest warrant that accused her of sedition and organised crime. Human rights groups criticised the repatriation as being in breach of Malaysia's international obligations, and expressed concerns that the activist faces human rights abuses on return. In January 2020 she was sentenced to three years in prison for membership of a secret society (reduced to two years for pleading guilty).

3.39 DFAT assesses that a limited number of republican and/or anti-monarchy political activists who are overtly critical of the monarchy, particularly members of the OTF, face a high risk of arrest, prosecution, torture and extrajudicial killing. Those based outside of Thailand, particularly in Southeast Asian nations, face a high risk of illegal extradition or enforced disappearance.

Opposition Politicians

3.40 Human rights observers have expressed concern about a continuing pattern in which authorities have targeted opposition parties and politicians through legal administrative actions, both in the lead-up to and following The 2019 General Election. Politicians targeted in this manner have generally been high profile, including party leaders or spokespersons, and some politicians have had multiple charges brought against them. In many cases, serious criminal charges have been brought in relation to social media posts. Although authorities have subsequently dropped charges in some cases, often after lengthy and time-consuming delays, many of these cases remain unresolved.

Pheu Thai Party

3.41 In August 2017, police charged Pichai Nariphaphan, a prominent Pheu Thai member and a former Energy Minister, with violating the Computer-Related Crime Act after he posted a commentary on Thailand's economy on his Facebook page. In charging Nariphaphan, police claimed that he had posted 'false information' that could harm the economy. Nariphaphan had earlier been subjected to multiple rounds of 'attitude adjustment' (see [Arbitrary Arrest and Detention](#)) following the May 2014 coup. His case is yet to be submitted to the public prosecutor.

3.42 In December 2017, police charged Sunisa Lertpakawat, Pheu Thai's spokesperson, with violating the Computer-Related Crime Act and committing sedition in relation to three social media posts on her Facebook page. The posts, which were made between 22 November and 4 December, criticised the NCPO for failing to provide credible explanations about the death of an army cadet who allegedly died as a result of corporal punishment at the Armed Forces Academies Preparatory School; criticised the government's budget allocation for allegedly failing to prioritise the public health service and relying on voluntary donations from the hospital to fill in missing budgetary support for state hospitals; and criticised Prayut for welcoming a rock music star to the Government House while harshly treating people who had suffered from government policies. On 20 December 2017, police charged Sunisa with additional sedition and Computer-Related Crime Act breaches based on criticism she had posted on Facebook in September and October 2017. According to human rights groups, the later charges came after Sunisa posted a Facebook message criticising the first round of charges. DFAT understands that the cases are yet to be resolved.

3.43 In May 2018, police charged three Pheu Thai politicians (including the party's legal chief) with sedition and breaches of HNCPO order 3/2015, and a further five with breaches of HNCPO 3/2015 after the party held a press conference in which they gave their assessment of the NCPO's performance in the four years since the May 2014 coup. The three charged with sedition spoke at the press conference, while the other five were merely in attendance. Authorities dropped the HNCPO order 3/2015 charges against the group after the issuance of HNCPO order 22/2018 in December 2018. Although the Attorney-General's office stated in February 2019 that it would announce a decision in relation to the sedition charges on 21 March – three days before the scheduled election – it did not do so. Authorities did not formally drop the charges until September 2019, 16 months after the alleged offence had been committed.

3.44 Authorities have charged Watana Muagnsook, a prominent Pheu Thai member and former Commerce Minister, with multiple criminal charges since the May 2014 coup, most of which have been in relation to Facebook posts. While courts have dismissed some of the charges, others remain unresolved years later. These include an April 2016 charge of violating his terms of agreement after completing an initial round of 'attitude adjustment' (see [Arbitrary Arrest and Detention](#)), which carries a potential two year prison sentence; and sedition and Computer-Related Crime Act charges lodged in August 2017 in relation to Facebook posts condemning the trial of former Prime Minister Yingluck Shinawatra. Watana has also twice been held in contempt of court for sending messages on social media from the court complex, and subjected to multiple rounds of 'attitude adjustment'.

Future Forward Party (FFP)

3.45 As noted in [The 2019 General Election](#), on 21 February 2020 the Constitutional Court upheld a complaint by the ECT that FFP leader Thanathorn Juangroongruangkit had breached various provisions of the *Organic Act on Political Parties* (PPA; 2017) by extending THB191 million (AUD9.5 million) in loans to the party ahead of the 24 March 2019 General Election. The court ruled that Thanathorn's loans to the party were not on commercial terms and therefore qualified as a donation, the value of which exceeded THB10 million (the allowable donation limit under section 66 of the PPA). Because the loans breached section 66, they were also adjudged to be an illegal source of funds in breach of section 72, which carries the penalty of party dissolution (most legal experts had understood the purpose of section 72 as being to bar

donations from criminal or illicit sources rather than technical violations of party financing laws). The court therefore issued an instruction to dissolve the FFP and bar its executives from politics for the maximum allowable ten years. In issuing the maximum allowable ban, the court ruled that party executives had knowingly attempted to circumvent the PPA's donation limits; and that the size of the donation could give party financiers undue influence over the party in breach of the Constitution's democratic principles emphasising transparency and public participation in political party affairs.

3.46 The FFP's dissolution in February 2020 was widely seen as the culmination of a campaign by authorities to discredit Thanathorn and the party that had commenced with the FFP's formation in March 2018. Since that time, authorities had consistently targeted Thanathorn and the FFP with legal charges that observers had widely concurred to be politically motivated. In addition to the large number of legal cases brought against Thanathorn and the FFP, there have also been numerous reports of bribes, threats, and legal cases against members of Thanathorn's family, and against members of the other FFP leadership.

3.47 In August 2018, police charged Thanathorn and several other senior FFP officials with breaching the Computer-Related Crimes Act in relation to discussions held on a party Facebook live event in June 2018 in which the FFP accused the NCPO of encouraging defectors to the Palang Pracharat Party. The charges followed the lodging of a complaint by the NCPO's legal officer that Thanathorn had made accusations about the NCPO and twisted facts in a manner that amounted to an attack on Thailand's justice system. The charges are yet to be resolved.

3.48 In April 2019, police charged Thanathorn with sedition, aiding person/s who had committed a crime, and illegal assembly in relation to him allegedly assisting a group of anti-coup activists to flee from a police station in June 2015. A RTP representative explained the nearly four-year delay in bringing charges as a result of staff changes and misplaced paperwork. The laying of charges came two weeks after Future Forward's strong performance in [The 2019 General Election](#).

3.49 In November 2019, the Constitutional Court found Thanathorn guilty of holding media shares when he registered as an electoral candidate, in breach of the electoral law, and therefore disqualified him as an MP following his earlier suspension by the ECT. The decision is final and there are no avenues for appeal. The court's decision does not ban Thanathorn from standing in future elections. As Thanathorn is a party list rather than a constituency MP, FFP retains his place in parliament through replacing him with a candidate from their party list. The ECT may refer the case for further legal consideration (by either the Criminal or Supreme Courts) to determine whether a prima facie criminal case exists.

3.50 In January 2020, the Constitutional Court dismissed a case against both FFP and Thanathorn for allegedly conspiring to overthrow Thailand's system of democracy with the King as head of state. The case, filed in June 2019 by a former adviser to the chief ombudsman, included a widely-ridiculed claim that the FFP's triangular logo resembled an upside-down pyramid and therefore showed the party was linked to the Illuminati secret society.

3.51 Other members of the FFP leadership have also faced legal charges widely perceived as being politically motivated. The FFP Secretary General is currently facing charges under the Computer-Related Crimes Act for criticising the Constitutional Court's decision to dissolve the Thai Raksa Chart Party (see [The 2019 General Election](#)); while the FFP Spokesperson has had a complaint filed against her for a ten-year-old photograph of her posing next to an image of the King in a 'disrespectful' way.

3.52 DFAT assesses that prominent politicians and political figures from opposition parties face a high risk of official discrimination in the form of judicial harassment including fines, bans from political activities and imprisonment.

Civil Society Activists

3.53 In-country sources report that civil society groups have traditionally tended to be conservative in nature, with many religious-based or linked to the monarchy. Thai civil society has grown considerably in recent years, however, and is now varied and diverse. It coexists with constitutional guarantees of political participation, freedom of assembly, government consultation, and local determination of community rights. In the Thai context, 'civil society' covers citizen organisations with political, social and economic motivations, and groups are often active around several sets of issues. It is difficult to identify the exact number of domestic and international civil society organisations (CSOs) working in Thailand as there is no mandatory centralised registration mechanism. A variety of government agencies has a role in registering CSOs, including the Ministries of Culture, Interior and Labour. In-country sources report that registration conditions are onerous, and have an impact on the ability of CSOs to conduct day-to-day activities.

3.54 Analysts have identified a geographic divide in the focus of CSOs in Thailand. Those in central Thailand and Bangkok have tended to be more diverse in scope than elsewhere, focusing on a wide range of issues including economic development; social issues, including gender, children, health and education; the environment; and politics. Bangkok has also hosted the majority of international and regionally focused CSOs. CSOs in the north and northeast have been predominantly grassroots groups focused on issues such as rural poverty, indigenous peoples, and subregional water and natural resource management issues; while their proximity to border areas has also influenced their characters. The ongoing Insurgency in Southern Border Provinces (SBPs) has impacted on civil society in the south, particularly since the 2014 coup. There are reportedly now fewer active CSOs in this part of the country; those CSOs that do exist in the south tend to be comprised of diverse groups of local communities based on their livelihoods or religious backgrounds.

3.55 In-country sources report that there is often considerable mutual mistrust between authorities and CSOs, although the extent may vary according to geographic location and the nature of the issue being covered. According to in-country sources, CSOs working on LGBTI and gender-based issues are generally able to operate unhindered. Authorities are, however, likely to take exception to a number of particular 'red line' issues, including anything to do with the monarchy, the insurgency in the SBPs, some environmental matters and issues related to conflicts over land use, particularly in the north and northeast. Activists attempting to work on these issues are likely to face a range of official obstacles, including denial of administrative permissions, harassment, verbal threats, physical attack, arrest and/or legal charges. They may also face legal challenges and/or physical threats and attacks from groups and individuals opposed to their activities.

3.56 Civil society activism around environmental and land use issues is particularly sensitive, particularly in areas in which Stateless Persons reside. Because a high percentage of this group does not have Thai citizenship, they are unable to apply for recognition of land title, meaning their traditional lands are highly susceptible to appropriation by both authorities and business interests. In-country sources report that authorities have declared national parks or Special Economic Zones in some inhabited areas, charging residents with encroachment should they fail to depart. In one 2019 case, 14 community activists were given lengthy prison sentences and fines for defending their homes in an area that authorities had declared a national park. In addition to legal sanction, human rights observers report that at least 62 community-based rights defenders and lawyers have been killed in Thailand since 2003 in relation to their work; while a high percentage of those subjected to Enforced or Involuntary Disappearances also worked in this area. In one recent case, the leader of a network of land rights activists was abducted in August 2019 in Phatthalung province as he was entering a public hearing on plans for a rock quarry, and he was held for several hours until the hearing was over. The activist claims that community sources told him that the men who abducted him were connected to the killing of eight people involved in another dispute involving a mining project two years earlier.

3.57 As discussed in Political Opinion (actual or imputed), following the May 2014 coup authorities have used a range of legislative measures against large numbers of civil society activists, political opponents, journalists and others (see also relevant sections), with numerous cases still ongoing. Police have also shut down several human rights-focused academic events, and openly monitored others. During the ASEAN Summit in June 2019, security forces effectively placed many prominent civil society activists under house arrest.

3.58 Human rights organisations report that authorities have continued to use security forces to monitor and intimidate civil society activists since the return to civilian government. Activists have reported being followed and subjected to house arrest, and having their houses ransacked and their cars set alight. Female activists have reported being subjected to cyber-bullying, and in one case had their hotel room bugged and sex tapes released as a means of shaming them. Security authorities have reportedly visited and threatened the parents of student activists. Authorities have also ‘de-platformed’ civil society activists by denying them access to media coverage – in some cases halting live media interviews, or by punishing media outlets themselves.

3.59 In-country sources report an increase in violent attacks targeting civil society activists since the return to civilian government. In one particularly notorious case in July 2019, four unidentified assailants beat a prominent political activist with metal truncheons, resulting in him being hospitalised while unconscious. The victim, who has 13 outstanding charges in relation to his activism, had been separately hospitalised three weeks earlier following a similar beating outside of his home. Despite good CCTV coverage of the assault locations, police have not made any arrests in relation to the two beatings and in February 2020 announced they had closed their investigations without identifying the assailants. Other activists have reported similar attacks. Following the increase in violence, security officials have reportedly offered activists ‘protection’ in return for explicit commitments to refrain from comment on, or criticism of, the government – effectively demanding that they give up their activism.

3.60 DFAT assesses that civil society activists attempting to work on the ‘red line’ issues outlined in 3.55 face a high risk of official harassment in the form of denial of administrative permissions, harassment, verbal threats, physical attack, arrest, and/or judicial harassment. They may also face societal harassment in the form of legal challenges and/or physical threats and attacks from groups and individuals opposed to their activities, although this may vary according to geographic location. DFAT assesses that civil society activists attempting to work on environmental and land use issues in rural areas are most at risk in this regard.

Protesters and Demonstrators

3.61 While there has been a significant reduction in the number of large-scale protests and demonstrations since the May 2014 coup, there have been a number of recent demonstrations in relation to the legal actions against the FFP and its leader Thanathorn. These include:

- The Constitutional Court’s 21 February 2020 ruling to disband the FFP (see Opposition Politicians) was followed by a number of protests, centred on university campuses. DFAT is not aware of any reports of arrests or associated violence in relation to any of these protests, or subsequent legal action against the organisers or participants.
- thousands of its supporters attended a rally in central Bangkok on 14 December 2019 to protest the disqualification of Thanathorn from parliament and the ongoing legal efforts to disband the party. This rally was held under a light police presence. Although DFAT is not aware of any reports of arrests or associated violence during the rally, authorities subsequently filed criminal complaints against the organisers.

- Two competing running events took place in Bangkok on 12 January 2020: a 'Run Against Dictatorship' protest attended by between 10-20,000 people, and a much smaller pro-government 'Walk to Cheer Uncle (Prayut)'. The two events did not physically interact and DFAT is not aware of any reports of associated violence in relation to either of them. Authorities subsequently charged the organiser of the 'Run Against Dictatorship' protest and affiliated activists with offences under the Public Assembly Act. Following the rival events, Prayut expressed concern that they would lead to fresh political conflicts and said he had instructed security authorities to find ways to prevent such activities in future.

3.62 Pro-democracy activists known as the 'We Want Elections' group organised a series of protests in Bangkok in early 2018 to protest the repeated postponement of the promised election. Authorities responded by charging the protest organisers with multiple counts of sedition and holding illegal political gatherings, along with violations of a number of other legal codes including the Public Assembly Act and the Road Traffic Act. The cases are yet to be resolved. Authorities also arrested protest participants (many multiple times) and staff of human rights NGOs who were present as observers, charging them under HNCPO order 3/2015 or the Public Assembly Act. While some courts have dismissed the charges, others reportedly have yet to do so.

3.63 As noted in [Recent history](#), Thailand experienced periodic large-scale demonstrations between June 2007 and the May 2014 military coup, which included associated political violence through clashes between the rival 'Red Shirt' and 'Yellow Shirt' factions and security forces. The violence peaked in the period of March to May 2010, when a government crackdown on Red Shirt protestors led to the deaths of at least 90 people and injured more than 2,000. According to human rights observers, while a large majority of the casualties resulted from unnecessary or excessive use of lethal force by soldiers, elements of the Red Shirts were also responsible for deadly armed attacks against soldiers, police and civilians. The government responded to the political crisis caused by the protests by declaring a state of emergency in April 2010 and creating a Centre for the Resolution of Emergency Situations (CRES), an ad hoc body made up of civilians and military officers. The CRES questioned, arrested, and detained Red Shirt leaders and members who took part in the protests, as well as accused sympathisers. It also summoned hundreds of politicians, former officials, businesspersons, activists, academics, and radio operators for interrogation, froze individual and corporate bank accounts, and detained some persons in military-controlled facilities.

3.64 Prosecutions against the leaders of the Red Shirt protests have resulted in mixed outcomes. In July 2017, the Supreme Court sentenced a Red Shirt leader to a year's imprisonment for defaming the then-Prime Minister by calling him a murderer in a speech delivered at the height of the 2010 protests. Two lower courts had previously dismissed the defamation charge. In August 2019, however, the Bangkok Criminal Court dismissed a case against 24 Red Shirt leaders that involved charges of terrorism, criminal association, using force to damage government property, inciting unrest, possession of arms, obstruction of officials through intimidation, and the gathering of more than ten people to cause chaos. In dismissing the case, the court ruled that the Red Shirt protests were 'a political fight', not terrorism.

3.65 The Bangkok Criminal Court also dismissed charges of insurrection, criminal association, illegal assembly, instigation of strikes, and obstructing an election against four prominent members of the Yellow Shirt group, including a Bangkok deputy governor, in relation to their involvement in protests against the Yingluck Shinawatra government in 2013-14. In dismissing the charges, the court ruled that the defendants had only taken part in the protests and were not part of the leadership group that had instigated violent action. At the peak of the 2013-14 protests, demonstrators blockaded a number of international airports, imposed worker strikes on train services, blocked roads and traffic in Bangkok, and stormed a number of government buildings.

3.66 DFAT assesses that authorities are likely to disrupt large-scale protests and demonstrations from occurring, including through arrests and prosecutions against protest organisers. While authorities are likely

to maintain records of those involved in the Red Shirt and Yellow Shirt protests, DFAT assesses that authorities are unlikely to prioritise prosecutions in relation to these historical events, particularly for low-level participants. Participants in the Red Shirt protests who continue to be politically active against the government are likely to face a higher risk of arrest and prosecution than those protesting for the first time (see also [Media](#)).

Insurgency in Southern Border Provinces (SBPs)

3.67 A long-running separatist insurgency in the SBPs has impacted significantly on the lives of residents. The insurgency, which commenced in the late 1940s, is driven by a complex mix of factors, including issues of territory, language, and religious and ethnic identity (see also [Race/Nationality](#) and [Muslims](#)). Although the insurgency has for the most part been contained to the SBPs, most observers believe that southern insurgents were responsible for a series of small-scale bomb blasts that took place across Bangkok on 1-2 August 2019. The bombings, which injured a small number of bystanders, occurred during Thailand's hosting of Southeast Asian leaders at the ASEAN summit.

3.68 While there are a number of different separatist insurgent groups, the most prominent actor is the Barisan Revolusi Nasional (BRN), whose stated goal is to drive out the Thai state from what was the historical region of the Sultanate of Patani (a Muslim Malay trading hub that was incorporated into the Kingdom of Siam in the late 18th/early 19th centuries). DFAT assesses that this ethno-nationalist push for Patani independence is the primary cause of the insurgency. The insurgent movement is characterised by its secrecy and reluctance to assert an organisational identity. It remains a parochial nationalist insurgency – distinct from transnational jihadist movements – in which Islam is foremost a marker of Malay cultural identity. Emphasising the primarily territorial nature of the conflict, the BRN and other separatist groups have stated that the insurgency in the SBPs should involve only locally-based Malay Muslims and not Muslims of other ethnicities located elsewhere in the country. They have also rejected attempts by international Islamist groups such as Islamic State, al Qaeda and Jemaah Islamiya to internationalise the insurgency.

3.69 Following a lull in the 1990s, the conflict reignited in late 2001 and worsened considerably after January 2004, when it erupted into open conflict across the SBPs. Deep South Watch (a prominent conflict monitoring body) reported in February 2020 that there had been around 20,000 separate conflict-related incidents since the escalation of conflict in January 2004 until the end of January 2020, accounting for thousands of deaths. Most conflict-related incidents have involved shootings, arson attacks or bombings. Civilians have borne the brunt of the conflict-related violence, accounting for approximately 70 per cent of all conflict-related deaths since January 2004. Local NGOs report that insurgents have often considered teachers (along with their military escorts) as affiliated with the state, and hence legitimate targets. The violence reached a peak in 2007, when there were 892 fatalities, but fell to 218 in 2018, the lowest since 2004. November 2019, however, saw the single deadliest attack since 2001: at least 20 gunmen attacked a security checkpoint in Yala, killing 15 and injuring four. Many of those killed were Village Defence Volunteers, civilians whom the government pays to perform part-time security duties in villages. The attack followed a car bombing against a Pattani police station the previous week, the first such attack since 2017. The Thai Government and BRN commenced direct peace talks in January 2020.

3.70 The government has taken a security-oriented approach to the insurgency, deploying up to 60,000 security forces (including military, paramilitary and police) to the affected provinces. This approach has reportedly escalated since the May 2014 coup. An emergency decree in effect throughout most of the SBPs provides military, police and some civilian authorities with significant powers, including the right to censor news and information, authority to conduct warrantless searches, and the ability to hold detainees for a maximum of 30 days without charge (see also [Arbitrary Arrest and Detention](#)). The emergency decree also

delegates certain internal security powers to the armed forces, while providing security forces broad immunity from prosecution. Martial law has also been in effect in the SBPs since 2006, significantly empowering security forces.

3.71 International and domestic human rights observers have provided longstanding and credible reports of human rights abuses committed by state agents against both suspected insurgents and ordinary civilians, including [Arbitrary Arrest and Detention](#), [Torture](#), and [Extra-Judicial Killings](#). Access to justice and human rights mechanisms for those affected by state-perpetuated violence is highly limited. Human rights observers report that no member of the state security services has ever been successfully prosecuted in relation to abuses committed in the SBPs. Non-state groups are accused of committing human rights abuses against state agents and civilians.

3.72 DFAT assesses that actual or perceived insurgents face a high risk of encountering state-perpetuated violence, including in the form of arbitrary arrest and detention, torture and extra-judicial killings. Ordinary citizens perceived as supporting the insurgency face a moderate risk of official discrimination in the form of being subjected to warrantless searches and arbitrary arrest and detention. Ordinary civilians from both Malay Muslim and Thai Buddhist communities face a moderate risk of violence from both state authorities and insurgent forces. This risk is higher for those whose position is perceived as being affiliated with the state, particularly teachers and Village Defence Volunteers. Those subjected to state-perpetuated violence or discrimination are unlikely to be able to access justice through official means. While noting the spate of reprisal killings of religious leaders from both communities in late 2018 (see [Muslims](#)), DFAT assesses that such leaders are not generally seen as legitimate targets and are not at greater risk than ordinary members of their communities.

Media

3.73 Article 35 of the Constitution states that: media professionals should be free to present news or express opinions in accordance with professional ethics; that censorship before publication of news or statements made by media professionals is only permitted in wartime; that only Thai nationals may own newspapers or other mass media; and that the state may not provide any form of subsidy to private newspapers or other mass media. Government entities own and control most radio and broadcast television stations. The print media is largely privately run, with a small number of Thai-language dailies accounting for most newspaper sales. The radio market is competitive, particularly in Bangkok, with more than 60 stations in and around the capital.

3.74 The National Broadcasting and Telecommunications Commission (NBTC) is the regulatory body for media in Thailand. It is empowered to suspend or revoke the licences of radio or television operators broadcasting content deemed false, defamatory to the monarchy, harmful to national security, or unnecessarily critical of the government. Authorities closely monitor media content from all media sources, including international press. Foreign media is broadcast on a two-minute delay to allow for censorship. The emergency decree in effect in the SBPs empowers authorities 'to prohibit publication and distribution of news and information that may cause the people to panic or with an intention to distort information', and authorises the government to censor news considered a threat to national security.

3.75 Following the 2014 coup, authorities closed a number of opposition-aligned media outlets on national security grounds and significantly increased censorship restrictions. A number of journalists were detained in military camps for 'attitude adjustment' (see [Arbitrary Arrest and Detention](#)) immediately following the coup. Local sources report there has been a notable increase in self-censorship by journalists, including in relation to reporting on cases involving civil society activists. Other 'red line' topics include

critical reporting on the monarchy, the conflict in the SBPs and the death penalty. Reporters Without Borders ranked Thailand 140th out of 180 countries in its 2020 World Press Freedom Index.

3.76 In February 2019, the NBTC suspended the opposition television channel Voice TV for two weeks for allegedly screening unspecified ‘provocative content’ in two of its programs. Human rights observers expressed concern at the timing of the suspension, noting that it came six weeks before the general election. Voice TV, which is owned by a son of former Prime Minister Thaksin Shinawatra, had previously been the target of more than 50 acts of censorship since the 2014 coup, including broadcast signal disconnections, banning of programs and banning of journalists.

3.77 In December 2019, the Lop Buri Provincial Court sentenced a journalist to two years’ imprisonment (the maximum allowable sentence) for criminal defamation against an agribusiness company. The journalist had sent a tweet in August 2016 in relation to a court verdict that had ordered the company to compensate 14 migrant workers who had been forced to work up to 20 hours a day on the company’s chicken farms while being paid less than the minimum wage and no overtime. The company sued the journalist for describing the migrant workers’ conditions in her tweet as equivalent to slave labour. To avoid imprisonment pending the outcome of her appeal against the conviction, the journalist was forced to pay bail of THB75,000 (AUD3,600), the equivalent of six times the average monthly salary in Thailand.

Internet Freedom

3.78 International monitoring groups estimated that around two-thirds of Thai citizens had access to the internet in 2018, and Facebook estimates there are around 55 million Facebook users in Thailand. Internet access is widely available in urban areas, and the government is working to expand internet access to rural areas. Authorities impose numerous restrictions on online content, including proscribing lèse-majesté (see following section), pornography, gambling and criticism of the military. By law, internet service providers (ISPs) must preserve all user records for 90 days in case authorities wish to access them. Any ISP that gives consent to or intentionally supports the publishing of illegal content is also liable to punishment. Although authorities are legally required to obtain a court order to ban a website, human rights observers report that officials do not always respect this requirement.

3.79 According to the US Department of State, authorities routinely use prosecution or the threat of prosecution as a tool to suppress speech online, with those charged in relation to their online activities including journalists, political activists and ordinary internet users. The government also reportedly closely monitors and blocks thousands of websites perceived to be critical of the monarchy. Human rights activists have reported that police have occasionally asked detained political activists to reveal the passwords to their social media accounts. Reporting from international watchdog groups in September 2016 suggested that a number of civilian groups were actively engaged in scouring social media for evidence of people speaking out against the royal family and then reporting to authorities. These groups included the ultra-royalist ‘SS’ group, founded in 2010; the Rubbish Collection Organisation, founded just before the May 2014 coup; and the Cyber-Scouts, founded in 2010, which used children to spy on the online activities of friends and family. DFAT does not believe that any of these groups are still active.

3.80 In April 2016, General Prayut said in a media interview that he had ordered officials to take legal action against anyone involved in efforts to mock him on social media. Shortly afterwards, military units carried out raids in Bangkok and Khon Kaen and arrested eight people involved in a parody Facebook page called ‘We Love General Prayut’ that had been launched in May 2014. The eight were charged with sedition and violation of the Computer-Related Crime Act. Authorities allege that the page was created with funding from the son of former Prime Minister Thaksin Shinawatra to ridicule and discredit Prayut and the Thai government, and that it had generated dissent and unruly behaviour among Thai people. The defendants claim to have been targeted because of their ties to the Red Shirt movement (see Protesters and Demonstrators). The case against the eight, which is being heard in a military court, remains unresolved.

3.81 In March 2017, authorities arrested and charged a prominent anti-corruption activist with violating the Computer-Related Crime Act after he posted a satirical questionnaire on his Facebook page asking which of the promises in the NCPO's theme song, 'Returning Happiness to Thailand' (composed by Prayut) had been fulfilled. Most of the 123 participants who answered the questionnaire responded that none of the pledges had been met. The Police Technology Crime Suppression Division accused the activist of misleading the public by reporting false information about the NCPO's popularity. The status of the case is unclear, although DFAT understands that the activist is not currently in detention.

3.82 In August 2017, police charged a prominent journalist with sedition and breaches of the Computer-Related Crime Act in relation to a number of Facebook posts he wrote in February 2016. Two of the Facebook posts raised critical questions about the military-drafted constitution and the frequently delayed plans for new elections, while five others commented on widely reported news events, including the ongoing criminal negligence trial of former Prime Minister Yingluck Shinawatra, the NCPO's handling of recent floods, and a soldier's threat to confiscate a local TV news reporter's equipment. The charges carry a potential sentence of seven to 20 years' imprisonment. The journalist had previously been subjected to two 'attitude adjustment' sessions in relation to his critical commentary on military rule. Upon his release, the journalist claimed that military officials had threatened to freeze his bank account if he continued to criticise the regime. As a condition of his release, he was forced to sign a pledge that he would not become involved in any activities opposing military rule. The journalist resigned from his job with a major English language newspaper at the request of the paper's management. The status of the charges against him is unclear, although DFAT understands that the activist is not currently in detention.

3.83 The use of national security-based legislation to prosecute internet users for posting content online has fostered an atmosphere of self-censorship. Most political online message boards and discussion forums closely monitor discussions and self-censor to avoid being blocked. Newspapers also restrict access to their public comment sections to minimise exposure to possible lèse-majesté or defamation charges. The NBTC has reportedly lobbied foreign internet content and service providers to remove or locally censor content considered to be anti-monarchy.

3.84 DFAT assesses that journalists attempting to cover sensitive issues, particularly the 'red line' topics referred to in paragraph 3.75 face a moderate risk of official discrimination in the form of harassment, intimidation, obstruction, and legal sanction, particularly criminal defamation charges. Such journalists are likely to seek to minimise these risks through practising self-censorship. DFAT further assesses that internet users in Thailand are likely to be subjected to monitoring, and face a high risk of legal sanction should they post material perceived to be political or offensive in nature. As the threshold by which material is judged to be political or offensive is ill-defined, and has proven to be very low in practice, Internet users are also therefore likely to practise self-censorship to avoid coming to official attention.

Women

3.85 Thailand is a State Party to CEDAW (see [Human Rights Framework](#)). Section 27 of the Constitution guarantees equal rights for men and women, and prohibits discrimination against a person on the grounds of sex. Various other constitutional articles specifically commit the State to protecting and promoting women's rights. The *Gender Equality Act* (2015) mandates non-discrimination based on gender and sexual identity in policy, rule, regulation, notification, project and procedures by government, private organisations and any individual, but makes exceptions in the cases of religious principles and national security. The law imposes a maximum prison term of six months or a maximum fine of THB20,000 (AUD965) or both for any person convicted of gender discrimination. Between 2015 and 2018, the Ministry of Social Development and Human Security received more than 41 complaints and issued judgment in 24 cases. Most complaints received

reportedly related to transgender individuals alleging discrimination (see [Sexual Orientation and Gender Identity](#)).

3.86 Thailand has reached gender parity in primary school enrolment, and female students outnumber their male peers in secondary and tertiary education. Thailand reportedly ranks first in the world for women's enrolment in higher education, with 1.41 women attending a university for every man. The labour market is open, and women participate actively in the agriculture and non-agriculture sectors. Women in Thailand score well in nearly all measures of leadership in the corporate sphere, far surpassing most other Asian countries and enjoying a good position globally. Thai women are prominent in business across many industries and companies, making up 40 per cent of Chief Executive Officers and 34 per cent of Chief Financial Officers. However, the overall participation of women in the labour market and their representation in public decision making and governance structures remain lower than those of men. Disparities are significant between urban and rural areas, regions and groups, with unequal access to resources and social services. Ethnic minority women, women migrants and those living in border areas are particularly vulnerable. Thailand ranked 52nd out of 129 countries in the 2019 Sustainable Development Goals Gender Index with a score of 70.3 (considered 'Fair'), compared to 67.5 for Malaysia, and 67.2 for Vietnam (Australia's score was 85.2).

3.87 Thailand has long had one of the world's lowest rates of female parliamentary representation. Although there are no specific restrictions, in-country sources report that women are unlikely to engage in political life unless they belong to an established political family. Attempts by women's advocates to introduce parliamentary gender quotas have so far failed to gain traction. Only 13 women were appointed to the 250-seat parliament during the five years of military government, representing just 5.2 per cent of the military-appointed legislature; while only two women were selected to sit on the 21-member Constitutional Drafting Committee which drafted the 2017 Constitution. The proportion of female candidates in the March 2019 elections was around 22 per cent for both parliamentary constituencies (2,466 women out of 11,181 candidates overall) and the party-list system (622 out of 2,917). Eighty-one women were elected to parliament out of 500 members overall, a rate of 16.2 per cent of lower house membership.

3.88 Female participation in national security bodies is also very low. Women comprise approximately 9 per cent of Thailand's military personnel overall (see [Military](#)). Ministry of Defence policy limits the percentage of female officers to not more than 25 per cent in most units, with specialised hospital/medical, budgetary and finance units permitted up to 35 per cent. With the exception of the nursing academy, military academies do not admit female students, although a significant number of instructors are women. In August 2018, the [Royal Thai Police \(RTP\)](#) unexpectedly announced that women would no longer be permitted to apply to the Royal Thai Police Academy, thereby preventing them from achieving senior ranks. Although the RTP did not provide an explanation at the time of the announcement, in subsequent media reports the RTP reportedly claimed that the change was necessary given that 'police investigations require hard work', and that 'female officers take frequent sick leave or abruptly resign'. The RTP also separately listed 'being a male' as a requirement in an employment announcement for new police investigators. The NHRCT and the Association of Female Police Investigators both publicly objected to the decision. Activists criticised the move as being contrary to the aims of the Gender Equality Act, and formally petitioned the Office of the Ombudsman to urge the decision be revisited. To DFAT's knowledge, there have been no moves to reverse this decision.

3.89 The Sangha Supreme Council (see [Religion](#)) prohibits women from being ordained as Buddhist monks, and women wishing to do so usually travel to Sri Lanka. Less than 0.06 per cent of monks in Thailand are female. Gender equality legislation allows exemptions for cases involving 'compliance with religious principles', meaning that female monks are excluded from government gender equality protections. International observers have reported cases of public verbal and physical attacks on female monks, including by male monks. Officials do not prevent female monks from practising and establishing monasteries and

temples, but do not grant female-led monasteries and temples official recognition. This means that these institutions are ineligible for any of the government benefits received by other sanctioned temples, primarily tax exemptions, free medical care, and subsidies for building construction and running social welfare programs. Despite ongoing activism by female monks to amend the law to recognise them, there has been no government action to date.

3.90 Article 27 of the Criminal Code specifies penalties for conviction of rape or forcible sexual assault ranging from four years' imprisonment to the death penalty, as well as fines. The article permits authorities to prosecute cases of spousal rape, and prosecutions have occurred. NGOs claim that victims have underreported rapes and domestic assaults, in part due to a lack of understanding by authorities that has impeded effective implementation of the law, and due to a perception by victims that police are incapable of bringing perpetrators to justice. In May 2019, the government amended the law to prescribe harsher punishments against perpetrators in rape and sexual assault cases, and to recognise new forms of the crime. Among the changes were the provision of the use of the death penalty in cases where the victim dies after being raped, the introduction of penalties for perpetrators who record their assault for exploitation, and recognition of crimes for sexual assault against men and against corpses. NGOs have reportedly welcomed the recent removal from the Penal Code of a provision that had allowed offenders younger than 18 years to avoid prosecution by marrying their victims.

3.91 Domestic, family, and/or gender-based violence is a significant problem in Thailand. While it affects all sections of Thai society, it is reportedly particularly prevalent among ethnic minority groups. The number of reported cases of domestic violence have increased in recent years, although advocates attribute this as being due to an increasing willingness of survivors to report than was previously the case. The government operates shelters in each province for those who have experienced domestic violence, while all state-run hospitals include crisis centres that care for abused women and children. The Ministry of Public Health operates one-stop crisis centres nationwide that provide information and services, while the Ministry of Social Development and Human Security runs a community-based system that focuses on training community representatives on women's rights and abuse prevention. According to government representatives, if a person who has experienced domestic violence asks to relocate, officials will try to facilitate their move to another province. Successfully doing so is more difficult for women with children.

3.92 The *Family Institute Protection Act* (2019) came into force in August 2019. The new law standardises definitions of family violence (which previously differed across different ministries), aims to improve coordination between relevant agencies, and generally includes stronger measures to protect victims and to make perpetrators accountable for their actions than the earlier *Victims of Domestic Violence Protection Act* (2007). The new law allows third parties to report cases of domestic violence (rather than just the victim), makes family violence a criminal offence and mandates prosecution, and allows officials of the Ministry of Social Development and Human Security to impose a 48-hour restraining order, even without a court order, against those who have allegedly committed domestic abuse against a spouse. In addition to making financial support and other assistance available for victims of violence, the new law gives victims a voice in whether to pursue a criminal justice or restorative justice path. It also covers the conduct of the perpetrator, including through providing services and provisions to help prevent recurrence. Where relevant, perpetrators may be required to undergo behavioural adjustment, such as substance abuse treatment.

3.93 A number of laws criminalise sexual harassment in both the public and private sectors. Those convicted of sexual harassment face a maximum fine of THB20,000 (AUD965), while abuse characterised as an indecent act may result in a maximum 15 years' imprisonment and a maximum fine of THB30,000 (AUD1,450). The *Civil Service Act* (2008) also specifically prohibits sexual harassment and stipulates five levels of punishment: probation, docked wages, salary reduction, suspension and termination. NGOs report, however, that enforcement of the law has been ineffective due to a vague legal definition of sexual harassment and difficulties in prosecuting harassment claims.

3.94 No specific law prohibits female genital mutilation/cutting (FGM/C), and DFAT is unaware of any governmental efforts to prevent or address the practice. NGOs have reported that cases of FGM/C have occurred in the SBPs, although no statistical information is available regarding its prevalence.

3.95 While Thailand is a relatively tolerant society in relation to gender roles, and notwithstanding constitutional and legislative protections, DFAT assesses that long-standing conservative societal norms and regressive policies continue to restrict the ability of women to participate fully in all facets of life in Thailand, particularly in the economic, political, religious, and national security spheres. DFAT assesses that women in Thailand, particularly members of ethnic minority groups, face a moderate risk of being subjected to gender-based violence (including intimate partner violence).

Sexual Orientation and Gender Identity

3.96 The Constitution does not specifically mention sexual orientation or gender identity. There are no laws criminalising expression of sexual orientation or consensual same-sex sexual conduct. Thai law does not currently recognise same-sex marriages, civil unions or domestic partnerships, although a draft Life Partnership bill achieved Cabinet approval in December 2018 and was presented to the Council of State for consideration in February 2019. The Bill was not approved by the National Legislative Assembly prior to the 2019 General Election and Thailand's new parliament is yet to consider the issue. Thailand's fourth national human rights plan, covering the period 2019-2023, is currently under revision by the Office of the National Economic and Social Development Board; the current 2014-2018 plan included steps for protecting the rights of 'persons with different sexual orientation/gender identities.' The *Gender Equality Act* (2015) prohibits discrimination 'due to the fact that the person is male or female or of a different appearance than his or her own sex by birth'.

3.97 Thailand is the only country in Asia to advertise itself as a gay- and lesbian-friendly tourist destination, and tourist-focused destinations such as Bangkok, Chiang Mai, Pattaya and Phuket offer a wide range of gay-focused services such as bars, restaurants, massage parlours and saunas. Many Thais, however, have limited societal understanding of the concept of a gender-conforming same-sex consensual relationship. Gender-divergence has traditionally had a far higher societal profile than homosexuality/bisexuality, and older Thai generations in particular understand LGBTI as referring predominantly to *kathoey* (transgender women). LGBTI advocacy groups exist and operate nationwide, providing support services to LGBTI individuals and working to build greater popular understanding of the diversity of the LGBTI community and its specific needs.

3.98 By regional standards, there is little official overt discrimination against LGBTI individuals. There has not been any pattern of anti-LGBTI political discourse, and the 2006 and 2014 coups did not have any implications directly relating to LGBTI issues. Although authorities refused permission for some LGBTI events (such as Pride marches) to take place following the 2014 coup, this was in line with a more general ban on public events at the time and public LGBTI events have subsequently resumed. There is no policy of exclusion of homosexuals from the civil service or the military, and gay males are not excluded from the Buddhist Sangha (all monks are required to be celibate). Police do not generally harass or raid LGBTI venues, and enforcement patterns are instead aimed at closing hours, underage individuals, drugs and foreign sex workers. LGBTI community advocates report that police generally treat LGBTI victims of crime the same as other persons, although there is a tendency to downplay reports of sexual abuse or harassment. In November 2018, the MOJ launched a handbook and training on sexual orientation and gender identity issues aimed at police attitudes and practices.

3.99 Joint adoption, including second partner adoption, is not available to same sex couples. Lesbian women or lesbian couples, however, often raise children conceived in a previous heterosexual relationship

or sometimes placed with them by relatives through extended family patterns. In such cases, one of the partners may have legal custody. Information is not available on the access to assisted reproductive services for lesbian couples.

3.100 Human rights observers report that a number of laws discriminate against transgender individuals, including a law that requires that a person's name indicates whether they are male or female. Prisoners are segregated on the basis of birth sex, although this practice is reportedly under review. The Ministry of Education requires that students wear sex-specific uniforms up to and including university studies, and crossdressing is specifically prohibited. If university or school uniform codes are not followed, students may be denied graduation documents, have their grades deducted, or both. In January 2018, the Gender Equality Act's judicial committee ruled that Chiang Mai University had discriminated against transgender students by not allowing them to wear uniforms that correspond to their identified gender in graduation ceremonies. Following the committee's ruling, the University allowed the individual students to wear uniforms that aligned with their identified gender, but the overall policy remained unchanged and in place.

3.101 Transgender individuals are unable to change the sex marker on their official documents, including in cases where there has been sexual reassignment surgery (SRS) and sustained presentation in the desired sex. This can lead to difficulties in travel (if the sex on an individual's passport does not match their appearance), and presents practical difficulties in obtaining employment. Because they are officially designated as male, transgender women who have not undergone SRS are not exempt from reporting for the military draft at age 20 (see [Military](#)). Those who have undergone SRS are exempt, but are provided documents that outline the grounds for their exemption as being 'gender identity disorder', widely understood to be a form of mental illness. This can impact upon employment opportunities for affected individuals, as military conscription documents are regularly presented in employment situations.

3.102 Little information is available on the treatment or recognition of intersex individuals. However, intersex individuals are able to change the sex marker on their birth certificates to either male or female if they were diagnosed as intersex at birth and have subsequently undergone so-called genital 'normalising' surgery.

3.103 Thai society is generally tolerant of the LGBTI community, although some Muslim and Christian groups in the SBPs expressed opposition to the Life Partnership Bill. While there have been very few openly 'out' public figures, it is widely known within Thai society that a number of gay males have served in high positions, including as prime minister. Four openly LGBTI FFP candidates (two lesbians, one gay man, and one *kathoei*) were elected in the March 2019 elections, the first time any such candidates had even competed. DFAT is not aware of any pattern of societal violence against the LGBTI community or individuals in recent times. LGBTI advocates have complained, however, about media representations of LGBTI individuals in stereotypical and harmful ways.

3.104 In-country sources report that most gay men and lesbians would be unlikely to divulge their sexual orientation to their families or employers, and that family violence or expulsion in relation to sexuality is not common. The greater visibility of *kathoeys*, however, means that they may face greater difficulties in this regard: advocates report that most Thais would not want a *kathoei* in their family. It is difficult to assess the extent to which LGBTI individuals face discrimination in an employment situation. Given that the law prohibits discrimination on LGBTI grounds, most employers are unlikely to reject applicants expressly on the grounds of sexual orientation. Most LGBTI individuals would be unlikely to challenge a rejection, as this would require them to be open about their sexual orientation. A statistically reliable survey co-run by the UN Development Program in 2018 showed that businesses in Thailand routinely rejected applications from identifiably transgender candidates when making decisions on who to interview. There have been some cases in recent years in which transgender individuals have successfully used legal channels to regain their employment after having job offers revoked once the employer realised their status.

3.105 DFAT assesses that LGBTI individuals face a low risk of official discrimination in that a number of existing laws prevent them from being able to enjoy the full range of rights available to other citizens, including the rights to marry and adopt children. LGBTI individuals face a low risk of societal discrimination. Long-standing conservative norms may prohibit them from being open about their sexual identity in social, family, and employment situations. This discrimination is unlikely to include being subjected to physical violence. Transgender women face a moderate risk of discrimination in that their inability to change the sex marker on their official documents can restrict their ability to travel and to access employment, particularly if they have been exempted from military service on the grounds of ‘gender identity disorder’.

Children

3.106 Thailand is a State Party to CRC and its two Optional Protocols (see [Human Rights Framework](#)). The law provides heavy penalties for persons who procure, lure, compel or threaten children younger than 18 years for the purpose of prostitution, with higher penalties for persons who purchase sexual intercourse with a person younger than 15. Laws on rape and abandonment carry heavier penalties if the victim is a child. The law also provides for the protection of witnesses, victims and offenders aged younger than 18 years in abuse and paedophilia cases. The production, distribution, import or export of child pornography is illegal.

3.107 Despite this strong legislative framework, advocacy groups report that police have showed reluctance to investigate cases of abuse involving children, while rules of evidence have made prosecuting child abuse cases difficult. Thailand continues to be a destination country for child sex tourism, with international observers identifying children from migrant populations, ethnic minorities and poor families as particularly vulnerable. The government responded in 2018 by opening two new child advocacy centres in Phuket and Pattaya that allow for developmentally appropriate interviews of child victims and witnesses, forensic interviewing, and early social service intervention in cases of child abuse, trafficking and exploitation. There are a total of seven such child advocacy centres nationwide. The multi-agency Thailand Internet Crimes against Children Task Force has also reportedly accelerated its operations, leveraging updated regulations and investigative methods to track internet-facilitated child exploitation.

3.108 According to the *Civil and Commercial Code* (1925), the minimum legal age for marriage for both sexes is 17 years, although anyone younger than 20 requires parental consent. A court may grant permission for children aged between 15 and 16 years to marry. The UN International Children’s Emergency Fund (UNICEF) has reported that one in seven Thai teens aged from 15 to 19 years are married. Many early marriages have occurred in the Muslim-majority SBPs, where until recently *sharia* allowed families to grant permission for their daughters to marry after their first menstrual cycle. In December 2018, however, the Islamic Council of Thailand raised the minimum age for Muslims to marry from 15 to 17 years old. The change followed public outcry in August 2018 over a case where an 11-year old Thai girl was returned to Thailand after marrying a 41-year old Malaysian man. Child rights advocates and journalists reported that it was common for Malaysian men to cross into the SBPs to engage in underage marriages, for which getting approval in Malaysia would be impossible or a lengthy process. Under the new regulation, a Muslim younger than 17 can still marry with a written court order or written parental consent, which will be considered by a special subcommittee that must include at least one woman with knowledge of *sharia*. While welcoming the Islamic Council’s move, human rights observers have criticised it for not including penalties for violators.

3.109 DFAT assesses that children from migrant populations, ethnic minorities and poor families face risk of exploitation and sexual abuse in relation to child sex tourism. Despite legislative changes, Muslim girls in the SBPs continue to face a moderate risk of being subjected to early marriage.

Persons with Disabilities

3.110 Section 27 of the Constitution prohibits discrimination on the grounds of disability, or physical or health condition. The *Persons with Disabilities Empowerment Act* (2007) established the National Commission for the Promotion and Development of Disabled Persons' Life Quality and set out its compositions, functions and powers. The law also established an office to implement recommendations of the commission, as well as a fund to be managed by the Office for the Rehabilitation of Disabled Persons. The law provides tax benefits to employers employing a certain number of disabled persons. The tax revenue code provides special income tax deductions to promote employment of persons with disabilities. Some employers have reportedly subjected persons with disabilities to wage discrimination.

3.111 The government's Community-based Rehabilitation Program and the Community Learning Centre for People with Disabilities project operates in all provinces. Through the project, the government provides persons with disabilities with five-year, interest-free, small-business loans. The government has modified many public accommodations and buildings to accommodate persons with disabilities, but government enforcement has not been consistent. Although the law mandates that persons with disabilities have access to information, communications and newly constructed buildings, authorities have not uniformly enforced these provisions.

3.112 The law requires all government schools nationwide to accept students with disabilities, and most schools do so. The government also maintains dozens of separate schools and education centres for students and persons with disabilities, and operates shelters and rehabilitation centres specifically for persons with disabilities, including day-care centres for children with autism. Persons with disabilities who register with the government are entitled to free medical examinations, wheelchairs and crutches.


3.113 Disability rights organisations have reported difficulty in accessing information about a range of public services, as well as political platforms in advance of elections. In May 2018, the Disabilities Council filed 430 complaints in the Central Administrative Court in Bangkok demanding financial compensation for the city hall's failure to provide disabled-friendly access to the Bangkok Mass Transit System's green electric train network. The Disabilities Council claimed that Bangkok's Metropolitan Administration had failed to implement a January 2015 Central Administrative Court ruling stating that the company must upgrade 23 of its stations and improve access for persons with disabilities in all its.

3.114 DFAT assesses that persons with disabilities face accessibility restrictions in some areas, but are otherwise generally able to participate fully in society.

Victims of Loan Sharks

3.115 In-country sources report that short-term money lending and inability to pay debt is a major issue in Thailand, particularly in rural agricultural areas where household debt levels are very high. Many individuals in these areas have no other way of gaining access to money for agriculture or small businesses than to borrow money from an informal moneylender, or 'loan shark'. Loan periods in agricultural areas tend to be very short loans of a 'tide-over' nature – for example, an individual may borrow five hundred baht and be required to pay back six in a week's time. Security for such a loan may be the individual's bankbook or their ATM card and pin number, with the loaner withdrawing the requisite sum on the next payday. Security for longer-term loans may take the form of a motorcycle or land, with the borrower surrendering ownership immediately.

3.116 So-called 'black helmets' enforce debts for loan sharks in rural areas, sometimes by pressuring the borrower's neighbours or local community to ensure the loan is repaid, rather than doing so directly. This can lead to debt moving around within communities. Black helmets or their local agents may inflict injuries



upon recalcitrant borrowers as a means of ensuring the debt is repaid, although deaths are reportedly uncommon. There is reportedly a strong overlap between loan sharks and police in rural areas, and borrowers are unlikely to be able to receive police assistance in the event of receiving a threat or losing their security. DFAT is not aware of any official moves to address the issue in any substantial way.

3.117 DFAT assesses that those in debt to loan sharks are likely to face societal and family pressure to repay or service the debt. Depending on the size of the loan or the period of delay in repaying it, borrowers may face a risk of harassment or actual or threatened physical violence. Borrowers are unlikely to be able to access protection from state authorities.

4. COMPLEMENTARY PROTECTION CLAIMS

ARBITRARY DEPRIVATION OF LIFE

Extra-Judicial Killings

4.1 From March to May 2010, political confrontations between the United Front for Democracy Against Dictatorship (UDD; also known as the 'Red Shirts') and the then-government escalated into violence in Bangkok and several provinces. According to the MOJ's Department of Special Investigation (DSI), at least 98 people died and more than 2,000 were injured. Those killed and injured included unarmed protesters, volunteer medics, reporters, photographers and bystanders. Human rights observers attributed many deaths and injuries to excessive and unnecessary force by the military, including the enforcement of 'live fire zones' around UDD protest sites in Bangkok where sharpshooters and snipers were deployed. The DSI issued a finding in September 2012 indicating that the military was culpable for 36 deaths.

4.2 Although successive governments charged UDD leaders and supporters with serious criminal offences in relation to the protests, there have not been similar efforts to identify the soldiers and commanding officers responsible for the deaths of protesters. Human rights groups allege that military pressure has led to deliberately insufficient investigative efforts being made in relation to protester deaths. In 2016, authorities dropped criminal and disciplinary cases against the former prime minister, his deputy, and the former army chief regarding their failure to review the use of military force that resulted in the loss of lives and the destruction of property. In May 2019, the military prosecutor decided not to indict eight soldiers accused of fatally shooting six civilians in a Bangkok temple in May 2010, ruling that there was no evidence and no witnesses to the killings. This decision contradicted an extensive August 2013 inquest by the Bangkok Criminal Court, which concluded that soldiers from an elite Special Forces unit had committed the shootings.

4.3 Human rights groups also report that authorities have targeted for intimidation and prosecution witnesses and families of the victims who demand justice. In July 2019, a Bangkok court convicted the mother of a volunteer nurse (who was killed by snipers during the 2010 protests) of organising a public assembly without giving advance notice as required by the Public Assembly Act, fining her THB1,000 (AUD50). The woman had gathered with three other activists at the Democracy Monument to perform a skit to demand justice for their children. The court ruled that the skit was a public assembly because the woman had invited people to attend on her Facebook page.

4.4 There have been numerous reports of extra-judicial killings by security forces in relation to the Insurgency in Southern Border Provinces (SBPs). A 2007 official investigation into Thailand's 'war on drugs' (see Security situation) found that there had been at least 2,800 arbitrary killings in the first three months of the campaign, and that at least half of those killed had not been connected in any way to drugs. As noted in Critics of the Monarchy, there have been a number of cases in recent years in which anti-monarchy activists residing in neighbouring countries have been subjected to enforced disappearance, with some cases resulting in fatalities presumed to be extra-judicial killings.

4.5 According to the Ministry of Interior's Investigation and Legal Affairs Bureau, from October 1 2018, to September 25 2019, security forces killed 39 suspects during the arrest process. In March 2017, soldiers operating a military checkpoint shot and killed a prominent ethnic minority student activist. Military officials had claimed the student possessed drugs and had attempted to attack the soldiers with a hand grenade. Community members and human rights activists questioned the military's account, noting that the military had not submitted existing CCTV footage as evidence to the court. An inquest found that the activist was shot dead by military officers but failed to address major questions about the surrounding circumstances. The inquest findings were subsequently forwarded to the public prosecutor to determine liability. No prosecutions have taken place to date, and in the absence of criminal proceedings the activist's family has lodged a civil suit against the Royal Thai Army.

Enforced or Involuntary Disappearances

4.6 Thailand has signed but not ratified CPED (see [Human Rights Framework](#)), despite repeated pledges to do so. The Criminal Code does not recognise enforced disappearance as a specific offence. The military-appointed National Assembly suspended consideration of a proposed *Prevention and Suppression of Torture and Enforced Disappearance Bill* in February 2017, and there is no time frame for its completion. Prime Minister Prayut did not include this bill among proposed laws to be introduced for parliamentary consideration when outlining his government's policy priorities in July 2019. The Justice Ministry oversees a Committee to Receive Complaints and Investigate Allegations of Torture and Enforced Disappearance, which provides a mechanism for investigating alleged cases, providing remedial measures to victims and those affected, and preventing of future cases. However, human rights groups have criticised the Committee for lacking significant authority or political backing.

4.7 In its most recent report in August 2015, the United Nations Working Group on Enforced or Involuntary Disappearances noted that it had recorded 82 cases of enforced disappearance since 1980. Human rights groups believe the actual number is higher, as some families of victims and witnesses have remained silent due to fear of reprisal. None of the 82 cases has been formally resolved, and no perpetrators have been brought to justice. Human rights groups report that those most vulnerable to enforced disappearance are minorities or indigenous peoples ([Stateless Persons](#)), along with [Civil Society Activists](#) or opponents of the government. The risk of enforced disappearance is reportedly heightened by the practice of incommunicado detention of political opponents, suspects in national security cases, and suspected insurgents in the SBPs (see [Insurgency in Southern Border Provinces \(SBPs\)](#)).

4.8 Only one case of enforced disappearance has been brought before a Thai court, that of Somchai Neelapaijit, who at the time of his disappearance was chair of the Muslim Lawyers Association and vice-chair of the Human Rights Committee of the Lawyers Council of Thailand. Official investigations established that Somchai was abducted on 12 March 2004 and later murdered, although his body has never been found. His alleged assailants are a group of five police officers who reportedly sought retaliation for Somchai's involvement in lawsuits alleging widespread police torture of Muslim suspects in the SBPs (see [Insurgency in Southern Border Provinces \(SBPs\)](#) and [Torture](#)). The lack of a law specifically criminalising enforced disappearance meant that, in the absence of Somchai's body, prosecutors could only file charges of robbery and coercion against the five police officers implicated in the case. A court acquitted the five in December 2015. In 2015, the Supreme Court ruled that Somchai's family could not act as a co-plaintiff in a further case because there was no concrete evidence showing that Somchai was dead or otherwise incapable of bringing the case himself.

4.9 In November 2019, a court approved arrest warrants for four forestry officials in connection with the abduction and murder of a prominent ethnic Karen human rights activist in Kaeng Krachan National Park, Phetchaburi province, in April 2014. Officials found the activist's remains in the park in September 2019, and

a MOJ investigation concluded that his killers had burned his body in an oil drum after his death and then dumped it in a reservoir to conceal the crime. State investigators believe the activist's disappearance and murder was in relation to his role in helping ethnic Karen villagers take legal action against the lead forestry official, who had reportedly directed other officials to destroy the houses and property of more than 20 Karen families who were living in the park. In January 2020 prosecutors announced they were dropping the charges due to lack of evidence.

4.10 As noted in *Critics of the Monarchy*, there has been a small number of cases in recent years in which anti-monarchy activists residing in neighbouring countries have been subjected to enforced disappearance, with some cases resulting in fatalities presumed to be extra-judicial killings.

Deaths in Custody

4.11 According to the MOI's Investigation and Legal Affairs Bureau, 752 persons died in official custody from October 2018 to September 2019. Of these, 715 deaths occurred in the custody of the Department of Corrections, and 37 in police custody. While authorities attributed most of the deaths occurring in this period to natural causes, local media reported that an inmate died in custody in April 2018 after an apparent beating.

4.12 A suspected insurgent died on 25 August 2019 after spending five weeks in a coma after being interrogated in military custody in the SBPs. The military reportedly apprehended the man at his home in Pattani province on 20 July, and detained him without charge at an interrogation centre located within a military camp. Soldiers found the man unconscious on the floor of his holding cell some hours later and transported him to a civilian hospital. Initial medical reports suggested that the coma was caused by severe brain swelling, which could have been caused by a lack of oxygen. The military established a commission of inquiry on 22 July and promised that soldiers would be subject to heavy disciplinary and criminal punishments if proven to have committed abuses. The commission of inquiry has seen little progress to date, however, proving unable to provide detailed information about the methods that soldiers used to interrogate the man or the cause of oxygen deprivation. Moreover, the military claimed that all security cameras installed at the detention facility were offline at the time of the man's detention and could therefore not provide video recordings or other evidence for the inquiry.

DEATH PENALTY

4.13 The Criminal Code permits the use of the death penalty for the following offences: aggravated murder; murder; other offences resulting in death; terrorism-related offences not resulting in death; rape (if it results in serious injury); arson not resulting in death; kidnapping not resulting in death; drug trafficking not resulting in death; drug possession of more than 20 grams of a dangerous narcotic; demanding or accepting a bribe; treason; espionage; military offences not resulting in death; offences against women and children (relating to sex or narcotics); or the illegal use of firearms or explosives. A number of categories of offender are excluded from the death penalty, including: individuals aged below 18 at the time of the crime; pregnant women; the mentally ill; and the intellectually disabled. Lethal injection is the sole method of execution.

4.14 In March 2018, the MOJ stated that there were 510 people on death row, of whom 193 had exhausted all appeals. Ninety-four death row inmates were women. According to Amnesty International, more than half of all persons on death row are believed to have been sentenced for drug-related offences. Despite the large number of offences carrying the death penalty and the significant numbers of people on death row, actual executions have been extremely rare in Thailand in recent years. Between 2003 and

June 2018, Thailand carried out two executions (both in August 2009). On 18 June 2018, however, the government executed a 26-year-old citizen for aggravated murder. The executed man had been convicted of fatally stabbing a 17-year-old 24 times in July 2012, and had exhausted his appeals.

4.15 According to domestic and international observers, the decision to carry out the execution came as a surprise given the long period of *de facto* moratorium. The reigning monarch has broad powers to authorise executions, or to pardon or commute death sentences, and observers have suggested that Thailand's long *de facto* moratorium came about because the previous king deliberately declined to rule on the cases before him. It remains uncertain whether the 18 June 2018 execution was a one-off event or the harbinger of further executions.

TORTURE

4.16 Thailand is a State Party to CAT (see [Human Rights Framework](#)). Section 28 of the Constitution prohibits torture, brutal acts, or punishment by cruel or inhumane means. A proposed *Suppression of Torture and Enforced Disappearance* Bill has been 'under review' for several years, however, and is not expected to be passed any time soon.

4.17 NGOs, legal entities, and newspapers have reported numerous cases in which security authorities have subjected detainees to physical or psychological abuse in order to obtain confessions, particularly in relation to the [Insurgency in Southern Border Provinces \(SBPs\)](#). While physical abuse such as electric shock and beatings reportedly occurs in some cases, human rights NGOs report that security authorities are more likely to utilise psychological torture than physical torture. For example, authorities in the SBPs may arrest the wife or other female family members of a male detainee and threaten to rape them; or may use dogs or the threat of sexual abuse against Muslim detainees. It is unclear how prevalent such cases are.

4.18 It is very difficult for victims of torture to gain redress through official channels. According to human rights NGOs, a person alleging torture must identify the perpetrator by name for the complaint to be accepted. While torture victims can file a complaint with the MOJ, cases in the SBPs are referred for investigation to the very military unit accused of perpetrating the acts, the Internal Security Operations Command Region 4 (ISOC 4). ISOC 4 has reviewed at least eight complaints since 2017, with a number of others withdrawn (allegedly due to intimidation). There is a strong culture of impunity for security authorities accused of torture, and no security official has ever been prosecuted for human rights violations in the SBPs. In April 2019, the government established a new committee consisting of military and government officials and civil society representatives to investigate torture allegations. The new committee does not have access to detention centres, however, and cannot release information publicly.

4.19 On a number of occasions, government and security authorities have responded to allegations of torture by victims, family members and NGOs by bringing criminal defamation charges against the accuser. While in many cases authorities have eventually dropped the charges, the act of bringing them has served as a significant disincentive for others considering reporting torture. In one such case in February 2018, ISOC 4 filed criminal defamation charges against a former torture victim who spoke out about his experiences on a national TV show in support of the proposed *Suppression of Torture and Enforced Disappearance* Bill. The victim, who had been arrested under Martial Law in Yala in 2008, was allegedly tortured to extract a confession of involvement in a separatist insurgency. The victim claimed that military investigators electroshocked him, punched him, kicked him and beat him with a stick until he passed out, and also subjected him to waterboarding. In October 2016, the Supreme Administrative Court found that the man had been illegally detained and subjected to 'physical assault' during his detention, and ordered the Royal Thai Army and Defence Ministry to pay him THB305,000 (AUD14,700) for emotional distress and physical injuries suffered. The status of the criminal defamation case against the victim is unclear.

4.20 DFAT assesses that reports of torture in detention centres are highly credible, particularly in relation to the Insurgency in Southern Border Provinces (SBPs). Victims of torture are highly unlikely to be able to obtain redress through official channels, and may face legal sanction if they attempt to do so.

CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Arbitrary Arrest and Detention

4.21 Article 28 of the Constitution states that arrest and detention of a person shall only be permitted through a court-issued order or warrant, or on other grounds as provided by law. With few exceptions (described in following paragraphs), the law requires police and military officers exercising law enforcement authority to obtain a warrant from a judge prior to making an arrest. Human rights observers report that the issuance of arrest warrants is subject to a judicial tendency to approve automatically all requests for warrants. By law, authorities must inform persons of likely charges against them immediately after arrest, and allow them to inform someone of their arrest. Persons arrested or detained by police are entitled to judicial review of their detention within 48 hours in most cases, and are entitled to compensation should a court find that they have been held unlawfully.

4.22 Under normal conditions, the law allows police to detain criminal suspects for investigation for 48 hours after arrest. Lawyers have reported, however, that police rarely bring cases to court within the 48 hour period. Offences for which the maximum penalty for conviction is less than three years fall under the jurisdiction of district courts, whose procedures require police to submit cases to public prosecutors within 72 hours of arrest. According to the Lawyers' Council of Thailand, however, pre-trial detention of criminal suspects for as long as 60 days is common. Before charging and trial, authorities may detain individuals for a maximum of 84 days (for the most serious offences), with a judicial review required for each seven-day period. After formal charges and throughout trial, detention may last for one to two years before a verdict, depending on prosecution and defence readiness, 2019 caseload, and the nature of the evidence. Should the case be subject to a Supreme Court appellate review, the period of detention may last up to six years. According to in-country sources, some anti-monarchist activists have been detained for more than seven years.

4.23 HNCPO order 3/2015 (see Political Opinion (actual or imputed)) granted the military authority to detain persons without charge or trial for a maximum of seven days. According to the Office of the UN High Commissioner for Human Rights (OHCHR), the NCPO used this authority to summon, arrest and detain approximately 2,000 individuals following the 2014 coup. Those detained included politicians, activists, journalists, and others accused of supporting the deposed government, disrespecting or offending the monarchy, or being involved in alleged anti-coup activities. Human rights groups reported that authorities often denied family members and attorneys access to detainees. Prior to releasing detainees, military authorities often required them to sign documents affirming they were treated well, would refrain from political activity and would seek authorisation prior to travel outside the local area.

4.24 According to human rights NGOs, authorities have summoned at least 929 people to participate in 'attitude adjustment' sessions since the coup. Those subjected to such sessions are detained in incommunicado lockup in military camps, with some held longer than the allowable seven-day limit for administrative detention. In-country sources advise that although attitude adjustment sessions generally do not involve physical mistreatment, authorities subject detainees to considerable psychological pressure. Detainees have reported receiving instructions from authorities to present themselves at a specific military

camp at short notice, being blindfolded and driven to undisclosed locations, subjected to lengthy interrogations and intimidatory talks from military officials, held in solitary confinement, and denied access to family members or legal counsel. In a number of cases, authorities have brought national security-related charges against those who have refused to participate in attitude adjustment sessions, or who have continued to oppose the coup publicly after completing a session.

4.25 The *Emergency Decree on Public Administration in the State of Emergency* (2005; ‘the emergency decree’) gives the government authority to detain persons without charge for a maximum of 30 days in unofficial places of detention, including military camps or police stations. As of September the cabinet had renewed the Emergency Decree in the southernmost provinces every three months since 2005. Emergency decree provisions make it very difficult to challenge a detention before a court. While detainees have access to legal counsel under the decree, there is no assurance of prompt access to counsel or family members, nor any transparent safeguards against the mistreatment of detainees. Moreover, the decree effectively provides broad-based immunity from criminal, civil and disciplinary liability for officials acting under its provisions. While the emergency law has to date only been applied in the SBPs, there is no geographical limit on where it can be invoked.

Corporal Punishment

4.26 Corporal punishment is unlawful as a disciplinary measure in all penal institutions, including juvenile correctional institutions. The *Juvenile and Family Court and Juvenile and Family Case Procedure Act* (2010) repealed an earlier act that had provided for the Director of an observation and protection centre to order a child to be flogged for disciplinary breaches. Corporal punishment is unlawful as a sentence for crime under the *Revised Criminal Code* (2003) and the *Juvenile and Family Court and Juvenile and Family Case Procedure Act* (2010). The *Ministry of Education Regulation on School Punishment* (2005) does not include corporal punishment among permitted disciplinary measures.

4.27 Article 71 of the Constitution commits the State to protecting children from violence or unfair treatment, but corporal punishment is lawful in the home. Article 1567(2) of the *Civil and Commercial Code* states that parents have the right to punish the child in a reasonable manner for disciplinary purposes. In response to recommendations made during the Universal Periodic Review (UPR) of Thailand in 2011, the government committed to prohibiting corporal punishment in communities and families. The government also accepted recommendations made during its 2016 UPR to prohibit corporal punishment in all settings.

4.28 Studies do not suggest that there is strong support for the use of corporal punishment in childrearing in Thailand. For example, a 2010 study found that only 16 per cent of mothers and 22 per cent of fathers believed it was necessary to use corporal punishment to bring up their daughters, and only 11 per cent of mothers and 10 per cent of fathers to bring up their sons.

4.29 There have been numerous reports of cases of hazing and physical abuse by members of military units, some of which have led to fatalities. Human rights NGOs reported that a 22-year-old conscript died in September 2018 of injuries sustained after he was beaten by three senior soldiers at Lopburi army camp three weeks earlier. The unit commander accepted responsibility for the victim’s death, and three soldiers were charged with murder. The outcome of the case is currently unknown. According to media reports, two other conscripts died in 2018 of unexplained causes.

5. OTHER CONSIDERATIONS

STATE PROTECTION

5.1 In-country sources report that the independence of state protection bodies has eroded over the past two decades, under both civilian and military rule, and that most Thais have limited confidence in their ability to access justice through them. Human rights observers report that state protection bodies are heavily politicised, and that politically motivated appointments and problematic management have negatively affected their overall performance. As earlier described, the NCPO routinely used state authorities to restrict the activities of political opponents. Human rights groups have consistently raised concerns that impunity for abuses committed by security authorities and other official bodies remains the norm, particularly in the SBPs. All state protection institutions are significantly subject to and affected by Corruption, particularly the police.

Military

5.2 The Thai military is comprised of five branches – the Royal Thai Army, Royal Thai Navy, Royal Thai Air Force, Royal Thai Armed Forces (joint headquarters), and Ministry of Defence. The army is the largest and most prominent branch. The King is the official Head of the armed forces. While the military is overseen by the Minister of Defence, each branch is highly independent and autonomous. The military is responsible for: protecting the sovereignty and territorial integrity of Thailand; defending the monarchy against all foreign and domestic threats; ensuring public order; and assisting victims of national disasters. In 2019, the Thai military had an estimated force strength of 605,000 personnel, of which 360,000 were active and the remainder in reserve. More than one million Thais reach military age (21) annually. Global Firepower ranked Thailand's military 23rd out of 137 countries in its annual military strength rankings.

5.3 The Ministry of Defence requires service members to receive human rights training. Routine training occurs at various levels, including for officers, non-commissioned officers, enlisted personnel and recruits. Military officers who deploy in support of counterinsurgency operations in the SBPs receive specific human rights training, including training for detailed, situation-specific contingencies. As noted in Insurgency in Southern Border Provinces (SBPs), however, despite numerous reports of the military and other state security forces committing serious human rights abuses in connection with the insurgency, no member of the state security forces has ever been held accountable as a result. Although there have been occasional convictions of military personnel, these have always been overturned on appeal.

5.4 As noted in Recent history, the military has regularly intervened in politics in Thailand and continues to play a prominent role in all aspects of national life. The military is a deeply conservative institution, and one traditionally closely associated with the monarchy.

5.5 Section 50 of the Constitution includes military service as a 'national duty'. The *Military Service Act* (1954) mandates that men become eligible for military service at the age of 21, which takes place through a lottery system. Approximately 100,000 personnel are recruited each year through the system, with the length of time spent in the military varying. Those with university degrees normally serve for six months if

they volunteer for service, but one year if drafted via lottery. Those who have completed secondary education will serve one year if they volunteer, or two years if drafted. Reports of bribery to avoid the draft or to leave the military early are common, although doing so carries a potential punishment of up to three years' imprisonment.

Royal Thai Police (RTP)

5.6 The Royal Thai Police (RTP) is the national police force of Thailand. The RTP has an estimated force strength of between 220,000-230,000, of whom more than 90 per cent are male. Headquartered in Bangkok, the RTP is subdivided into several regions and services. The Provincial Police Division (PPD) forms the largest of the RTP operational components in both personnel and geographic responsibility. The PPD is divided into nine regions that cover all of the 76 provinces with the exception of metropolitan Bangkok (the responsibility of the Metropolitan Police Bureau) and the border areas (the responsibility of the Border Patrol Police, a 40,000-strong paramilitary force that has special authority and responsibility to combat insurgent movements in border areas). Other RTP bodies include the Central Investigation Bureau (CIB), which assists the RTP's provincial and metropolitan components in preventing and suppressing criminal activity and in minimising threats to national security; the Narcotics Suppression Bureau; the Police Education Bureau; the Tourist Police Bureau; and the Immigration Bureau.

5.7 In October 2018, a new 1,600-strong police unit was created to provide security to the royal family, carry out the king's 'royal wishes', and collect information on 'individuals and groups whose behaviours pose a threat to national security and the monarchy'. Initially known as the Special Service Division, the new unit's name was changed in January 2019 to the Ratchawallop Police Retainers, King's Guards 904.

5.8 In-country sources report that the professionalism of the RTP varies considerably across its various branches, but that in general the RTP provides a higher standard of law enforcement than other regional police services. The CIB has reportedly improved considerably in relation to crime scene preservation, forensics and disaster victim identification; while other branches have performed well in relation to combating child exploitation and human trafficking (see relevant sections).

5.9 A number of factors combine to limit the RTP's performance, however. Historical mistrust between the military and police was a contributing factor in the NCPO's decision to grant the RTA policing powers (see previous section), which has weakened the RTP's authority. Policing remains very regionally focused and there is no national database or central registry for court results. Changes in laws and procedures are not always communicated to officers on the ground. There remains a 'response'-focused mentality towards investigating crimes that have already occurred, rather than implementing robust preventative measures. A culture of patronage and nepotism results in some promotions and desirable postings going to those who can afford to 'purchase' them. Police at junior levels are low-paid and have to provide much of their own equipment, including their own guns. Some therefore supplement their income through 'moonlighting' as security for bars, while some become involved in activities such as trafficking. The mandatory retirement age of 60 increases the incentive for officers to make money from their position while they are able to do so. There have been a large number of high-profile Corruption prosecutions against serving police officers, and frequent reports of abuse by police against prisoners and detainees, generally with impunity. Human rights observers report that most Thais do not hold the RTP in high esteem as an institution.

5.10 Individuals can file complaints of police abuse directly with the superior of the accused police officer, with the Office of the Inspector General, or with the police commissioner general. The NHRCT, the Lawyers' Council of Thailand, the Office of the National Anticorruption Commission, the Supreme Court of Justice, the MOJ, the Office of the Prime Minister, and the Office of the Ombudsman also accept complaints of police abuse and corruption. Human rights observers report that few complaints alleging police abuse result in

punishment of alleged offenders, however, and there have been numerous examples of investigations lasting years without resolution. Human rights groups have criticised in particular the superficial nature of police and judicial investigations into incidents of alleged Torture and other mistreatment by security forces, and reported deficiencies in official investigations into Deaths in Custody. In-country sources also report that they are seeing a pattern in which police who have been accused of abuses have responded by bringing defamation charges against the victims (see also Torture).

Department of Special Investigation (DSI)

5.11 Formed in 2002, the Department of Special Investigation (DSI) is a 1,600-strong investigative unit that sits within the MOJ and operates independently of the RTP. The DSI has a statutory remit to investigate serious crimes in the public interest, including complex criminal cases, those affecting national security, those involving organised crime, and those potentially implicating high-ranking government officials or police officers. It is empowered to instigate its own enquiries. The DSI is reportedly a well-funded and highly capable organisation. There is a public perception that its work in politically sensitive cases has been subject to political interference.

Judiciary

5.12 Chapter X of the Constitution (Articles 188-214) sets out the roles and functions of the judiciary, and guarantees its independence. The judiciary consists of Courts of Justice, which deal with the majority of civil and criminal cases; Administrative Courts, which settle litigation between organs of state and private citizens; the Constitutional Court, which settles matters pertaining to the constitution; and Military Courts, which have the power to try and adjudicate cases involving offenders who are subject to their jurisdiction as provided by law. The King formally appoints all judges. The Courts of Justice hierarchy is the Supreme Court of Justice, Appeal Courts, and Courts of First Instance (including general courts, juvenile and family courts, and specialised courts).

5.13 The Constitution provides for the right to a fair and public trial and for the presumption of innocence. While most trials are public, courts may order closed trials in cases involving national security, the royal family, children, or sexual abuse. Defendants in ordinary criminal courts enjoy a broad range of legal rights, including access to a lawyer of their choosing, prompt and detailed information on the charges against them, free assistance of an interpreter as necessary, the right to be present at trial, and the right to adequate time and facilities to prepare a defence. They also have the rights to not be compelled to testify or to confess guilt, to confront witnesses, and to appeal. While these rights are generally respected, human rights observers report that in some cases authorities do not afford all of them to defendants, particularly in small or remote provinces.

5.14 Although the law provides for access to courts and administrative bodies to sue for damages for, or cessation of, a human rights violation, the emergency decree in place in the SBPs expressly excludes administrative court scrutiny or civil or criminal proceedings against government officials. Victims may instead seek compensation from a government agency.

5.15 Section 10 of the Criminal Code prohibits double jeopardy. The Section reads: ‘Whoever commits an offence outside the Kingdom shall not be punished again in the Kingdom for the doing of such an act if there has been a final judgement (sic) of a foreign court acquitting such person; or there has been a judgement (sic) of a foreign court convicting such person, and such person has already passed over the punishment’.

5.16 In a 2014 order, the NCPO redirected prosecutions for offences against the monarchy, insurrection, sedition, weapons offences, and violation of its orders from civilian criminal courts to military courts, which do not provide the same legal protections for civilian defendants as provided in civilian criminal courts. Military courts are systemically slow and expensive, and the ability of a defendant to obtain bail is more limited than in a civilian court. Those defendants who are granted bail are compelled to wear a bulky electronic ankle device that requires frequent charging – one defendant reportedly wore the device for over a year. In September 2016, the NCPO transferred jurisdiction over such cases to the civilian courts for any new offences, but many civilians continued to face trial in military courts for alleged crimes that occurred prior to the order being issued. A leading human rights NGO reported on 22 May 2019 that 2,408 individual civilians had been prosecuted in military courts in 1,892 cases, with a further 450 individuals still undergoing prosecution. In July 2019, Prime Minister Prayut ordered an end to all prosecutions of civilians in military courts, with ongoing cases being transferred to civilian courts. Those already convicted in military courts have no right of appeal.

5.17 In-country sources report that, although Thais continue to hold the judiciary in high regard compared to other institutions (particularly the [Royal Thai Police \(RTP\)](#)), general confidence in the judicial system has fallen since the May 2014 coup. There is a strong general perception that the institution has been politicised, including through the large number of judicial appointments made under the NCPO, the high number of cases brought against political opponents and other critics of the government, and the lack of fair and consistent judgments issued in these cases. There is also evidence to suggest that authorities apply pressure on judges to deliver the ‘right’ outcome in politically sensitive cases. In October 2019, a Thai judge delivered a speech broadcast live on Facebook from a Yala courtroom that strongly criticised the judicial system before non-fatally shooting himself. The judge delivered the speech after acquitting five Muslim men of murder and firearms offences. A statement understood to have been written by the judge and posted to Facebook stated that he had been pressured to find the men guilty despite lack of evidence. The judge reportedly died in March 2020 after shooting himself a second time.

5.18 DFAT assesses that individuals involved in politically sensitive cases are less likely to receive a fair trial than those involved in ordinary criminal or civil matters.

Detention and Prison

5.19 The Department of Corrections administers prisons in Thailand, which are the responsibility of the MOJ. As of September 2019, Thailand had an estimated total prison population of 362,985 (including pre-trial detainees), located in 144 establishments nationwide. Juvenile prisoners are the responsibility of the Department of Juvenile Observation and Protection and are not included in the prison population. Pre-trial detainees accounted for 16.9 per cent of total prisoners, and female prisoners 13 per cent. Men and women are held in separate facilities. Prisons do not generally segregate pre-trial detainees from the general prison population. NGOs have also reported that authorities have occasionally held men, women, and children together in police station cells pending indictment, particularly in small or remote police stations.

5.20 International observers have reported that the government has facilitated monitoring of prisons by the NHRCT, including meetings with prisoners without third parties present and undertaking repeat visits. Human rights groups report, however, that no external or international inspection of the prison system has occurred, including of military detention facilities. Authorities permit prisoners and detainees or their representatives to submit complaints without censorship to ombudspersons, but not directly to judicial authorities. Ombudspersons in turn can consider and investigate complaints and petitions received from prisoners and provide recommendations to the Department of Corrections, but are not empowered to act on a prisoner’s behalf. They may also not involve themselves in a case unless a prisoner files an official

complaint. According to NGOs, authorities rarely investigate complaints and do not make public the results of such investigations.

5.21 According to the US Department of State, conditions in prisons and detention facilities are generally harsh. Overcrowding is a significant issue, with prison and detention facility populations holding approximately 60 per cent more than designated capacity. In some prison and detention facilities, sleeping accommodations are insufficient, there are persistent reports of poor facility ventilation, and a lack of sufficient medical care is a significant problem. Prisons provide prisoners with very few daily provisions: for example, prisoners are required to purchase their own personal hygiene items and food. It is difficult to ascertain the extent or prevalence of violence in prisons and detention facilities, although riots are infrequent. Exercise is highly emphasised. There are regular amnesties: authorities released large numbers of prisoners at the time of the King's Coronation in May 2018. Prisoners can also achieve sentence reductions through good behaviour.

5.22 Authorities detain undocumented migrants, refugees and asylum seekers (who are all categorised as 'illegal migrants') in immigration detention centres (IDCs), which are located across the country. IDCs, which are administered by the Immigration Police Bureau (which reports to the RTP), are not subject to many of the regulations that govern the regular prison system. Detainees in IDCs are segregated by sex and nationality, and human rights observers report that authorities sometimes place juveniles (older than 14) with adults. In-country sources report that conditions in IDCs are much worse than in the regular prison system, with overcrowding being a particular issue: in mid-2019, for example, 140 African males were reportedly confined to a single room containing three toilets. Human rights observers report that sexual abuse is problematic within IDCs, but that victims are reluctant to report it due to fear of repercussions. Authorities have not universally permitted bail for detained refugees and asylum seekers since 2016. In-country sources report that mothers and children are now being permitted out on bail, although this can be problematic in that it results in families being divided.

5.23 While numbers vary, according to in-country sources, there were between 300-350 detainees in IDCs from a range of nationalities as of mid-2019, including approximately 100 Rohingya and around 40 Uighurs. By law, authorities can hold detainees (and their children) in IDCs unless they pay a fine and the cost of their transportation home, which means that some detainees remain incarcerated for years. UNHCR reports that its access to asylum seekers in the main IDC in Bangkok and at Suvarnabhumi International Airport to conduct status interviews and monitor new arrivals has varied, but that it has had better access to provincial IDCs (which host most Rohingya). Authorities have permitted resettlement countries to conduct processing activities in the IDCs, and humanitarian organisations have been able to provide detainees with health care, nutritional support, and other humanitarian assistance. However, levels of medical support and monitoring are low, and there have reportedly been a number of deaths in IDCs caused by a lack of prompt medical attention.

INTERNAL RELOCATION

5.24 Section 38 of the Constitution provides for freedom of internal movement, but allows for the restriction of this right by law in cases of national security, public order, public welfare, town or country planning, maintaining family status or for welfare of a minor. Thai citizens from all backgrounds can and do relocate internally for a variety of reasons. In particular, large numbers of Thais have relocated from rural areas to major cities in recent decades in search of employment opportunities.

5.25 The government restricts the free internal movement of Stateless Persons who are not citizens but who hold government-issued identity cards. Authorities prohibit holders of these cards from travelling outside their home districts without prior permission from the district office, or outside their home

provinces without permission from the governor. Offenders are subject to fines or a jail term of 45 to 60 days. Persons without identity cards may not travel at all. According to human rights organisations, police at inland checkpoints often ask for bribes in exchange for allowing stateless persons to move from one district to another. In addition, two groups – former Chinese civil war belligerents and their descendants living in the country for several decades, and children of Vietnamese immigrants residing in 13 northeastern provinces – live under laws and regulations restricting their movement, residence, education, and access to employment. The Chinese group is restricted to residence in the northern provinces of Chiang Mai, Chiang Rai and Mae Hong Son.

5.26 As noted in [Women](#), internal relocation may be more difficult for single women seeking to relocate with children. An individual facing adverse official attention, particularly prosecution in a politically sensitive case, is unlikely to be able to escape this through internal relocation. However, men facing adverse attention from non-state actors may be able to relocate internally successfully, depending on individual circumstances.

TREATMENT OF RETURNEES

Exit and Entry Procedures

5.27 Sections 38 and 39 of the Constitution guarantee citizens the freedom of travel, emigration and repatriation, and immunity from deportation. The Ministry of Foreign Affairs oversees immigration, which is governed by the *Immigration Act* (1979). The Act requires persons entering or departing Thailand to enter and leave by way of designated immigration checkpoints only. Persons entering or leaving are required to show their passport and boarding pass (where appropriate) as well as completed arrival and departure cards.

5.28 Most entry and exit into and out of Thailand is done by air, although it is also possible to do so by sea or overland. Thailand currently has ten airports offering regular international services, although there are reportedly plans to build two new airports and expand four existing ones. Suvarnabhumi Airport is the main hub for Bangkok and handles the vast majority of international flights into and out of Thailand, while Don Muang Airport is Bangkok's de facto low cost airline hub. Other international airports are located in Chiang Mai, Chiang Rai, Phuket, Hat Yai, Koh Samui, Krabi, Surat Thani and Rayong/Pattaya. Entry and exit is also possible at Bangkok and Songkhla Harbours. There are at least twenty international overland border-crossing points that allow overland travel to and from Malaysia, Myanmar, Laos and Cambodia, although some of these may not always be open or may restrict their services to locals living on either side of the border.

Conditions for Returnees

5.29 Conditions for returnees are likely to depend on the profile of the individual. In-country sources report that low-profile returnees would likely only come to official attention on return if they had committed an immigration offence while departing, and that authorities would not be aware of the nature of their asylum claims abroad. To date, most recent returns from Australia have been voluntary and uncontroversial.

5.30 The past few years have seen a considerable rise in the numbers of those claiming asylum overseas, particularly on political grounds. In-country sources claim that authorities have compiled a list of political dissidents who have fled the country, although the numbers and names on it are unclear. The list has reportedly been provided to immigration staff at airports, but not to staff at land borders. DFAT is unable to verify the existence of this list. As noted in [Critics of the Monarchy](#), authorities have recently taken an aggressive approach to repatriating anti-monarchy activists from neighbouring countries, including some who have claimed asylum. The current status and well-being of those returned in this manner is unclear.

DOCUMENTATION

5.31 The Bureau of Registration Administration has responsibility for civil registration and national identity documents. District offices located nationwide provide a one-stop service for major forms of identification, much of which is now computerised. In-country sources report that documentation is generally able to be verified without significant difficulty.

Thai National Identity (ID) Card

5.32 The Thai national identity (ID) card is the primary form of identification, issued to Thai nationals aged between seven and 70 years. In addition to proving the bearer's identification and receiving government services, the ID card is also necessary to obtain private services such as applying for a mobile phone contract or opening a bank account. It is compulsory to carry the ID card, and failure to produce it without good reason is punishable with a fine of up to THB200 (AUD10). The ID card is biometric and carries basic information about the bearer, including: their photograph; 13 digit identification number; title; given and family names; date of birth; address; date of issue; date of expiry (six years after the issue date); and signature. All entries except the address are provided in both Thai and English.

5.33 The initial ID card must be applied for and processed in Thailand, but can be renewed at Thai diplomatic missions abroad. Applicants can renew the ID card up to 60 days prior to the expiry of the current card. There is no charge for renewing the card, changing the title, or changing the English spelling of name and surname. There is a THB100 (AUD5) charge in the case of loss or damage to the ID card, or for change of name, surname or address. Applicants seeking to have their personal details amended must first apply to their relevant Thai District Office for an amendment to their personal data before applying for an amended ID card. In the case of a lost ID card, applicants must present a current Thai national passport or, should their passport also be unavailable, their Thai House Registration or Birth Certificate and a valid photo identity card in the same full name as their ID card.

House Registration Book

5.34 The house registration book is the official document proving a person's legal place of residence. It includes the personal information of a person or persons having an official domicile in Thailand. It is used in a range of instances where proof of address is required, including car ownership or land office registration, opening a bank account, applying for utilities, or voting in elections. The house registration book is blue for Thai nationals and yellow for foreigners.

Birth Certificates and Registration Procedures

5.35 A person born to a Thai parent (mother or legal father) acquires Thai nationality by birth. Thai law states that any child born in Thailand has the right to be registered and to obtain a birth certificate, including those born to non-Thai parents or parent who have no legal status. Birth certificates are normally filed within 15 days in the local civil registry office by the hospital where the birth takes place. If the birth takes place outside a hospital, the village chief has responsibility for filing birth certificates.

5.36 Birth within Thailand does not automatically confer citizenship. The law bases citizenship on birth to at least one citizen parent, marriage to a male citizen, or naturalisation. Individuals may also acquire citizenship by means of special government-designated criteria implemented by the MOI with approval from the Cabinet or in accordance with nationality law. Recent amendments to the law allow ethnic Thai stateless

persons and their children, who meet the added definition of ‘displaced Thai’, to apply for the status of ‘Thai nationality by birth’ (see [Stateless Persons](#)).

5.37 Although the law stipulates that every child born in Thailand should receive an official birth certificate, regardless of the parents’ status, many parents do not obtain birth certificates for their children. This can be due to the perceived complexity of the process, difficulties in travelling from remote areas to district offices, and/or a lack of recognition of the importance of the document. Children without birth certificates can be denied access to subsidised healthcare and other social welfare services, and can also face restrictions on travel that limit both future education and employment opportunities. They are also more vulnerable to abuse, trafficking, and exploitation as their legal status makes it more difficult for them to file complaints or access support services should they fall victim to such incidents.

5.38 NGOs have reported that some ethnic minorities and [Stateless Persons](#) do not routinely register births with authorities, particularly in remote areas, because administrative complexities, misinformed or unscrupulous local officials, language barriers, and/or restricted mobility made it difficult to do so. In-country sources claim that local authorities have failed to register the births in Thailand of up to 100,000 children, mostly of minority ethnic origin, due to a reluctance to grant nationality through birth registration to ‘non-Thais’. NGOs have advocated universal birth registration by emphasising the national security implications of having a large marginalised population of unregistered youth.

Marriage Registration Procedures

5.39 To marry legally in Thailand, both parties must be at least 17 years of age or have a court order allowing them to marry (see also [Children](#)). Neither party may have been judged incompetent, or have a spouse at the time of the marriage, and the two cannot be blood relations in the direct ascendant or descendant line or share the same adoptive parents. A woman whose husband has died or whose marriage has been terminated may only marry 310 days after the event, unless she has given birth to a child during the intervening period, she is remarrying her divorced spouse, a qualified doctor has verified that she is not pregnant, or she has a court order allowing her to remarry.

5.40 In the case of both parties being Thai nationals, they must both present their ID cards and House Registration cards and be accompanied by at least two witnesses. In the case of previous marriages, proof of divorce or spousal death is also required. Foreigners marrying Thai nationals must present a copy of their passport and arrival card, an affidavit from their embassy regarding their marital status, and a translation of the affidavit certified by an approved MFA translator.

5.41 An application for registration for marriage can be filed at any District Office or Minor District Office nationwide regardless of the parties’ birthplaces. If the marriage registration is filed at the District Office located in the female party’s birthplace (where her name is registered on the [House Registration Book](#)), the title used with the forename and the last name of the female will be changed by the District Officer. The female party is then required to file for a new ID card within 60 days. If the marriage is registered elsewhere, the female party is required to contact the local District Office to change her title and last name, as well as filing for a new ID card. If both parties are unable to file for marriage at any District Office or Minor District Office, the couple can submit a request to the Registrar to register their marriage at any location under the supervision of that District Office. The parties filing for marriage are required to provide transportation for the Registrar, and a service fee of THB400 (AUD19.50) is payable. Both parties are issued a marriage certificate.

Passports

5.42 Thailand issues ordinary (dark red), official (blue), diplomatic (red) and temporary/emergency (green) passports, as well as *hajj* passports (provided to Muslims to enable them to conduct religious pilgrimages to Saudi Arabia). All types have the words 'Passport' and 'Thailand' written in Thai above the national emblem and THAILAND – PASSPORT written below. Thailand has issued biometric passports since 2005, and the biometric symbol is at the bottom of e-passports. Passports are 66 pages long and are valid for five years (the *hajj* passport is valid for two years). An ordinary passport costs THB1000 (AUD50).

5.43 Passports contain the following information: Digital photograph of the holder; Type ('P' for ordinary/'O' for official/'D' for diplomatic); country code (THA); Passport number; Surname; Title name (Mr/Ms/Mrs/Master holder's name); Full name in Thai; Nationality (THAI); Personal number (same as Thai National Identification Card); Province of birth; Date of birth; Sex; Date of issue; Date of expiry; Issuing Authority; Height (metric); Signature of bearer; and Machine Readable Zone. All information is printed in both Thai and English.

5.44 Applicants must apply for a new passport six months prior to the expiry date of the old passport. From Australia, the application fee is AUD60, and applications take approximately two to three weeks to process. If a passport is lost or stolen, the applicant must submit a police report with the application form.

PREVALENCE OF FRAUD

5.45 Section 264 of the Criminal Code criminalises the creation of false documents, the altering of genuine documents, or the attaching of false seals or signatures to documents, penalising offenders with imprisonment of up to three years or a fine of up to THB6,000 (AUD290) or both. Forging public or official documents is punishable under Section 265 with imprisonment of six months to five years, and a fine of between THB1,000 (AUD50) to THB10,000 (AUD500).

5.46 In-country sources report that the Thai National Identity (ID) Card is the most trusted form of identification as the 13-digit identification number on it cannot be changed. Documents with biometric information are generally less vulnerable to fraud than those without.

5.47 Thailand has long been regarded as one of the world's leading centres for stolen, doctored and/or forged documents. A wide range of high quality false documents is reportedly readily available for purchase on the street, including staff identification passes from multiple airlines, citizenship and driving licences from numerous countries, and diplomas and certificates from prestigious western universities, including Australian. There is a well-established trade in passport theft, and gangs reportedly steal western passports to order. International observers report that forged passports from Thailand are regarded as the highest quality of any in the world. Thai authorities have done little to combat the trade, and observers allege that there is widespread complicity in it among officials at all levels.

5.48 Reporting on document fraud indicates that it tends to focus on identity documents from western countries, particularly in relation to passports. The well-established and high quality nature of the trade, however, means that fraud in relation to Thai identity documents cannot be discounted.