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## U.S. Department of State

### Thailand Report on Human Rights Practices for 1996

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#### THAILAND

Thailand is a democratically governed constitutional monarchy with a history of military coups and powerful bureaucratic-military influence over political life. The King exerts strong informal influence on carefully selected issues and has the constitutionally mandated power, to date never used, to veto legislation (requiring two-thirds of Parliament to override) or dissolve the elected house of representatives. The coalition government of Prime Minister Banharn Silpa-Archa, elected in July 1995, was dissolved in the wake of a no-confidence vote in September. In general elections held on November 17, General Chavalit Yongchaiyudh's New Aspiration Party narrowly won the most number of seats and formed a coalition government with five other parties. The judiciary is independent but subject to corruption.

The security apparatus has wide-ranging legal powers, derived primarily from past militarily controlled administrations. Military leaders still have an informal but influential role in internal politics. Since military influence in politics has been substantially reduced, however, and progress has been made toward establishing civilian control over the armed forces, which are becoming increasingly professional. The police have primary responsibility for internal security and law enforcement. Elements of both the armed forces and the Royal Thai Police have a reputation for corruption. Some members of the security forces continue to commit serious human rights abuses.

Thailand, a newly industrializing country with a flourishing free enterprise system, continues to enjoy a high rate of economic growth. Per capita income is estimated at \$3,000 per year. The political system generally provides protection for individual economic interests, including property rights. A lack of

transparency in many government processes threatens some economic interests. Although the industrial and services sectors are expanding rapidly--contributing over half the gross national product--about 60 percent of the population is rural and agrarian. Government efforts to close the economic gap between urban and rural areas have been ineffective. Thailand's regional income disparities have grown, and income distribution has become wider; the income gap between segments within urban areas is also growing. Government land appropriation by eminent domain in large development projects and unresolved grievances by farmers, workers, and slum dwellers led to a demonstration in April by more than 10,000 protesters--mostly from rural areas-- who set up a "Village of the Poor" in Bangkok.

The Government generally respects the human rights of its citizens, but some significant problems remain. Some police officers committed extrajudicial killings, and the incidence of political and other extrajudicial killings increased. Police

occasionally tortured and beat suspects. Members of the armed forces were responsible for sporadic brutality against the lower ranks and aliens under their control in border areas. The Government investigated and prosecuted few police or military officers accused of abuse or extrajudicial killings. Conditions in immigration detention facilities are poor, and the prolonged detention of aliens is a problem. An ingrained culture of corruption in the bureaucracy, police, and military services plagues society. Some members of both police and military services used their positions to facilitate the trade in prostitution.

Bribes or "tea money," demanded on a regular basis, undermine the rule of law, permitting a climate of impunity for illegal practices such as income tax evasion, gambling, immigrant trafficking, goods smuggling, and prostitution. Enforcement of a broad range of laws and regulations by police continues to be noticeably lax.

There were isolated attempts by some officials to limit press freedom through police "warnings," to restrict some activities of human rights nongovernmental organizations (NGO's), and to harass an academic researcher. Legal and societal discrimination against women, violence against women and children, and illegal child labor persist. Societal discrimination against religious and ethnic minorities is a problem. The Government imposes restrictions on the movement of tribal people.

At year's end, the Government had not yet established institutions--government ombudsmen and an independent election commission--almost 2 years after their formal adoption in the Constitution. An earlier government's commitment in 1992 to establish a human rights commission has not been pursued.

## **RESPECT FOR HUMAN RIGHTS**

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

#### **a. Political and Other Extrajudicial Killing**

There were two reported political killings in 1996. In January Thong-in Kaew-Wattha, a leader of protests against a toxic waste treatment plant in an agricultural community, was shot and killed by a gunman and his accomplice. Two suspects, identified by eyewitnesses, are in custody and awaiting trial. NGO's, academic researchers, and other professional groups believe that the suspects were hired by a local businessman whose interests were adversely affected by Thong-in's environmental activism. The police abandoned further investigation, despite self-incriminating statements by the main suspect.

In July Joon Bhoonkhuntod, a farmer activist in Chaiyaphum, was shot and killed by a police private.

Police stated that the victim was resisting arrest on charges of cultivating marijuana, later adding that the shooting was accidental. NGO's claimed that Joon was targeted based on his political activities. Some allege that the use of force was not only excessive but may have been part of a carefully planned ambush. The accused policeman was arrested and released on bail pending further investigation.

Legal organizations, reputable NGO's, and the press continued to provide credible reports that some police officers summarily executed criminal suspects, particularly in areas outside the capital. The police information center reported a total of 23 suspects killed during attempted arrest in 1995, with 16 such killings in the first half of 1996. It appears that a number of the deaths during arrests occurred when police returned fire by armed suspects. In November news media documented the arrest of six suspects in Suphan Buri who were led away handcuffed by police; the six were found dead minutes later. Police claim that they acted in self-defense since one of the suspects attempted to seize a weapon, but responsible sources questioned the credibility of the official explanation. According to data from the Attorney General's office released in September, 90 cases of killings by all civil officials (including police and other agency officials, such as forestry and district officials) during 1995 resulted in 89 cases being dismissed by the courts and one case continuing. During the first half of 1996, all 21 cases of killings by officials were dismissed by the courts.

The Attorney General's office reported that a total of 324 suspects and detainees died while in the "custody of government officials" in 1995, with another 205 dying in the first 9 months of 1996. According to police, there were 98 deaths in custody after initial detention during 1995 and the first 6 months of 1996. Of these, 63 were reported as apparent suicides. However, specific case reports from regional authorities indicated that the figure may be as high as 140 deaths in custody.

Political activists allege that the October 1995 killing of conservationist Winai Chantamano in Satun province was the result of his opposition to encroachment on national forest lands by an influential group of investors. Two of four alleged assailants have been detained, and the case remains under investigation.

The Government prosecutes few police or military officers accused of extrajudicial killings. Courts rarely convict police officers involved in summary executions, in part because witnesses are often intimidated or bribed to withhold

evidence. The resulting climate of impunity is the single largest factor preventing any significant change in police behavior. None was convicted in 1996. The law allows personal suits against police officers for criminal actions taken while making an arrest. However, due to flaws in the legal process and ingrained cultural attitudes, victims or their families rarely file suits against the police. During the initial police inquiry, most police investigations routinely determine that no wrongful action was taken on the part of the police; judges generally follow the prosecutor's recommendations. If pursued by the family, the case is handled by the same office, in some instances by the same prosecutor, who has already ruled that no criminal action occurred. There is no information to determine how many cases are settled out of court, but in cases in which suits are filed, the official charged often compensates the family of the deceased, and the suit is dropped.

#### b. Disappearance

There were no reports of politically motivated disappearances.

There were no developments in the 1994 disappearance of environmental activist Suchada Khamfubutra or the 1991 disappearance of Labor Congress of Thailand President Thanong Po-an.

There were no developments in investigations into the whereabouts of the remaining 39 prodemocracy protesters listed as missing following the military's suppression of demonstrations in May 1992. Most, if not all, are presumed by family members and NGO's to be dead. A civil case brought by family members remains before the courts.

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

The Criminal Code forbids cruel, inhuman, or degrading treatment or punishment. However, there continued to be credible reports that police sometimes tortured and beat prisoners and detainees. Credible reports from nongovernmental organizations (NGO's), academic institutions, and professional groups indicate that some police occasionally tortured and beat suspects and obtained coerced confessions through the use of physical abuse. Criminal suspects occasionally complained of police attempts to secure confessions or evidence through the use of torture such as electric shock. Similar, isolated complaints have been heard about treatment by the military personnel in armed forces detention centers or in border areas under martial law. Police and military personnel officially deny these allegations, but some police officials acknowledged that torture is occasionally carried out in police custody,

with the implicit backing of some senior police officers. The Government made no visible efforts to prosecute, convict, and appropriately punish those who committed these abuses.

Prison conditions are Spartan but do not in general threaten the life or health of inmates. Sleeping accommodations and access to medical care are areas of concern that require continued attention to meet minimum international standards.

Some prison guards resort to physical abuse of both Thai and foreign prisoners in response to disciplinary problems. A number of credible sources reported that prisoners caught in escape attempts are often beaten and sometimes beaten to death. Solitary confinement and heavy leg irons are sometimes used to punish difficult prisoners. Medical care in prisons is inadequate. To care for a total prison population of 100,000, the Corrections Department employs only 12 full-time and 2 part-time doctors and 4 dentists.

Access to prisoners is not restricted, and the Government permits visits by human rights monitors.

Conditions at the Suan Phlu Immigration Detention Center (IDC), were poor, although an increased budget resulted in some modest improvements. There were periods during which as many as 200 IDC detainees were kept in holding areas of about 1,200 square feet, allowing only about 6 square feet for each prisoner to sleep in packed, wall-to-wall formation. Overcrowding, poor sanitation and ventilation, and inability to exercise are recurring problems. Additional detention centers were under construction. Except for medical care provided under the auspices of the U.N. and private institutions, there is no governmental medical care available in the IDC. Consistent with nationwide treatment of illegal immigrants, children are detained with their parents, and a food ration is provided only for parents, not the accompanying children.

Immigration detention facilities are not administered by the Department of Corrections and are not subject to many of the regulations found in the regular prison system. Citizens of countries that will not accept deportees because of uncertainties over citizenship face an extended stay in the IDC. While the law requires that prosecutors formally charge criminal suspects in court within 91 days of their detention, some IDC detainees have been held for up to 2 years. In June a royal pardon resulted in the release and repatriation of about 1,300 IDC detainees.

#### d. Arbitrary Arrest, Detention, or Exile

Except in cases of crimes in progress, the law generally requires arrest warrants, and authorities respect this

provision in practice. Arrested persons must be informed of the likely charges against them immediately after arrest. Police have the authority to extend the detention period to 7 days in order to complete an investigation. After 7 days, the police must present the case to the public prosecutor to determine if the case should be pursued. While detainees have a right to have a lawyer present during questioning, they are often not informed of this right. Foreign prisoners are often forced to sign confessions and stand trial without benefit of a translator, although the Government is studying provision of translation services for court hearings.

There is a functioning bail system, but judges have considerable discretion in determining eligibility for bail, with no means of appeal. The only legal basis for detention by the police without specific charges for long periods (up to 480 days) is the Anti-Communist Activities Act, which was not invoked in 1996 (see Section 1.e.).

As of October, there were 103,202 prison inmates in Thailand. Of that number, about 9,500 were persons appealing their sentences, and approximately 25,000 were pretrial detainees. These two groups are not usually segregated from the general prison population, although sometimes an effort is made to confine those facing narcotics charges in a separate facility. The June royal pardon resulted in the release of about 24,000 prisoners.

In March two Amnesty International (AI) representatives were detained at Bangkok's Bang Rak police station for 90 minutes while police inspected their passports and travel documents. The detention, which the police later labeled an "invitation" to the police station, coincided with the time during which AI had planned to release publicly a report highly critical of human rights practices in China.

A group of 12 Burmese student political activists of concern to the United Nations High Commissioner for Refugees remained in the Special Detention Center (SDC). In addition, four of these Burmese refugees, originally detained in the safe area camp, have been held in the SDC from periods ranging from 22 to 30 months for staging protests at a Burmese refugee camp or for minor infractions of the camp rules. None of the four was formally charged or sentenced. At year's end, they were still being held without charges in Bangkok's special detention center, after initially being apprehended for their political activities.

Exile is not used as a means of political control.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and, although generally regarded as independent, the judiciary has a reputation for venality.

The civilian judicial system has three levels of courts: courts of first instance, courts of appeal, and the Supreme Court. A separate military court hears criminal and civil cases pertaining to military personnel as well as those brought during periods of martial law. A serious flaw in providing due process rights is the lack of appeal from decisions of a military court. Islamic (Shari'a) courts provide due process and hear only civil cases concerning members of the Muslim minority.

The Constitution provides for presumption of innocence. Access to courts or administrative bodies to seek redress is provided for and practiced.

There is no trial by jury. Trials for misdemeanors are decided by a single judge, and more serious cases require two or more judges. While most trials are public, the court may order a trial closed. This is done most often in cases touching on national security or the royal family. Career civil service judges preside over the courts. Judicial appointments and structures are not subject to parliamentary review.

Defendants tried in ordinary criminal courts enjoy a broad range of legal rights, including access to a lawyer of their choosing. A government program provides free legal advice to the poor, but indigent defendants are not automatically provided with counsel at public expense. Most free legal aid comes from private groups, including the Thai Lawyers' Association and the Thai Women Lawyers' Association.

Credible legal sources say that, aside from nine Muslim activists, there were no political prisoners at year's end, the last few prisoners serving prison sentences under the Anti-Communist Activities Act having been released under a general pardon granted by the King in June. Muslim groups claimed that nine prisoners are jailed on criminal convictions because of their political views. Some have been imprisoned since 1990; their unduly harsh sentences were imposed for participating in a protest rally in Pattani.

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

The law in most instances requires police to obtain a warrant prior to a search. Warrants are issued by the police with prior Ministry of Interior or provincial governor approval and

are not subject to judicial review. There were some credible reports that officers sometimes endorse warrants in advance, then allow their noncommissioned subordinates to apply them as needed. According to human rights lawyers, search warrants were sometimes abused by police to engage in ill-defined and intrusive searches outside the stated evidentiary domain, aimed at uncovering any incriminating item, even if unrelated to the crime originally alleged in the warrant. The Anti-Communist Activities Act allows officials engaged in "Communist suppression operations" to conduct searches without warrants, but these powers have rarely been invoked in recent years and were not invoked during the year.

Security services monitor persons espousing leftist or controversial views, including some foreign visitors (see Sections 2.d. and 4).

## **Section 2. Respect for Civil Liberties, Including:**

### a. Freedom of Speech and Press

The Constitution provides for, and citizens generally enjoy, a large measure of freedom of speech. However, the law prohibits criticism of the royal family (lese majeste), threats to national security, or speaking in a manner likely to incite disturbances or insult Buddhism.

Newspapers and periodicals practice some self-censorship, especially with regard to the monarchy and national security issues. However, strong media criticism of political parties, public figures, and the Government is common and vigorous. Journalists are generally free to comment on government activities without fear of reprisal, although there were credible reports of occasional harassment of

journalists by individual politicians and military personnel. Also, journalists are reluctant to criticize the judiciary out of fear that they would not be treated fairly by judges during libel proceedings.

Under the Printing and Advertisement Act of 1941, the Royal Thai Police Special Branch issues warnings to publications for various violations such as disturbing the peace, interfering with public safety, or offending public morals. In 1995 police issued 13 such warnings. In 1996 the total reached 22, including 6 warnings issued to newspapers and weeklies for reports on the May censure debate in Parliament against the Government. Punishments were restricted to small fines, but could have included imprisonment of the owner, publisher, editor, and journalist for up to 3 months. Police closure of newspapers or printing presses is also permitted under the 1941 act but only in time of war or national emergency.

Radio and television stations are licensed by the Government and operated under the direct or indirect oversight of the Government and the military forces. Radio stations must renew their licenses each year, and their signals are broadcast via government transmitters. They are required by law to broadcast government-produced newscasts twice daily, 30 minutes each in the morning and evening.

Although programmers are generally free to determine the content and nature of television broadcasts, a government internal censorship board commonly edits or "blacks out" portions of programming deemed politically sensitive or pornographic. Self-censorship this year tended to be more prevalent in television stations directly controlled by the Government, although subcontracted stations remained mindful that they operate under 30-year government concessions.

There are also three cable television networks, which enjoy almost complete autonomy under the indirect oversight of the Mass Communications Authority of Thailand. The first ultra high frequency station, managed by a private consortium including the outspoken Nation Publishing Group, was launched in July under a 30-year concession from the Office of the Prime Minister. Touted as the country's first independent television station, its status is similar to that of other subcontracted stations, with free, daily, direct broadcasting.

Domestic publications continued to present a wide range of political and social commentary. Unless critical of the royal family or the monarchy, foreign and domestic books normally are not censored and circulate freely. Police had the power to ban the import of publications until late 1990; the list of publications previously banned, mainly pornographic material but also including books written by Communists, remains in effect.

An antipornography law allows police to restrict or confiscate publications and other materials deemed obscene; the interpretation given usually covers hard-core pornographic materials.

Although academic and technical research is generally conducted freely, the Government in August used unusually strong measures to rebut a university researcher's academic paper on alleged police bribe-taking in connection with illegal gambling. Unsolicited, police-ordered security for the researcher induced the researcher and his family to go into hiding due to fear of the police, and led political activists and labor leaders to charge the police with harassment and intimidation. With the Prime Minister's approval, the police lodged a defamation complaint against the researcher, who had cited police sources in his study. The police later withdrew the lawsuit, but only

after the Prime Minister brokered a meeting between the researcher and his university superiors in which they apparently negotiated alterations to the paper.

## b. Freedom of Peaceful Assembly and Association

The legal system recognizes the right of peaceful assembly, and the Government respects this right in practice. Private associations must register with the Government, but permits are not required for private meetings or gatherings unless held on public property; these are routinely granted.

## c. Freedom of Religion

Freedom of religion is protected by law, and the Government generally respects this right in practice. The de facto state religion is Theravada Buddhism, but other religions are not restricted.

Members of minority religious movements are occasionally subjected to legal action. Dissident Buddhist leader Phra Potirak and 79 followers, convicted and sentenced to 2 years' probation for violating the civil law governing the Buddhist hierarchy and impersonating Buddhist monks or nuns, appealed their convictions. At year's end, all remained free and continued their official religious activities.

Dissemination by the Government of school textbooks containing religious information, but only on Buddhism, was reportedly a source of annoyance among religious minorities.

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

The right, provided for by the Constitution of citizens to change their residence or workplace was unabridged. Travel was restricted in certain border areas where foreign or vestigial domestic insurgent groups remain active. Longstanding restrictions on the travel and place of residence of certain Vietnamese aliens who immigrated to Thailand in 1945-46 and Chinese who immigrated between 1953 and 1961 remained in place. In addition, some long-term noncitizen residents of Thailand, including several hundred thousand tribal people, are required to seek permission from local authorities or the army for foreign or domestic travel. In practice, authorities rarely enforced these restrictive measures, and registered resident aliens were able to move freely within the country (see Section 5).

Under a new regulation operative in September, illegal alien workers already in the country and working in specified manual labor jobs were allowed to register and work in 43 of the 76

provinces. These illegal aliens are allowed to work for up to 2 years while awaiting formal deportation. The new measure had the effect of regularizing many illegal aliens, allowed them to move freely so long as their employer registered them with local authorities, and generally enhanced their prospects to seek redress for human rights abuses (see Section 6.e.).

Several regulations intended and used to help reduce trafficking in women and children for purposes of prostitution could also be used to infringe on the right of women and children to travel freely. One rarely used statute, dating to the last century, requires a woman to obtain her husband's permission before traveling outside Thailand. Also, female passport applicants under the age of 36 must sit through a series of interviews regarding their employment records and finances. Passport applications by single women and children under the age of 14 must also be approved by the Department of Public Welfare.

Thailand continued to provide first asylum to Vietnamese and Lao asylum seekers. It did not officially recognize the refugee status of some Vietnamese mandated by the U.N. High Commissioner for Refugees (UNHCR), but neither did it compel them to leave Thailand. Host government screening for Vietnamese and Lao continued, as set out under the Comprehensive Plan of Action (CPA) agreed to in Geneva in 1989, until the CPA's termination on June 30. After that time, extensions of CPA policies or

ad hoc measures consistent with the spirit of the CPA were employed. There were no credible reports of forced repatriation of Lao asylum seekers. Nor were there reports that Lao asylum seekers were denied entry at the border. There was an unconfirmed but credible report in May that provincial Thai authorities in Nan arrested and turned over to the Lao Government 13 Hmong men on December 26, 1995. These Hmong had removed themselves from UNHCR protection and had been living illegally in Thailand.

Repatriation of screened-out (i.e. nonrefugee) Vietnamese both voluntarily and involuntarily through the CPA-mandated orderly return program, continued throughout the year. From late June to mid-November, nearly 1,900 screened-out Vietnamese at Sikhiu camp were repatriated involuntarily in 13 movements. About 265 Vietnamese, including those on repatriation manifests as well as sympathizers in the camp, sustained self-inflicted injuries, chiefly superficial skin lacerations. These acts in protest of involuntary return were an attempt to postpone repatriation.

Some Vietnamese complained that Thai authorities handled them roughly during their involuntary repatriation by airplane. One Vietnamese man climbed up on a roof to avoid repatriation, and later jumped off; his injuries from the fall proved fatal.

The Government cooperated with the UNHCR in administering the sole camp for Lao refugees at Ban Napho, Nakhon Phanom, in assisting with voluntary repatriation, and in expediting the resettlement of about 3,000 highland and lowland Lao refugees to the United States. Under the law, most Burmese (and other, non-Indochinese) asylum seekers are considered illegal immigrants subject to deportation, but the Government continued to permit Burmese asylum seekers to remain in camps along the Thai-Burma border and near Bangkok. While Burmese outside of camps were arrested periodically as illegal aliens, the Government did not deport any Burmese recognized by the UNHCR as a "person of concern." There was a confirmed report that Thai authorities ordered the refoulement of at least 100 members of minority hill tribes on October 11. The Shan members appeared to have been fleeing repression, including forced portage, by the Government of Burma. Unlike other Burmese minority groups seeking refuge in Thailand, Shan asylum seekers have no access to recognized temporary camps at which they could seek assistance or protection.

At year's end, a number of Burmese dissidents, detained as illegal immigrants, remained in immigration detention centers in central Thailand (see Section 1.d.).

Residents of the Safe Area first asylum camp for Burmese dissidents in Ratchaburi province had regular access to the UNHCR, which concluded that conditions at the safe area meet broadly accepted international standards for the protection and welfare of asylum seekers. As a general rule, the Government restricts entry to the Safe Area to asylum seekers from Burma whom the UNHCR had found to be "persons of concern" prior to mid-1996. By year's end, about 800 Burmese persons of concern resided there.

More than 100,000 ethnic minority Burmese and almost 2,000 Burmese students and dissidents continued to reside in some 34 camps along the Burma border. Several camps were evacuated temporarily or relocated because of cross-border attacks from Burma. The Government continued to permit voluntary agencies to provide food, medical, and sanitation assistance along the border. Adequate access to the camps by NGO's, to ensure adequate provision of health care and sanitation, remains a concern.

Beginning in May, the Government allowed more than 4,000 Karenni asylum seekers refuge following widespread Burmese government forced relocations of a number of Karenni villages throughout Kayah state in Burma. During the year, a Burmese government-supported Karen faction, the Democratic Karen

Buddhist Army, conducted isolated attacks on Karen refugee camps within Thailand, as well as on Thai villages, killing and abducting several persons, including members of the Thai

security forces. The number of security incidents decreased during the rainy season beginning in June but increased again late in the year. Reports from NGO's and other credible sources strongly suggested that government-provided security of refugee camps along the Burma border was not sufficient to protect against raids into the country by Burmese armed forces or their armed supporters; however, the government increased the number of regular and paramilitary forces stationed in the border regions later in the year. In an attempt to provide better security, the Government has proposed to consolidate refugee camps and move them further from the border.

In the east, at various times during the year, the Government accepted small numbers of Cambodian civilians seeking temporary refuge from low-scale conflicts between the Khmer Rouge and Cambodian government forces in Cambodia. These temporary asylum seekers were allowed to choose the time and place of

their repatriation.

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

The Constitution provides for the right of citizens to choose or change their government through free and fair elections based on universal suffrage, and citizens exercised this right in November 1996. In that election, one elected government replaced another through a free election, and served to strengthen democratic institutions. The military services generally showed further evidence of acceptance of civilian control. In April the Prime Minister appointed 260 members to the Senate, the first Senators appointed by an elected official in the 1990's. The new Senate replaced a body that had been appointed by a military government and reflects a substantial decline in the number of seats held by active duty or retired military officers.

The widespread practice of vote-buying was again present during 1996 parliamentary by-elections and general elections, supporting critics' contentions that some elections, although free, were fraudulent. At year's end, the Government had not yet established the Election Commission called for in constitutional amendments of February 1995. A draft bill submitted by the new Chavalit Government in December passed the first of three readings in Parliament. Under this bill, the Interior Ministry would continue to handle most of the important election supervision functions.

While there are no legal restrictions on their political participation, women are generally underrepresented in national politics, especially at the senior levels. Although the number of women in national politics continued to increase, only 22 of the 393 Members of Parliament are women. In April Prime

Minister Banharn appointed 21 women to the 260-member Senate. Two women held cabinet portfolios until their party withdrew from the coalition government: a Deputy Minister of the Interior and a Deputy Minister of Transport and Communications. There were no women appointed to the first Cabinet of Prime Minister Chavalit which took office in December.

In the civil service, 46 women were reported to hold a rank at or above Director General. In April the military services for the first time appointed six women to the rank of General, although women are still not allowed to attend military academies or the army, navy, or air force staff colleges. An additional five women were appointed to flag rank in October.

No laws prohibit the participation of ethnic minorities, but few hold positions of authority in national politics or the civil service. Ethnic minorities in the north often lack documentation of citizenship, effectively barring their participation in the political process (see Section 5). Muslims from the south hold significant posts in the Government, although they continue to be underrepresented in local and provincial government positions (which are appointed by the central Government).

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

Local human rights organizations operate without government restriction. International human rights NGO's generally work freely on controversial issues, investigating and publishing their findings without hindrance. The Government sometimes criticized these groups for being politically motivated and biased, but in most cases it did not penalize or hinder human rights observers.

Before and during the 25-nation Asia-Europe Meeting in February, the Government imposed entry visa bans on some political activists and NGO leaders whom the Government believed would stage protests.

The brief detention of Amnesty International (AI) human rights monitors in March, immediately prior to a planned AI press conference on human rights in China, was openly described by local authorities as an attempt to prevent the press conference from taking place (see Sections 1.d. and 2.a.). However, other AI members who remained at liberty held a press conference at a previously publicized location without hindrance from the police.

#### **Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status**

The Constitution provides for equal treatment under the law without respect to race, sex, religion, disability, language, or social status. In practice, some discrimination exists, and government enforcement of equal protection statutes is uneven.

##### **Women**

Domestic abuse continues to be a serious problem affecting the welfare of many women; reliable reports indicate that domestic abuse crosses all social classes. One NGO estimates that as many as 50 percent of women in Bangkok's slum areas are victims of abuse. Police do not enforce laws against such violence vigorously, and domestic violence often goes unreported. Under the Criminal Code, spousal and child abuse is covered under assault provisions, but rules of evidence often make prosecuting such cases difficult. Since 1994 a pilot project in three Bangkok police stations, which has yet to be expanded, included female team to handle rape and abuse cases in order to encourage more victims to report these abuses.

Prostitution, although illegal, flourishes and is deeply ingrained. Estimates of the numbers of women and children engaged in prostitution vary widely because of temporary sex workers and the migratory nature of prostitution. Reliable NGO's estimate the number of adult female prostitutes at around 250,000.

Prostitution exposes women to a number of human rights abuses, as well as a much higher risk of contracting AIDS. Some women are forced into prostitution, although the number of such cases is difficult to determine. Incidents of coerced prostitution most commonly involve women who are not ethnic Thai from hill tribes or are from neighboring countries; the number of such women entering the country to work as prostitutes continued to rise. Because they cannot speak Thai, and are considered

illegal immigrants, these women are particularly vulnerable to physical abuse, confinement, and exploitation. Some women are lured with promises of jobs as waitresses or domestic helpers, but are then forced to work as prostitutes. As illegal immigrants, these women have no right to legal counsel or health care if arrested, and this group is not protected under new regulations concerning illegal alien workers.

Human rights monitors believe that the majority of those who engage in prostitution are not kept under physical constraint, but that a large number labor in debt bondage. Brothel procurers often advance parents a substantial sum against their daughter's future earnings, often without the consent of the young woman involved. The women are then obligated to work in

a brothel in order to pay back the loan. On the border with Cambodia, procurers provide women and girls as young as the age of 14 who were trafficked from Vietnam or China and live under slave-like circumstances in Cambodia. Observers believe that their illegal border crossing for the purposes of prostitution is accomplished with the complicity of local officials.

During the year, the Government stepped up efforts against prostitution. In August the Government endorsed an operational plan against commercial sex services, calling for such measures as further compulsory education, more vocational education, an enhanced public information campaign, and professional training, especially of teachers and health care workers. In addition, under the Chavalit Government, the Labor Permanent Secretary chairs a Committee for Protection and Vocational Development aimed at combating prostitution.

The Government and NGO's have already established vocational training and education programs to combat the lure of prostitution for young Thai women and their families. As a result of the strengthened national antiprostitution policy, the Government is expanding these programs, which are part of a 5-year program that started in October. Despite occasional highly publicized raids on brothels, however, the Government has failed to enforce effectively laws against prostitution, and, in many cases, brothel operators bribe local government representatives and police. There continue to be credible reports of involvement by some corrupt police, military, and other officials in trafficking schemes.

Until recently, prostitutes were considered criminals, whereas brothel owners, procurers, and clients were not subject to criminal statutes. A new law passed in September further criminalizes those involved in the trafficking of women and children for the purpose of prostitution or slave labor.

Women generally have equal legal rights, but inequalities remain in domestic law. Whereas a man may sue for divorce on the grounds that his wife has committed adultery, a woman faces the additional legal burden of proving that her husband has maintained or honored another woman in a manner equal to his wife. Women face more stringent requirements to obtain passports than do men (see Section 2.d.).

Statistics compiled by the Government and NGO's concerned with women's issues note that women represent 47 percent of the economically active population and that their numbers have increased in professional positions. Government regulations require employers to pay the same wages and benefits for similar work regardless of sex. However, there is a significant gap between average salaries earned by men and women as a result of the concentration of women in

traditionally lower paying jobs. In addition, women tend to receive lower pay for equal work in virtually all sectors of the economy, a fact already documented in studies of manufacturing, services, and agriculture.

Women generally have access to higher education; more than half the university graduates are women.

Despite improvements in the Government's performance regarding women's rights, including well-received proposed amendments to the Family Act, many women's rights NGO's remain skeptical that women will soon be able to enjoy equal income opportunities or obtain opportunities equal to men to enter decisionmaking positions in high-ranking government appointments, the civil service, or in the private sector.

### Children

The Government is committed to the rights and welfare of children, although child labor, a relatively short compulsory education system, and child prostitution remain areas of concern. "Human Development" was a major theme of the Eighth National Economic and Social Development Plan, released in midyear. Key among the human development proposals is an increased emphasis on extending compulsory education from grade 6 to grade 9 and to alleviating poverty. There are no reliable statistics on the number of children involved in the sex industry, but official estimates by the Government's National Commission on Women's Affairs indicate that 15 to 20 percent of prostitutes are children under the age of 18. Applying this official estimate to the NGO's count, there are probably from 20,000 to 40,000 child prostitutes.

While the Government did take several significant steps to combat child prostitution, it is unclear how effectively new laws will be enforced and new policies implemented. Clients of child prostitutes are now subject to criminal prosecution and strong penalties, including up to 6 years' imprisonment. Credible NGO's reported at year's end that efforts by police to enforce the new antiprostitution law were only moderately successful in curbing the trade in children for commercial sex.

In August the Banharn Government's Cabinet approved draft legislation that would revise the Criminal Code to toughen the laws regarding abuse of children under 18 years of age; the draft includes especially severe penalties for violations perpetrated against children under the age of 15. The bill, under consideration by the Chavalit Cabinet since December, would provide a fund to assist such children and initiate a parenting education program.

The Criminal Code provides for the protection of children from abuse, and laws on rape and abandonment provide for harsher penalties when the victim is a child. As in the case of domestic violence against women; however, police are often reluctant to pursue abuse cases, and rules of evidence make prosecution of child abuse cases difficult.

### People with Disabilities

The Government again took few steps to implement provisions in the Disabled Rehabilitation Law that established a quota system and employer incentives for hiring the disabled. Another regulation requiring factories to hire one disabled person for every 200 nondisabled employees was also not enforced. There are no laws mandating access to public facilities for disabled persons.

### Religious Minorities

Muslims represent a significant minority within the country as a whole and constitute the majority in the four southernmost provinces that border Malaysia. Although the Government has attempted to integrate the Muslim community into society through developmental efforts and expanded educational opportunities, societal discrimination remains widespread.

## National/Racial/Ethnic minorities

Progress in integrating ethnic minorities into society is limited. Only half the estimated 500,000 to 600,000 members of hill tribes reportedly possess documentation that either lists them as citizens or places them on the record as being eligible for future citizenship. The rest lack documentation, and thus access to adequate education and health care. Noncitizens are also barred from participating in the political process. Undocumented hill tribe people cannot own land and are not subject to labor laws, including minimum wage requirements. In August the Government ran a pilot test of new criteria to establish alien resident status for highlanders, but the lack of legal status for this group persists. Under the 1992 Thai Nationality Law, children born in Thailand to two permanent residents have the right to citizenship.

Approximately 45,000 Vietnamese who fled Indochina in the 1940's and 1950's reside in northeastern Thailand and live under a set of laws and regulations restricting their movements, residences, education, and occupations. The Government has slowly pursued a more lenient policy toward longtime Vietnamese residents in recent years and in August announced that it is reviewing a process for granting citizenship to all members of this group. There are also approximately 40,000 noncitizen Chinese and their descendants

who live in border areas. Very few of these people have citizenship, and the vast majority must seek permission from local authorities in order to travel outside their districts (see Section 2).

Under a quota system, only 100 persons per nationality per year may be naturalized as citizens. However, in addition to the review of citizenship for Vietnamese in the northeast, the Interior Ministry is considering a measure to speed up naturalization of the 10,000 Chinese and 8,000 Vietnamese that it reports are currently seeking citizen status.

## Section 6 Worker Rights

### a. The Right of Association

The law grants freedom of association to private sector workers. Workers have the right to form and join unions of their choosing without prior authorization; to decide on the constitutions and rules of these associations and unions; to express their views without government or employer interference; to confederate with other unions; to receive protection from discrimination, dissolution, suspension, or termination by any outside authority because of union activities; and to have employee representation in direct negotiations with employers. However, no law explicitly protects workers from discrimination due to their participation in organizing new unions that have not yet been officially registered. Union leaders report that employers often discriminate against workers seeking to organize unions.

Workers in the public sector do not have the right to form unions. In state enterprises, the law allows workers in each state enterprise to form a single "association" after at least 30 percent of the enterprise's employees submit a petition to the Ministry of Labor to register such an association. These associations submit employee grievances to management and propose changes in benefits and working conditions but may not negotiate wages. Associations do not have the right to confederate or to join private sector federations. Unofficial contacts between public and private sector unions continue, however, and the Government has not interfered with these relationships.

The law denies all state enterprise workers the right to strike. In the private sector, to be considered legal a proposed strike must be approved by a majority of the union members in a secret ballot and be

registered beforehand with the Ministry of Labor.

In 1991 the International Labor Organization (ILO) criticized labor law amendments adopted by a military-appointed

legislature in March 1991 that dissolved state enterprise unions, transferred their assets, limited the number of associations that may be formed in each state enterprise, set relatively high minimum membership requirements for associations, denied associations the right to affiliate with private sector unions, and completely forbade strikes in state enterprises. Although the Government has not vigorously enforced these restrictions, it pledged to pass a new version of the law that would restore for the most part the rights enjoyed by state enterprise workers prior to the 1991 changes. A draft bill which failed to become law during the 1995-96 Banharn Government was resubmitted to Parliament by the Chavalit Government in December and passed the first of three readings needed to move the bill out of the House of Representatives.

The Government has the authority to restrict private sector strikes that would "affect national security or cause severe negative repercussions for the population at large." The Government seldom invokes this provision and did not do so in 1996. Labor law also forbids strikes in "essential services," defined much more broadly than the ILO criteria for such services. No strikes were disapproved on those grounds in 1996. The number of legal strikes has averaged fewer than 10 annually for the past 10 years.

Over half of the work force is employed in the unorganized agricultural sector. Less than 2 percent of the total work force, though nearly 11 percent of industrial workers, is unionized. Cultural traditions and unfamiliarity with the concept of industrial relations are often cited as the reasons for low rates of labor organization.

While violence against labor leaders is rare, the 1991 mysterious disappearance of outspoken labor leader Thanong Po-an remains unsolved (see Section 1.b.).

There is a legacy of corrupt public sector union leaders who were exploited by the military forces, politicians, or employers for their own purposes, but private unions generally operate independently of the Government and other outside organizations.

Unions are free to associate internationally with other trade union organizations, and they maintain a wide variety of such affiliations.

#### b. The Right to Organize and Bargain Collectively

The 1975 Labor Relations Act recognizes the right of private sector workers to organize and bargain collectively and defines the mechanisms for such negotiations and for

government-assisted conciliation and arbitration in cases under dispute. In practice, genuine collective bargaining occurs only in a small fraction of workplaces and in most instances continues to be characterized by a lack of sophistication on the part of employee groups and autocratic attitudes on the part of employers. Wage increases for most workers come as a result of increases in the minimum wage, rather than as a result of collective bargaining.

The Government sets wages for both civil servants and state enterprise employees. A system of labor courts created in 1980 exercises judicial review over most aspects of labor law for the private sector. Workers may also seek redress for their grievances from the Tripartite Labor Relations Committee.

Redress of grievances for state enterprise workers is handled by the State Enterprise Labor Relations Committee. Labor leaders did not indicate dissatisfaction with the treatment that their concerns received in these forums, except that union leaders dismissed unjustly usually are awarded only monetary compensation.

No separate labor legislation applies to export processing zones, where wages and working conditions often are better than national norms because of the preponderance of Western and Japan-based multinational firms.

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

The Constitution prohibits forced or compulsory labor, except in the case of national emergency, war, or martial law. However, there are reports of sweatshops in the informal sector that physically restrain workers from leaving the premises. There are no estimates of how many such workshops exist, but the growing number of illegal aliens from Burma, Cambodia, and Laos increases the opportunities for such abuse. In one notable case, a Bangkok industrial glove making factory employed six girls 13 to 14 years of age working 15-hour days. The owner allegedly used a hot iron to inflict burns on three girls--two of whom were from Laos--as punishment for falling asleep on the job. In July authorities raided the shop and arrested the owner.

For several years, the ILO has cited Thailand for violations of Convention 29 on forced labor. In 1995 Thailand was the subject of a country "observation," but the ILO declined to make Thailand the subject of a special paragraph. The primary focus of ILO criticism is forced child labor, especially child prostitution. Since the ILO raised these concerns, the Government has cooperated in setting up institutional links, particularly with the International Program on the Elimination of Child Labor, to help address the problem (see Section 5).

#### d. Minimum Age for Employment of Children

The legal minimum age for employment is 13 years. Nearly 90 percent of children complete six grades of compulsory education at age 12; only 60 percent of 13-year-olds are enrolled in seventh grade, but this percentage is increasing. The law permits the employment of children between the ages of 13 and 15 only in "light work," where the lifting of heavy loads and exposure to toxic materials or dangerous equipment or situations is restricted. The employment of children at night (10 p.m. to 6 a.m.), or in venues where alcohol is served, is prohibited by law. An analysis based on population and school enrollment data shows that between 850,000 and 1,480,000 children work in Thailand, mostly on family farms. Between 240,000 and 410,000 (2 to 4 percent of the 6 to 14 age group) are estimated to be in urban employment at particular risk of labor abuse.

The Ministry of Labor has increased the number of inspectors specifically responsible for child labor issues, although not all these officers are engaged in full-time inspection work. Enforcement of child labor laws is not rigorous. The inclination when dealing with violators is to negotiate promises of better future behavior, rather than to seek prosecution and punishment.

The Government is also addressing the problem of child labor by proposing to extend compulsory education from 6 to 9 years.

#### e. Acceptable Conditions of Work

A tripartite wage committee consisting of government, employer, and worker representatives increased

the daily legal minimum wage by 7.6 percent in September. Minimum wage rates now range between \$5.05 (128 baht) and \$6.20 (157 baht) per day depending upon the cost of living in various provinces. This wage is not adequate to provide a decent standard of living for an urban worker and family. With extended family members' financial contributions, the minimum wage provides the basis for a marginally adequate overall standard of living. However, more than half of workers countrywide receive less than the minimum wage, especially in rural provinces. Unskilled migrant workers, as well as illegal aliens, often work for wages significantly less than the minimum wage. The minimum wage does not apply to undocumented hill tribe people. The Ministry of Labor is responsible for ensuring that employers meet minimum wage requirements. Despite encouragement of employees to report violations to labor inspectors, enforcement of minimum wage laws is mixed.

The Government has not mandated a uniform workweek for the entire labor force. By regulation, commercial employees work a maximum of 54 hours per week, employees in industry work 48, and those in "dangerous" work such as in the chemical, petroleum, mining, or other industries involving heavy machinery, 42. Transportation workers are restricted to no more than 8 hours per day. Enforcement of these standards is weak. There is no 24-hour rest period mandated by law.

Working conditions vary widely. In medium-sized and large factories, government health and safety standards are often maintained, but lax enforcement of safety standards is common. In the large informal sector, the health and safety environment is substandard. Employers are able to ignore safety regulations in part because nonunionized workers often do not understand safety and health standards and do not report violations. When 188 workers died in the May 1993 Kader Toy Factory fire near Bangkok, the Government brought suit against eight persons, including the managing director. The case commenced in June 1994 and continued throughout 1996 in once-weekly sessions without conclusion. There is no law affording job protection to employees who remove themselves from dangerous work situations. The Ministry of Labor and Social Welfare promulgates health and safety regulations regarding conditions of work. Labor inspectors are responsible for enforcement of health and safety regulations; the strictest penalty is 6 months in jail.

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