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U.S. Department of State

Thailand Country Report on Human Rights Practices for 1997

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THAILAND

Thailand is a democratically governed constitutional monarchy that until 1992 had a history of military coups and powerful bureaucratic and military influences on political life. The King exerts strong informal influence and has the constitutionally mandated power, to date never used, to veto legislation (requiring two-thirds of Parliament to override) or to dissolve the elected House of Representatives. The country adopted a new constitution in October. The coalition government, led by Prime Minister Chuan Leekpai's Democrat Party, was formed in November following the resignation of prime minister Chavalit Yongchaiyudh. 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 the armed forces have become increasingly professional and increasingly subject to civilian control. 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 committed serious human rights abuses.

Thailand is a newly industrializing country with a strong free enterprise system. Serious economic decline during the year lowered national income sharply from its 1996 level of approximately \$3,000 per capita. The Government generally provides protection for individual economic interests, including property rights. A lack of transparency in many governmental processes leads in some cases to discriminatory commercial treatment for favored firms and institutions. Although industrial and service sectors contribute more than half the gross national product, approximately 60 percent of the population

is rural and agrarian. The Government's efforts to close the economic gap between the urban and rural populations have been largely ineffective. Rural dissatisfaction with land rights and tenure was the theme of large gatherings organized by the "Assembly of the Poor" in Bangkok.

The Government generally respects the human rights of its citizens, but some significant problems remain. Police officers killed many criminal suspects while attempting to apprehend them, and police and government leaders tacitly appeared to endorse excessive violence in the treatment of narcotics trafficking suspects. The Government remained reluctant to prosecute vigorously those members of security forces who were accused of extrajudicial killings. Police occasionally beat suspects. An ingrained culture of corruption persists in many parts of the civilian bureaucracy and the security forces. Routine demands for bribes undermine the rule of law and permit a climate of impunity for various illegal activities, such as income tax evasion, gambling, trafficking, goods smuggling, and prostitution. Enforcement of a broad range of laws and regulations by police continues to be noticeably lax.

Conditions in immigration detention facilities are poor, and the prolonged detention of aliens is a problem. The Chavalit government on occasion sought to discourage free speech, particularly with regard to the reporting of deteriorating economic conditions; journalists continue to practice some self-censorship. While the Government generally continued to adhere to its policy of providing asylum to those fleeing persecution from neighboring countries, there were several instances of their involuntary return to Burma and denial of asylum to members of Burmese ethnic minorities by military and civilian authorities. Legal and societal discrimination against women, violence against women and children, prostitution, and illegal and forced child labor persist. Societal discrimination against religious and ethnic minorities is a problem. The Government imposes restrictions on the movement of tribal people.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were no reports of political killings. However, in a climate of increasingly prolific and violent narcotics trafficking, some police units continued to use deadly force against some suspects during arrest attempts. While there were no cases in which police killed suspects after apprehension, public statements by several high-ranking police figures implied endorsement of the use of excessive force. Credible reports indicated that at least 35 criminal suspects were killed during arrest in the first half of the year; a significant number of these were suspected of narcotics trafficking.

One death occurred under particularly suspicious circumstances: In January a handcuffed robbery suspect hung himself in his prison cell. The suspect was found in a sitting position with a shoelace tied around his neck.

The Government prosecutes few police or military officers accused of extrajudicial killings. During the year, no police officers were convicted of wrongdoing in deaths during arrest. Routine exoneration of police officers contributes to a climate of impunity that is a significant factor in preventing any major change in police behavior. This also discourages relatives of the deceased from pressing for prosecution. Families rarely take advantage of a provision in the law that allows personal suits against police officers for criminal action during arrest. 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 waived. However, some lawsuits were filed during the year and are under consideration.

There were no developments in the 1996 killings of environmental protester Thong-in Kaew-Wattha and of farmer activist Joon Bhoonkhuntod. There were no developments in the unsolved 1995 murder of conservation activist Winai Chantamanao.

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.

The number of prodemocracy protesters officially listed as missing following the military suppression of demonstrations in May 1992 was reduced to 38 after one individual was located alive. Her disappearance had not previously been related to political activity. Most, if not all, are presumed by family members and nongovernmental organizations (NGO's) to be dead.

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

The Criminal Code forbids cruel, inhuman, or degrading treatment or punishment. However, there were credible reports that police occasionally beat criminal suspects in order to coerce confessions. The Government made no visible efforts to prosecute, convict, and punish those responsible or those who had committed abuses in past years.

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. Credible sources reported in past years that prisoners caught in escape attempts were severely beaten--sometimes 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 112,000, the Corrections Department employs only 10 full-time and 11 part-time doctors and 4 dentists.

In April, four Lao women being held in the Rayong district police station were raped by male inmates over a 4-day period. Although regulations mandate that prisoners be separated by gender, overcrowding led police to place these women in a sub-cell to which male prisoners had access. The Government responded to this incident by transferring three police officers to inactive posts. Three other police Lieutenant Colonels are facing disciplinary investigation.

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

Conditions at Bangkok's Suan Phlu Immigration Detention Center (IDC) were poor, as immigration facilities throughout the country were overwhelmed by a substantial influx of undocumented workers from the southern border area. Overcrowding and shortages of food and water were severe, especially when the IDC's population nearly doubled to 2,600. Conditions in provincial detention centers are

significantly worse, and many detainees transferred to Bangkok arrived in a debilitated state. The Government responded by allocating funds for six additional provincial facilities, each with a capacity of roughly 300 detainees. Immigration detention facilities are not administered by the Department of Corrections and are not subject to many of the regulations that govern the regular prison system. Some IDC detainees who cannot afford repatriation have been held for several years.

d. Arbitrary Arrest, Detention, or Exile

With few exceptions, including crimes in progress, the law requires that police officers making an arrest have warrants, and authorities respect this provision in practice. Arrested persons must be informed of the likely charges against them immediately after arrest. Police must submit criminal cases to prosecutors for the filing of charges in court within 48 hours of arrest. 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.

There is a functioning bail system. 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 during the year.

As of October, there were 125,069 prison inmates, of which 10,713 were held in special prisons for those accused of narcotics violations. Approximately 21 percent of the total prison population were pretrial detainees. Pretrial detainees are not usually segregated from the general prison population.

Of the 12 Burmese activists held in the Special Detention Center in 1996, four were released. Eight remain in custody for violating the regulations of the Ratchaburi Refugee Camp. The longest-held of the eight has been detained since June 1994. None of the eight has a scheduled trial.

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. There is no right to appeal military court decisions. Islamic (Shari'a) courts provide due process and hear only civil cases concerning members of the Muslim minority.

The Constitution provides for the 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.

There are no known political prisoners aside from one Muslim mullah, Sorayut Sakunnasantisat, who is serving an unusually lengthy criminal sentence of 12 years' imprisonment for leading a 1990 political protest in Pattani. He was convicted of offenses against the monarchy and violating national security.

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. Police at times endorsed blank search warrants or used legitimate warrants to begin intrusive searches outside the stated evidentiary domain. In February a police task force searched houses in Bangkok's Klong Toey area without warrants. This type of operation is permitted under the criminal code when it takes place under the supervision of senior officials, but some legal sources regarded the action as a violation of civil rights.

Credible Western sources reported being subject to a warrantless search of their premises or person by low-level police officials.

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 in 1997. Security services monitor persons espousing extremist or highly controversial views, including foreign visitors.

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 speech likely to incite disturbances or insult Buddhism. Freedom of the press is also constitutionally guaranteed.

In July police forces entered two foreign-operated brokerage firms and searched for evidence that those firms had distributed faxes containing inaccurate financial information. The police had a warrant alleging that these faxes would undermine government stability. This incident received strong press and public criticism and was widely interpreted as an unjustified effort by the Government to intimidate those who reported adverse economic news.

The Constitution provides for freedom of the press. However, newspapers and periodicals practice some self-censorship, especially with regard to the monarchy and national security issues. Nonetheless, strong media criticism of political parties, public figures, and the Government is common and vigorous. Journalists are generally free to comment on governmental activities without fear of reprisal. However, in August, an explosive device was detonated outside the home of a newspaper executive known for his highly critical views of the Government. This bombing was widely perceived as an attempt by pro-Government individuals to warn the executive to moderate his political commentaries.

In June the Government established a Media Monitoring Center. Operating under the auspices of the

Ministry of the Interior, the Center's announced purpose was to clarify inaccurate reporting and limit sensationalism in the media. The Center had no specific powers and did nothing more than issue occasional warnings to journalists. It has had little or no influence on journalistic practices, and was disbanded after 5 months of operation. However, the Center's formation, combined with restrictions contemplated by those drafting a proposed constitution, galvanized journalists to organize a long-envisioned Thai Press Council. The goal of this independent and self-regulatory body is to promote greater professionalism in journalism by encouraging voluntary adherence to specific ethical guidelines.

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. It issued 22 such warnings in 1996 and 58 through mid-December. The 1941 Act permits police closure of newspapers or printing presses in time of war or national emergency, but only with a court order.

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 every 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.

Programmers are generally free to determine the content and nature of television broadcasts. However, as with the print media, self-censorship exists. Stations occasionally edit or "black out" portions of programming deemed politically sensitive or pornographic. A government internal censorship board exists in the Prime Minister's office, but it rarely takes action.

There are three cable television networks, which enjoy almost complete autonomy under the indirect oversight of the Mass Communications Authority of Thailand. In addition a wholly independent ultra high frequency television station managed by a private consortium including the outspoken Nation Multimedia Group began operating in 1996.

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 have, but generally do not exercise, the authority to ban the importation of publications. Some publications, mainly pornographic material but also including books written by Communists, have been prohibited for many years. In March the Cabinet approved a resolution abolishing a regulation banning publication or possession of Communist-oriented printed matter, but the resolution has not yet received parliamentary approval.

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

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association

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

The Constitution provides for freedom of association. Private associations must register with the Government; such registration is routinely approved.

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.

Religious minorities objected to attempts by some members of the constitution drafting committee to declare Buddhism the official state religion, and the assembly did not include such a provision in the Constitution.

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

The Constitution provides for the right of citizens to change their residence or workplace, and authorities respect this right in practice. Travel is restricted in certain border areas where foreign or vestigial domestic insurgent groups remain active. Longstanding restrictions on the travel and domicile of certain Vietnamese aliens who immigrated to Thailand in 1945-46 and Chinese who immigrated between 1953 and 1961 remain in place. In addition, some long-term noncitizen residents, 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 enforce these restrictive measures, and registered resident aliens are able to move freely within the country.

In September 1996, the Government issued a regulation allowing illegal alien workers already in the country to register and obtain work permits for manual labor employment in 43 of the 76 provinces. From September 1996 until May, more than 323,000 of an estimated 700,000 to 1 million aliens registered, and over 313,000 were issued work permits. Aliens taking advantage of this regulation are allowed to work and move freely for a 2-year period, after which the Government reserves the right to deport them formally.

Thailand continued to provide first asylum to small numbers of Vietnamese and Lao asylum seekers pending their resettlement abroad by third countries. Following repatriation of the remaining screened-out (that is, non-refugee) Vietnamese, the Sikhui camp was closed on February 20.

Refugee status screening continued for more than 1,000 Lao citizens at Na Pho Camp. There were no reports that new refugees arrived from either Laos or Vietnam, and no reports that government officials had turned back persons seeking asylum from those countries.

As Burmese army activity drove persons into Thailand, the Government generally followed its policy of providing asylum to new arrivals. However, in January, Thai security forces were unable to protect Burmese in three camps in Tak Province against intruding Burmese forces. There were also incidents in February, May, and November in which security personnel forced a total of more than 2,000 asylum seekers back into Burma. There also were credible reports that civilian authorities periodically returned groups of Shan asylum seekers to the border. Immigration authorities do not acknowledge that the Shan ethnic minority have displaced person status. The Government provided asylum to more than 60,000 Cambodians who crossed into Surin and Trat provinces to escape factional fighting.

The Government continued to permit the United Nations High Commissioner for Refugees (UNHCR) to exercise its mandate with regard to Vietnamese and Lao camps, as well as in the Safe Area, a camp for ethnic Burman students and dissidents in the interior of Ratchaburi province. Residents at the latter site had regular access to the UNHCR, which concluded that conditions generally met international standards for the protection and welfare of asylum seekers. The Government generally continued to restrict access to the Safe Area to those persons from Burma to whom the UNHCR accorded "person of

concern" status prior to mid-1996. Also, the Government barred resettlement abroad of any Burmese except "persons of concern" who had been admitted to the Safe Area. The Government restricted the UNHCR's activities to the monitoring of the refugee situation but offered NGO's leeway to provide food, medical services, housing, and other care. While Burmese outside of the camps were periodically arrested as illegal aliens, the Government did not deport any Burmese recognized by the UNHCR as a "person of concern." At year's end, a number of Burmese dissidents remained in immigration detention centers in central Thailand.

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. Citizens exercised this right in November 1996 in an election that was generally viewed as free but marred by widespread vote-buying, a recurrent problem in Thai elections. The Constitution prohibits monks and nuns from voting or seeking office. It includes provisions to place supervision of elections under an independent Election Commission. The Senate completed selection of the five-member Commission in November. It also provides for absentee ballots to address the concern of workers previously disenfranchised because they could not afford the time or cost of returning to rural villages to vote.

The Constitution and law require that political parties field a minimum number of candidates and have at least one member elected to the House of Representatives in order to remain registered as a party. The Supreme Court ordered the dissolution of four political parties for failing to meet those criteria in the November 1996 election.

While there are no legal restrictions on their political participation, women are generally underrepresented in national politics, especially at senior levels. There was essentially no change in the number of women assigned or elected to positions of leadership. There are 22 women in the 391-member Parliament, and 21 women in the 260-member Senate. There is one woman in the Cabinet.

No laws prohibit the political participation of ethnic minorities, but few hold positions of authority in national politics. Members of 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 elected posts in the Government, although they continue to be underrepresented in local and provincial government positions, which are appointed by the central government.

There are 17 Muslim Parliament members, including the House Speaker; 8 in the Senate; and 1 Cabinet member.

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 official hindrance. The Government sometimes criticized these groups for being politically motivated and biased, but did not penalize or hinder human rights observers.

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 living 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 by assault provisions, but rules of evidence often make prosecuting such cases difficult. Since 1994 a pilot project operating in three Bangkok police stations has provided female teams totaling 13 investigators to handle and encourage reporting of cases of rape and abuses. Under the law, a man cannot be prosecuted for spousal rape.

Prostitution, although illegal, flourishes and is deeply ingrained. Government and NGO estimates of the number of women and children engaged in prostitution vary widely because of temporary sex workers and the migratory nature of prostitution. The Ministry of Public Health's official estimate of prostitutes is under 70,000, although some NGO's and government departments use a figure of approximately 200,000, which is considered more credible. These figures include estimates of children.

The majority of prostitutes are not kept under physical constraint, but a large number labor in debt bondage. Brothel procurers often advance parents a substantial sum against their daughter's future earnings, often without consent of the young woman involved. The women are then obligated to work in a brothel to pay back the loan.

Some women are forced into prostitution, although the number of such cases is difficult to determine. Coerced prostitution commonly involves women from hill tribes and neighboring countries. 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 then forced to work as prostitutes. As illegal immigrants, these women have no rights to legal counsel or health care if arrested. This group is also not protected by the amnesty offered to illegal alien workers (see Section 2.d.). The number of Burmese and Cambodian women and children trafficked, and in some cases abducted for prostitution, reportedly increased during the year. Vietnamese and Chinese citizens were also reportedly trafficked to Thailand. Their illegal entry was reportedly accomplished with the complicity of local officials. According to a local NGO, girls between the ages of 12 and 18 are increasingly trafficked from southern China and Burma to work in the commercial sex industry. This trade was highlighted in October when a raid by a child welfare agency discovered 10 underage Chinese girls working in a Bangkok "short-time" hotel. The NGO reported that the girls knew that they were to work as prostitutes and that border police and immigration authorities facilitated their illegal entry into the country. The Government and NGO's have established vocational training and education programs to combat the lure of prostitution. Despite occasional highly publicized raids on brothels, the Government has not effectively enforced laws against prostitution, and in many cases, brothels operate with the protection of local government representatives and police. The law prohibits the trafficking of women and children for the purposes of prostitution or slave labor. However, there continue to be credible reports of involvement by some corrupt police, military, and Government officials in trafficking schemes.

Women generally have equal legal rights, but inequalities remain in the law. A man may sue for divorce on the grounds that his wife committed adultery, but a woman faces the ad